# MINUTES COUNTY COMMISSIONERS MEETING AUGUST 26, 1991

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## MINUTES COUNTY COMMISSIONERS MEETING AUGUST 26, 1991

The Vanderburgh County Board of Commissioners met in session at 4:30 p.m. on Monday, August 26, 1991 in the Commissioners Hearing Room, with President Carolyn McClintock presiding.

#### RE: <u>INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE</u>

Commissioner McClintock called the meeting to order, welcomed the attendees, and proceeded to introduce the following members of the County Staff: Commissioner Don Hunter;, Lou Wittmer, Superintendent of County Bldgs.; Gary Price, Acting County Attorney; Commissioner Rick Borries; Sam Humphrey, County Auditor; Joanne Matthews, Secretary to the Commission; Loretta Townsend, Weights & Measures; and Councilmen Betty Hermann, Betty Lou Jerrel, and Curt Wortman. Ms. McClintock then asked the meeting participants to stand for the Pledge of Allegiance.

#### RE: TRANSITION TEAM REPORT

Councilman Betty Hermann was recognized and said she would like to take this opportunity to thank Jerry Lamb and Sharon McCarthy, who chaired the Transition Team and others who chaired a committee or served in some capacity. Their mission was to study all aspects of County government from a business perspective and make recommendations to local government services that would provide for greater efficiency. A lot of time and energy have been spent in the last few months from all who took part in this mission. Serving on the Personnel Committee with Jim Brookhart as their Chairman, she saw firsthand many of our business leaders advising and working together. "Yes, studying County government, but involved because the real mission was to better Vanderburgh County—a place where we all choose to live. I'm sure that in due time many of these recommendations will fall into place, as other counties are already asking for advice for their counties. So the Commissioners, the Council, and all who care about County government give a special thank you to all who worked and took part. Thank you."

Commissioner McClintock said she would like to add her own sentiments to Betty's statement. "We appreciate very much all the hard work and effort that each of the individual volunteers have put into this report. I know hundreds of hours have been spent by volunteers and we sincerely appreciate your effort. With that, we will ask for the Transition Team Report. I think Sharon is going to start us off."

S. McCarthy: Thank you. I am Sharon McCarthy. The Team, as Betty explained to you, has been working since January of this year. The Committees were divided into six different areas and the Chairmen were free to select their own committee people — those folks in the community who had the interest and the time to be of assistance— and especially the skill, expertise and experience in the areas we were studying. The Committees are going to be presented to you individually and will be limited to ten minutes or less, which will get us through it rather quickly and the purpose, as Betty explained to you, is really to help educate the County Commissioners— as you all are making the transition from private citizen to elected official to a functioning member of a functioning body of Vanderburgh County. We felt it would hopefully be of assistance to you and certainly informative for you to look at these six areas of County government. We are going to start with Finance, and Betty Lou Jerrel is here today representing Rolland Eckels, who was the Chairman of that Committee.

B.L. Jerrel: Commissioners, I am not a member of the committee and I am here to give the report because I do think there are many important issues that have been raised by it. I am just going to summarize some of the things that you will be reading later. The committee -- and I would like to identify them so you will know who served -- included: Rolland Eckels, Chairman; Richard Becker/CPA, David Koehler, Jerry Newhouse, Mark Owen and James Priest. The overview of the Financial Committee dealt with the area of financial planning. They thought it would be very important if the County could plan on a multi-year basis. This can only be permitted, they recognize, by perhaps some legislative changes —but make this easier to do. They probably don't really know how close they were to the truth. It is very difficult, given the restraints that the County had to live within. The finance section of the Transition Team recognizes a short-range approach may be, in part, dictated by Indiana statutes, which places great restrictions upon local government's ability to make prudent long-range decisions. What came to my mind as I read that section was, for instance, the important data processing that we're now involved with. And I've been told, though I was not part of it, that when that was planned some years back it was to last for a number of years and we already know that it is overloaded and we're facing many changes we have to do now. That is part of what planning is all about. They also refer to the Purchasing Department and indicated that since this is a jointly funded department that there needs to be more oversight of the practices or more reporting. I checked with Margie before I came to see if you do, in fact, get a report from the Purchasing Department. She indicated you do not get a regular report from them. That was one of the get a regular report from them. That was one of the recommendations -- that the purchasing be examined. That there seems to be a need for more systematic review and the direction of that particular department.

Specific recommendations made by this group included the establishment of a Senior Advisory Financial position, reporting to the County Commissioners. This person would function as a County Controller and establish detailed budget planning and financial controls procedures. I would think (and this is a personal evaluation, I didn't serve on the committee) that having someone in the Commissioners' office who can work directly with the Auditor and with the County Council and the Executive Assistant to the County Council would be very valuable. A person who could do a lot of what I did today as I bothered Sam many times on the phone and a person who could give advice and  $\ensuremath{\mathtt{seek}}$  information. Because you are not going to make good decisions without good, accurate information. And as an addendum to that, I will say that the County is not looking kindly upon new positions -- so you need to figure out how you're going to -- if you like this recommendation -- and they highly recommend that you get someone that would be able to implement financial planning and do near term and long term financial needs and obligations, define County purchasing practices to insure consistency of proper controls. They say that they would recommend that this person have a good background in budget and control, particularly dealing with capital improvements. And they recommend that this individual have a degree in accounting or financial planning. I think that would be wonderful. Now, if you have an opportunity to hire anyone in your office at any point in time and you can change the job description, I think that would be wonderful. We're not going to have any new positions. Did I say that loud enough?

S. Humphrey: You told me loud enough when I asked for it.

<u>B.L. Jerrel:</u> Okay -- I will say it one more time. No new positions. I'm not going to go over anymore of the report. As citizens who can't be here everyday, it will be invaluable to you. It will be very valuable to the County Council, interacting with the person we have as our Executive Assistant. And I would hope that you read this carefully. I would like to thank the persons

who did the work. It is well done -- well thought out -- and I think you have some valuable guidelines to go by.

R. Mazzocco: Ray Mazzocco of Citizen's Bank, introduced himself and said he was the Chairman of the Insurance Committee for the Transition Team. Members of that committee included: Robert Moreland, who is a retired insurance executive, and Chester P. Watson, Risk Manager at SIGECO. "We completed our work back in the latter part of May and this report reflects that. We approached our review of the insurance function of the County from a business perspective, trying to keep in mind the structure of the County In doing that we met several times -- approximately government. seven times officially -- for many hours. We held discussions with all those that we felt were principals in the review. included the County insurance agents, the County contracted insurance reviewers, County Commissioner Liaison at the time, the County insurance carrier, the contracted Loss Control person, the contracted Claims Service, and the County Attorneys. Basically, in a nutshell, our general findings were that in the administration of the insurance at the County level there is a lack of accountability on any person's part that would feed to the County government -- to the County Commissioners. What that results in is a lack of motivation for the County's insurance agents to keep premium expense down or the Claims Manager to control claims expense. And, also, because you didn't have a single person involved here where everything would flow through, there is not a single conduit for all insurance related activities. It exposes the County to liability losses because of mishandling or not handling of claims, notices, suits, etc. So in light of that we came up with six specific recommendations that we felt would be very beneficial to the County, and none of the six would cost the County any money -so, hopefully, they would be received positively.

- 1) Our first recommendation really deals with the heart of the matter, and that is that somebody needs to have accountability. We feel like the County Commission Liaison needs to get some authority and direction from the Commissioners to handle claims processing and all insurance related activities and all activities should flow through that person. What you are doing there is vesting accountability in one person who is responsible to the Commissioners that prevents errors, notices, claims, etc., from not being handled in a timely manner. And, again, it would be at no cost to the County since there is a person in County government that has that position.
- The second specific recommendation would be assigning the Insurance Agent of Record for the County, using the method the School Corporation uses. What the School Corporation does is they authorize the independent insurance agent's board to assign the agent. The agent is accountable to the Board, and the Board is accountable to the Commission. This method of assigning the Agent of Record adds a knowledgeable entity between the Commissioners and the Agent, thereby enhancing the accountability to the Commission. It also adds a valuable resource in between the Commission and the Agent for the Commission to insure continuity of administration of the insurance plan through changes, etc. Again, there would be no additional cost to the County.
- Our third recommendation would be that the Commission needs to formally adopt written procedures governing insurance matters and authorize the Liaison to enforce throughout all County departments. Things that this would include would be handling of lawsuits, attorneys' billings, claims notices, etc. And in discussions with the current agent and claims servicer, they indicated

they would help draft some of those procedures and present them to the Commission. Adopting these would help prevent billings from being paid in error; insure that attorneys' billings are allocated to the correct losses for loss control purposes; make sure the lawsuits are answered in a timely fashion; and will also truly make the Liaison accountable for the insurance activities, thereby providing some accountability. Again, there would be no additional cost to the County for that.

- The County has a contract with Corroon & Black Management regarding claims settlement authority. We feel that the contract with them is good but needs some amendments. I won't go into all the details but, basically, the amendments would involve giving them a little more latitude to prevent suits from going to Court and keeping the smaller amounts away from the County Commissioners so you don't have to deal with every little thing. Again, there would be no additional cost to the County for doing that and the management firm was in favor of all of those changes.
- our fifth recommendation was that an ongoing loss control program be maintained by the County, with detailed records kept in the Commissioners' office. Right now, or back in May, there was a loss control service that the County was paying for -- but there wasn't any documentation. To make it effective and to effect the long term losses and exposure, that all needs to be documented. It also could affect insurance premiums paid by the County, possibly bringing them down slightly and also would help in curtailing any exposures the County may have in the future. Again, the County is already paying for this service, so there would not be any additional cost.
- firm does do detailed reporting of losses and claims. That is done monthly and quarterly, depending on the reports. Thy are both excellent sources of information to help prevent losses in the future and it did not appear at that time they had been reviewed and we recommend that those be reviewed on a monthly and quarterly basis, as needed -- and that would help prevent any future losses.
- J. Brookhart: I am Vice President of Human Resources at St. Mary's Medical Center and I chaired the Personnel & Human Resources Committee. Our committee was made up of some eight or ten individuals. I won't read all the names to you, but will say that they represent some of the major employers in the community and are almost all professional personnel representatives (Bristol-Myers, Citizens Bank, Atlas Van Lines, SIGECO, USI, etc.). As mentioned, Betty Hermann also served on the committee.

Our committee divided into four basic sub-committees, looking at four different functions in the human resource field, realizing there was some overlap: Employment, benefits, compensation, and organization of policies. Our committee approached basically as consultants and went through a lengthy process of interviewing key officials in the County and department heads. In some cases we also used questionnaires. We contacted the Indiana Association of Counties and National Association of Counties for information regarding personnel practices. We also talked with personnel professionals in five other counties in Indiana. The recommendations of our committee are as follows.

- 1) Our committee found that professional personnel practices are almost non-existent in Vanderburgh County. It is notable that Vanderburgh County, among the five largest counties, is the only county that does not have a central personnel staff. Our committee recommends that a professional personnel manager be hired for the County, who is professionally trained and experienced in the field and that individual be responsible for coordinating all personnel functions and would work closely with the payroll and benefits staff in the Auditor's office.
- 2) Furthermore, we recommend that the County continue using the Oliver Job Evaluation System and the current Job Study Consultants. If the centralized personnel function is established as we recommend, it could result in a more limited role for the outside consultants, but there still needs to be a role, we feel, for that group. The satisfaction level of the current consultants appears to be good. Obviously there are a few dissenters -- but overall from the response we got from the people we talked to was very favorable. Although there is a general satisfaction level with that group, we do recommend that periodically a contract review process be undertaken and competitive bids be taken from other firms just because it is a good professional business practice.
- 3) We recommend that a performance appraisal system be established and all County employees should receive regular performance appraisals. Furthermore, the County should consider a pilot program to provide additional compensation and other rewards for exceptional performance.
- 4) The committee further recommends that the employment function be centralized under a Personnel Manager, using a system that would allow for standardized employment application, a job posting system, and standardized and validated selection tools to improve recruitment and screening of candidates. Our investigation shows that there is basically a different system in every department and office in the County, many of whom are using employment applications and interviewing and selection techniques that are, at best, questionable.

Using a centralized system, we are recommending that the hiring manager would still make the hiring decision for their department or office.

- 5) Furthermore, we recommend that the County should use a zero-based approach in determining appropriate staffing levels of County departments, rather than just letting departments come back and justify new positions.
- 6) The committee further recommends that the County establish a formal orientation program to be conducted monthly for new employees by the personnel manager and the committee recommends County commit to providing formal training for all County supervisors in key areas, such as interviewing, communicating, conflict resolution, discipline, and other skills necessary to manage people. There has been some initiative in a few departments to do some training, but by and large there has been virtually no training done in how to manage people among County supervisors.
- 7) The committee recommends the County go forward with a study regarding self-insuring its health benefits. We believe that self-funding for health benefits for County employees is feasible. However, there are some

serious considerations the County may need to make were they to pursue this course of action. I understand some of that is already in process in terms of requesting projected claims expense, purchasing stop-loss insurance, reinsurance, and also arranging for administrative services. The County, in order to realistically fund self-health insurance benefits needs to be willing to accept some additional responsibilities and risks associated with that which are not currently present in the insured contract. But we certainly believe there is some opportunity for savings and we believe the study we've completed, requested by the Council members, will show that.

- Our committee found that the health benefits provided through the contracts in general are at least as generous -- if not more so -- than that provided by other employers in the area. The costs charged to the County for its benefit program don't appear to be excessive. However, we did not have access to all the experience information, so it is difficult to make a definite decision on that or a recommendation.
- 9) The committee does recommend that the County does review all its personnel policies, paying particular attention to those specific areas that the committee has identified where policies are needed, where existing policies need to be clarified, etc. He doesn't recall all the details, but there were probably fifteen or twenty areas where we noted the personnel policies were not very clear or did not cover a key issue, or where there were no policies at all where there should be.
- 10) Finally, the committee recommends that the County Personnel Manager develop a handbook for all County employees to use.

In talking with personnel managers in other Indiana counties, one of the biggest things they had to wrestle with as a new personnel function was developing a pay system for the County. He thinks Vanderburgh County has already achieved that and he thinks it is very laudable and this would be a major hurdle that has already been passed in establishing a centralized personnel function.

G. Staley: Mr. Gary Staley, Administrative Assistant for the Evansville-Vanderburgh School Corporation introduced himself. Those serving on the Property Management Committee included: Harold Calloway (State Farm Insurance agent); Michael Dubber (Director of Administration for Black Beauty Coal Co.); Carolyn Georgette (Manager of Consumer Marketing for Indiana Bell); Kenneth Leimgruber (Retired Director of Manufacturing & Engineering at Whirlpool); Dave McWilliams (an architect with Knapp, Given, Veazey, & Shoulders); Gil Ruston (Retired Manager of Evansville-Vanderburgh Building Authority) and Jay Smith (another local architect with Jack Kinkel & Son), in addition to himself. He appreciates the Transition Team Co-Chairmen allowing each Committee Chairman to select their committee members and he was pleased to have the committee he had to work with.

The report that we completed in late April is rather lengthy. If the Commissioners have not reviewed the supporting material, they may wish to do so at a later date. There is information there to support some of their recommendations. Before they looked at the individual facilities, one of the things the committee wanted to address was a table of organization. At that point in time it was the opinion of the committee that our organization -- with the Commissioners and an Office Manager reporting to the taxpayers, and the County Engineer and County Attorneys out to the side, that position could be expanded so that we could have a managerial

person reporting directly to the Commissioners, with the various managers and department heads working with that person. The recommended Table of Organization can be found on Page 2D of the Transition Team Report. They think that is something that would be beneficial -- and the Commissioners may already have moved in that direction -- but they think it would certainly help the communications and allow the Commissioners to establish and set policy and their department to administer the policies.

They divided up their committee into teams of two individuals to do on site interviewing and observation for the various facilities. With regard to the thumbnail evaluations and recommendations for Burdette Park, the committee felt Burdette Park was one of the finest facilities we have and we should be very proud of that operation — especially proud that we are moving toward — several years ago it was a struggle — but improvements have been made and the revenue there is really a bright picture for the County. They did see one possibility with regard to the Skating Rink. It is a metal air-conditioned building. There is no insulation on the roofing deck and we are probably paying more to air-condition it than revenue we're bringing in for that particular operation. We might want to consider making that a multiple-use facility — either open-air skating and then as a pavilion for other park activities. Other than that, with the most recent improvements and those planned improvements, they think Burdette Park is really a well run, well managed operating facility.

With regard to the Old Courthouse, leased by the Conrad Baker Foundation, they think Faye Gibson and the people there are doing a remarkable job with a limited amount of resources. The glaring thing we need there is more renters. We need to rent that space out so we have additional revenues to maintain the facility and to make it more attractive for renters. They think we should look at Regional State Offices and it be an attraction for some State offices to use some rental space there. It should also be considered as office space for City-County governments, rather than expanding present facilities. We may also want to consider a Reserve Fund that can provide funds through the Historic Vanderburgh County Landmark Structures -- that might be a possibility for some additional revenues.

With regard to the City-County Complex, they would think that the Commissioners would consider continuing the arrangement we've had since inception -- the City-County, School Corporation, the Courts Buildings, etc., being managed and operated by the City-County Building authority. They would question that this should be looked at to make sure that our budgetary operations are minimized and that we are getting what we should be getting. It has been an excellent arrangement with the Building authority.

With regard to the Coliseum, the committee thinks there needs to be some efforts there for expanded use. Again, to bring in more various types of organizations into that facility if we are committed to keeping it as a landmark facility and leasing it. Everyone can be served better if we can get more usage, which would bring in additional revenue, to make the kinds of improvements, etc., we might want to make in the future.

The agreement we have with the Southwestern Mental Health Foundation regarding Hillcrest-Washington Home seems to be a viable approach to providing services for Vanderburgh County, rather than trying to provide them through our own efforts. They think that arrangement has served the County well.

They feel there ought to be a census on the type of events that should take place at the Vanderburgh Auditorium for bookings. That would also guide us in the direction we need to go for renovations and upgrades. On Page 125 of the report they did list a series of improvements that should be considered. Those improvements, as

they need to be done, should be considered in light of how we are going to actually use the Auditorium -- what scope and range we want to use the Auditorium. We might want to look -- and he thinks we're already pursued the idea since their report -- as to how to increase bookings. This is mentioned in their report -- either via altering staff or a marketing person, or companies that do that sort of thing -- we might be well served to take a look at that. They think it most important that we have someone there in authority at all times when there are events at the Auditorium. We may have more than one event going at one time and then there are always those last minute emergencies that can come up. If we have someone in authority there, this would help the event to come off with any type of difficulties.

The West Heights Trade Building has been operating for several years under a lease arrangement with the School Corporation and they think that is the best use of that facility at the present time.

With the County Highway Department, they see a need for a 5-year plan. Even though we fund for one year we can still plan for five years, based on anticipated revenue. Then we can adjust each year and then add a year after we've established the budget each year. That would be important down the road to plan for a 5-year building and road maintenance plan. They think we should take a careful look at the amount of paving we do with our own crews versus what we contract out. He thinks we have about 477 miles of road and we do about 50 miles per year with our own crews and about that much via contract. That may be the best way to do it. But the upkeep of the equipment -- if we put a pencil to it -- may suggest that we take a close look at how much we should do with our own personnel and how much we should contract. That needs to be studied in detail.

The facility itself needs a general clean up. They suggested that the metal building could be used as temporary storage for salt and sand. He knows that has been a problem. Until a facility could be built for salt storage, etc., perhaps this could be used as a temporary storage facility.

We have 52 week employees at the County Highway. They didn't spend a lot of time looking at the staff, but we might want to take a look at, through attrition, whether all employees should be 52 week employees. He is primarily thinking of the winter months, when some of our work cannot be done at that time of year.

In summary, that is their report -- and he will be glad to answer any questions.

B. Weil: Mr. Brent Weil, an Attorney, said he was asked to Chair a Committee to study the Law Enforcement/Corrections and eventually also became the Court System in Vanderburgh County. They found themselves in that position because one of their specific assignments was to look into the Court Security System, which is provided in the Court Building. Since they were talking to Judges anyway at their point in time to get their views upon the system, they expanded their topic into the Court Building itself and the Court System and whether the Judges had any comments on what they were receiving.

First of all, because of the broad nature of their inquiries, they divided themselves into Sub-Committees: the first on Law Enforcement and Adult Corrections; and the second on the Courts and Juvenile Corrections. Insofar as their committee make-up, he tried to select persons who were retired law enforcement officers, educators, businessmen, etc. They had Judge O'Connor on their committee, in fact, as a member. They had teachers, as well as other attorneys on the committee -- and they tried to look at various approaches on ways to make the areas more economical, see

if they could help them to better serve the taxpayers, and in the end to be more responsive to the community's needs. Hopefully, their recommendations to the Commissioners will enable the governmental bodies to appropriate monies and fund programs which are beneficial for the community.

As far as the Sheriff's Department and Adult Corrections, they looked at the present manpower levels within the Sheriff's Department. The Sheriff's Department has a \$5.5 million budget, which is one of the largest budgets for any department in the County and is composed of approximately 100 officers. \$5 million of that budget goes to wages and benefits alone. They tried to compare Vanderburgh County with other counties across the State and found that as far as the total number of officers in our department per 100,000 population, Vanderburgh County had the second highest number of officers per 100,000 population in the State and, specifically, Vanderburgh County had the highest number of officers per 1,000 rural population -- almost three times the size of other counties -- such as Allen County or St. Joe County. They wondered first of all why the situation existed and how, if we had that many officers, there could be manpower shortages or needs to hire any other officers. From that point they then digressed and looked at specifically the Court Security System. They know there are a large number of officers tied up in the Court Security System on a daily basis. The Committee and the Judges both felt that the system is necessary. First, it was put into place following a study. It has been utilized. The Judges like it being there to the extent that it really provides protection to the litigants and the attorneys -- but not the Judges -- it's more for the protection of the litigants. Specifically they put some proposals out to the Judges as to what they thought about doing this or that, etc. The Committee as a whole looked at it as to why we should have 15 or 16 fully paid deputies sitting there in Court Security when the job could be done more cost effectively by someone with lesser training. Of course, not knocking all the deputies out, but only taking some of them out of the position so you can bring in lower paid employees who would be doing the same job as far as metal detectors in the court security system.

Specifically, the committee's proposal as relates to the court security system also involves the Sheriff's Department and involves the reduction in manpower by five (5) deputies of the Sheriff's Department and that money being allocated to the hiring of civilian employees to run the metal detectors and run the equipment and whatever money is left over -- that would fund about six or seven civilian employees, with additional money left over to provide clerical assistance to the Sheriff's Department. There has been indication that given the present computer system more clerical help is needed to put information into the computers. This is just being more cost effective and should not, of course, affect the level of protection given to the Vanderburgh County residents as a whole and will save the taxpayers money in the long run.

Also, the Judges did not have any objection to and thought it a good idea to have their Court Bailiffs who presently are persons who take care of the juries and mainly presently are retired law enforcement officers to have those Court bailiffs from this point forward as the ones who are bailiffs now retire -- have the Judges hire retired law enforcement officers to serve as uniform bailiffs for the Courts. They would be fully armed and are already trained law enforcement officers. The savings would be considerable and there would be a uniform presence in the Court rooms, which the Judges seem to want and which seems to avoid conflicts or problems. So we can basically pick up six or seven uniformed officers without expending anymore money in the Court building, plus bring in civilian employees would be uniformed, operating the metal protectors and still have a presence of deputies in the Court building to actually serve a law enforcement function. This will also free up some officers to be transferred to other areas to

provide protection for our homes or our businesses and perform two law enforcement functions.

Beyond that, we also looked as best we could at the Sheriff's Department as it existed at the first of the year and specifically recommended that the County Council attempt to budget at least \$50,000 overtime pay to go to the Sheriff's Department to allow the officers to take some part of their overtime in actually cash, because many of the officers are building up literally hundreds of hours in overtime, which they cannot be paid for, which they must take off in compensatory time which, because of scheduling problems, vacation schedules, etc., they cannot take off because there is a shortage of officers working the road or in certain areas. So we have situations where a large number of hours has been built up and what happens is that at the end of an officer's career he may have 500 or more hours of time which he has to take off and not to work for six or eight months and still be paid as a County employee without providing any protection to the community. So if we were to fund some overtime budget, we then would enable employees to take some overtime in actual cash, as well as eliminate possible problems under Fair Labor Standards as far as payment for overtime services.

With regard to Juvenile Corrections, it was suggested there be an increase in the Youth Services Division to provide additional resources to educate our youth. Presently the Youth Services Division receives less than \$10,000 from the County Council to fund their school programs, Officer Friendly Liaison Programs, and, as discussed later in the Juvenile area of our study, it is better and cheaper to meet the needs of our children now in the constructive instructive sense rather than later and having to deal with them as delinquents or problem children who require much more time, effort and services. If we can get them on the right path now, we ought to do so.

An increase in the funding of the present Reserve Program. There are currently 50 or 60 Reserve Officers working for free for the County as fully empowered law enforcement officers. Their funding is about \$10,000 per year to uniform these officers, provide them with equipment, and since they put in 25,000 to 30,000 hours free of charge to the County, the County shouldn't have any problem with at least doubling that amount to \$20,000 to \$25,000 -- the cost of one single paid officer -- in order to provide them with better training, better equipment, and to show that the County really supports that program and that they are important to the County because they provide that service for free -- at the cost of no tax dollars to the County with the exception of equipment costs.

Next comes the Jail and the capital facilities of the Sheriff's Department. They looked at the overcrowding situation in the Jail as they understood it, and given two factors — first of all, the building of a State Prison in Sullivan, which will relieve some of the prisoners being housed in local facilities — once that facility is finished they will be transferred to the State facility — and also the fact that there are still approximately 40 work release prisoners housed in the Vanderburgh County Jail under secured detention conditions. If that area were freed up and made into regular jail cell space, we believe that would relieve some of the present overcrowding in that facility and again negate the need for an immediate capital investment to either build a new jail or expand the present jail. In talking with the Judges and other persons involved in the Corrections System here, the Committee feels that the resources being put towards Adult corrections feels that the resources being put towards Adult corrections instead of building new jail or expanding the jail should be placed in the Community Corrections Program, which Judge Young heads, because that program provides detention facilities of a minimum security nature on an overnight basis for the work release persons — for the people who pose very little risk to the community and yet at much lower dollar cost. And the present facility can be

expanded still further which is presently Community Corrections Program -- and the money should be put there because the cost for making space per prisoner is much less, of course, than building a new jail or expanding the present jail

The Committee also looked at the present use of Corrections Officers in the Jail. Those are civilian employees of the County Commissioners and specifically those Corrections Officers have a one level go nowhere job. They cannot move to a higher pay level except through pay increases of inflation. There are no ranks or levels in the Corrections Officers program. And as a way of encouraging people to make that a career, they propose we add different levels of Corrections Officers and also pay scales, so the officers have something to strive towards to improve their educational level and improve performance in exchange for higher levels in the Corrections Officers system and/or higher pay.

And lastly, in again discussing the Sheriff's Department, the Committee looked at the way that the present law enforcement officers negotiate their salaries with the County. Presently it all goes to the Sheriff. The Sheriff makes a budget recommendation to the County with little or no input from the Officers directly. Dave Davies (on the Committee) was involved very intimately with the negotiation process between the City Officers and City Council and after discussing various alternatives, it was the Committee's recommendation that the County adopt a system similar to the City's system, where the County Council negotiates directly with a group of officer selected as a Wage Committee. This will relieve the Sheriff from having to advocate for both capital expenditures and expendable tangible goods as well as wages, and let him throw support behind the officers, of course -- but let them negotiate directly with the County for their wages and benefits. That is a more efficient method and also more fair to the officers.

With regard to Juvenile Corrections and the Courts Committee, they addressed the Court Building and Court Facilities. In general, the Judges indicate that the facility still serves them well. There are some areas (the Court Room recording equipment, the Jury Rooms need to be refurnished -- they've been that way since the building opened in 1968). John Cox, an attorney who also served on the Committee, pointed out that under new Federal standards the Court Building does not comply with Handicap access standards -- particularly the tactile service warnings for the blind, braille instructions for the blind, and protective barriers to keep the blind and otherwise handicapped from being injured in the building. And there should possibly be some consideration given as to what work must be done within the building to bring it up to standards, which may be forced upon the County at some point in the future. This is very recent legislation. Mr. Cox will provide a copy to him, which he will give to the County Commissioners.

The Committee would also encourage the Commissioners to talk with the Legislators this next year to see if we cannot have the Legislature pass a Judicial Funding Bill which would provide for two Court Magistrates here in Vanderburgh County to take away what presently the County pays for in the way of Referees. We currently pay Referee salaries. If these Magistrates are appointed by the State, the State pays those salaries and the County will save from \$75,000 to \$80,000 in those two Referees' salaries. That way we will also have additional Judicial manpower to handles cases and move them along.

Last year, with the Juvenile Correction System, Vanderburgh County Judge Lensing (the Juvenile Court Judge) runs a very good program down there and is very much involved in this program. It was noted that presently juveniles are still being incarcerated in Vanderburgh County Jail, which is against Federal standards. The County risks losing Federal monies for the operation of the jail because of the continued use of the Jail for that purpose. And we

should give consideration and study to involving ourselves with Warrick County's program, which would be the secure detention facility which Judge Hendrickson is conducting up there and getting going at this time. There has been some concern that we may be paying too high per rata cost for the facility, but the option is losing \$300,000 in Federal monies presently used to operate the Jail and a very unattractive alternative. If we can, we should work with Warrick County and involve ourselves with that facility.

Secondly, there is also the idea that we should have a juvenile facility here in Vanderburgh County -- a secure facility, but not as secure as a secured detention facility. In other words, a Boy's Presently, the juveniles from Vanderburgh School type facility. County are being sent to Terre Haute and to Rockville to the Boy's School and our tax dollars are going to those communities to pay for the operation of those schools and put those boys in those facilities. We would be better served to have the tax money stay here in Evansville -- money we pay to send students or children to those areas could be spent right here in the Evansville area at a detention type facility, which would both educate and rehabilitate the juveniles and keep them in a secure environment where they can be supervised and maintained properly. He believes there has been some community opposition to not having that type facility located next to my house or your house -- but he thinks it important that we try to look and find a facility here locally which can do that, rather than our taking our tax dollars and sending someone to Terre Haute or Rockville for that type of rehabilitation and care. believes this pretty well covers the recommendations of the Committee.

Jeff Hatfield: My Committee looked at contract relations between the local construction industry and the departments at the Civic Center that affect them. They looked at both departments that are under the Commissioners' control. They also looked at one department that was under City control, because that particular department just cannot be ignored in our industry. We did interview many department heads here —— for instance, Barbara Cunningham, Al Bauer, Jr. (President of the Area Plan Commission); Gil Dieckmann, President of the Utility Department; Greg Curtis (County Engineer); Roger Lehman (Building Commissioner), etc. We also went to Owensboro and interviewed the Building Commissioner and the Area Plan Commissioner there. The specific areas we looked at included zoning philosophy and policy, the permit process, subdivision regulations, and sewer and water policy. On a broad note, I just want to say that a lot of the problems that come about between the construction industry and departments comes about through a lack of communication. Policies that might change sometimes do not get filtered out into the community for us to digest. For that reason, we would suggest that the County Commissioners create an informal group, an unpaid group, of citizens and department heads to meet once or twice a year to discuss problems that we've had in the past and also to try to work out problems that may be coming ahead of us. This group could consist of a member of the County Commission, the Area Plan Commission, the Building Commission, Utility Department, the County and City Engineers, the Mayor's Office, and the Home Builders Association here in Evansville, and also the Contractor's Association here in Evansville, and also the Contractor's

I will just go over some of the other recommendations. When we looked at the Area Plan Commission, we basically zeroed in on philosophy, rather than specific problems that may have come up in the past. The Committee as a whole felt like if the developer had a good sound plan he could get a fair hearing at the Area Plan Commission. I don't think there were any comments from our Committee that made us feel like the Area Plan Commission is unfair. We do, however, want to make these recommendations to the Area Plan Commission:

- 1) When a property is up for rezoning, if the properties do not have utilities -- water and sewer lines to them -- that should not be a reason for that zoning to be denied -- since the developer ends up paying to have these services put to that property anyway.
- The other thing is, we would like to discourage any anti-growth sentiment that may come up every once in a while, because this is not good for our community and certainly not good for government to decrease the available tax base they may have in the future to fund their own government.

We also looked at the permit process -- permits to build new homes and also permits to build commercial buildings. No one on the Committee felt that the permit to build new homes should be touched -- it is a process that works real well and is a very quick process. What has been a problem in the past is the time element it takes to get a commercial permit to build a commercial building. As it stands now, a commercial builder will submit his plans to the Site Review Committee, which meets every Monday. At that meeting there are members of the Area Plan, the City Engineer, a member of the Board of Public Works, and the Building Commission. They will review plans and if there are any changes that need to be made for it to comply, then they will recommend so. After that process is done, the plans go to the Utility Department where, at times, those plans could sit there for three weeks -- which is most of the hold up. We propose that all plans for commercial buildings be submitted to the Building Commission, where a representative of that office -- and we did talk to Roger Lehman about this -- and he felt there was plenty of opportunity for him to have a person already in the Building Commission to handle this. Once the plans got to the Building Commission, that representative would review the application to see if all the documents and the specifications and the correct amount due for the zoning use permit, sewer and water tap, and the building permit are in order. Then, at the following Site Review Committee meeting -- with the applicant (at this time the applicant is not present at the Site Review Committee meeting) -- but to change that to have the applicant present -- it would be determined if corrections need to be made, either with regard to the plans or the amount due for the tap-ins. If the applicant agrees to make the necessary changes if there are any, then he/she would sign a form agreeing to such and could leave that day with a permit to construct a commercial building. The maximum time period for this would be one week. There may be other alternatives to this, but the most important factor in all of this is the time element it takes.

We looked at the County Engineer's responsibilities. What we tried to do with the County Engineer was to zero in on one major problem we've had -- and also they've had, in the past -- and that is not having an up to date street standards specifications. Since this report was written this Commission has instructed Mr. Curtis to initiate that series of meetings that were started back in 1988. We hope this continues. We also hope that the City comes aboard and agrees to unify the street specifications for both the City and the County, because right now you've got two sets of standards. You build streets in the City -- those specifications are different from those in the County. Also, by updating these specifications you will not have people in the field deciding what our streets are like -- since right now the specifications are not very clear. So that needs to continue.

We looked at the Utility Department and, although you have no jurisdiction over them, it is important for us to include them -- because they have a direct bearing on where we build streets and where we do subdivisions, etc. Mr. Dieckmann who, when he first came, was new and there didn't seem to be any communication from his office to our industry. However, that has changed during the

last year or so and we encourage him to contact us when he wishes to make changes in his policy. We really just encourage him to continue that. In the past he may have changed policies without notifying us and we would be caught in the middle of jobs having to change specs, etc. But, again, that really has changed. The only other thing we might want to recommend with regard to the Utility Department —and this is totally broad based — there are a lot of areas in the County that are not serviced by sewer lines and it's pretty much restricted growth to pockets of the County. On both the west side and north sides there are many areas without sewer. It might be a good idea for the growth of the County that if there are funds available in the utility budget to earmark some for extensions to unaffected areas. That is basically all I had. Thank you.

Ms. McCarthy: To the Commissioners, we have copies of what is really an Executive Summary for you -- and for the news media if they would like to have them. This is, in fact, summary. The documentation is in the Commissioners' Office. With that, we would say that we consider our report to be final. We would be happy to answer questions if you have them. If you would elect to sort through some of this -- especially Commissioners Hunter and Borries, who have not had an opportunity to see any of this -- our telephone numbers are in Carolyn's office. We'd be glad to answer questions for you at a later date or any time in the future.

Ms. McClintock entertained questions of the individual chair people.

Commissioner Hunter said he would like to commend this group. He doesn't know when he has heard a series of reports any more to the point or any better prepared than those we're just heard. He has forty more months in office and he doesn't want to see this report stashed away in the files somewhere to gather dust. He thinks it behooves the Commission to go through these reports individually and, wherever possible, put the recommendations of the Transition Team into practice -- either in total or in a modified version. Again, he can't thank the Team enough for what they have done for the Commission and the taxpayers of Vanderburgh County.

Commissioner Borries said he has no questions at this time.

Commissioner McClintock expressed her thanks to the Team and said the Commission may call upon the members individually from time to time to come to another meeting when the Commission is ready to implement some of these recommendations.

#### RE: <u>AUTHORIZATION TO OPEN BIDS</u>

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, Attorney Ziemer was authorized to open proposals on three bridges (No's. 72, 117 and 214) and bids for the removal and replacement of Petersburg Rd. Bridge. So ordered.

#### RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

Ms. McClintock said the Board has an offer from Dale Johnson (as per his father, Robert Johnson) on twenty-three (23) properties at \$1.00 each, as follows:

| 10-140-18-157-23 | 519 V | V. Koch |  |
|------------------|-------|---------|--|
| 10-140-18-157-24 | 521 V | W. Koch |  |
| 10-140-18-158-9  | 516 V | . Koch  |  |
| 10-140-18-158-10 | 518 T | W. Koch |  |
| 10-140-18-158-11 | 520 T | W. Koch |  |
| 10-149-18-158-12 | 522 T | W. Koch |  |
| 10-140-18-158-13 | 600 1 | W. Koch |  |
| 10-140-18-158-14 | 602 1 | W. Koch |  |
| 10-140-18-158-15 | 604 1 | W. Koch |  |

| 10-140-18-158-16 | 606 W. | Koch  |
|------------------|--------|-------|
| 10-140-18-158-17 | 608 W. | Koch  |
| 10-140-18-158-18 | 610 W. | Koch  |
| 10-140-18-158-19 | 612 W. | Koch  |
| 10-140-18-158-20 | 700 W. | Koch  |
| 10-140-18-158-21 | 702 W. | Koch  |
| 10-140-18-158-24 | 708 W. | Koch  |
| 10-140-18-158-25 | 710 W. | Koch  |
| 10-160-18-167-58 | 251 S. | Craig |
| 10-160-18-167-59 | 253 S. | Craig |
| 10-160-18-167-61 | 257 S. | Craig |
| 10-160-18-167-62 | 259 S. | Craig |
| 10-160-18-167-63 | 261 S. | Craig |
| 10-160-18-167-64 | 263 S. | Craig |
|                  |        |       |

Ms. McClintock then asked if there is anyone in the audience who wishes to bid against Mr. Johnson for the purchase of these 23 parcels of surplus property. There being no other bids, a motion was entertained.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the 23 parcels, as heretofore listed, were sold to Mr. Dale Johnson for \$1.00 each. So ordered.

Ms. McClintock entertained bids on the remaining parcels. There were no further bids and the sale will continue at next week's meeting.

RE: ORDINANCE PROVIDING GROUP HEALTH INSURANCE BENEFITS
FOR QUALIFIED RETIRED SHERIFF'S DEPARTMENT SWORN DEPUTY
SHERIFFS & THE SHERIFF (FINAL READING)

President McClintock noted that Deputy Pete Swaim is present. He is one of the group that represented the Deputy Sheriffs who worked out this Ordinance with the Commission. Is there anyone in the audience who wishes to comment re this Ordinance during the Final Reading? There was no response.

Ms. McClintock then entertained comments from the Commissioners.

Commissioner Borries said his comments are a part of the record and he will call for a roll call vote.

Motion was made by Commissioner Hunter and seconded by Commissioner Borries to approve the Ordinance on Final Reading.

Ms. McClintock then asked for a roll call vote: Commissioner Borries, no; Commissioner Hunter, yes; and Commissioner McClintock, yes. President McClintock declared the Ordinance approved by a 2-1 roll call vote. So ordered.

#### RE: FLOOD PLAIN MANAGEMENT ORDINANCE (FIRST READING)

Commissioner McClintock entertained comments or questions. There being none, upon motion made by Commissioner Hunter and seconded by Commissioner Borries the Ordinance was approved on First Reading. So ordered. Final Reading is scheduled September 3, 1991.

#### RE: RESOLUTION RE AUDITORIUM PARKING LOT

Ms. McClintock noted the next item concerns the Resolution governing the agreement re the Auditorium Parking Lot. The agreement, itself, has been discussed several times by the Board of Commissioners and we sent this to the Common Council of the City of Evansville. Basically it formalizes the agreement formerly reached and the Board simply needs to approve the Inter-Governmental Agreement. It calls for the City to install and maintain the parking meters. These would be 3-hour meters (25 spaces). The City will be responsible for removing monies deposited in the

meters, issuing tickets for meter violations, and issuing tickets for vehicles illegally parked in a reserved spot. That will happen between the hours of 8:00 a.m. and 5:00 p.m. The City shall retain 75% of the revenue derived from the use of the parking meters and 100% from the parking ticket fines issued to individuals illegally parked in the Auditorium Parking Lot. The County shall retain the revenue from the stickers to be sold to City-County and other individuals at \$15.00 per month. It can be canceled by either party with a 30 day written notice. The City has advised it will take three or four days to install the parking meters and we have the stickers. Pending the City's ability to install the meters by September 1st, we can begin selling stickers by the first of September. It is her understanding they will need to do this at the Auditorium, because we don't have the computer set up here. A motion was entertained.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the Inter-Governmental Agreement was approved. So ordered.

#### RE: PROGRESS REPORT RE PROPERTY AT 9301 OLD STATE RD.

It was noted by Mr. Wittmer that Mr. Roger Lehman is not present today, but he will have a written report to the Commission by tomorrow. It is his understanding that substantial progress has been made with regard to this property.

#### RE: PUBLIC WORKS DEPARTMENT/PROPOSED STRUCTURE CHANGES

Ms. McClintock said the Commissioners should have in their packets the proposed Organizational Chart for the Vanderburgh County Public Works Department. (A larger chart is on the easel for viewing). It should be noted there was one error on the chart. ALL of the proposed managers should be listed as managers.

As discussed at a media conference last week, she felt it was an opportune time to make this proposed structure change. This would make this department headed by a Public Works Director. That would be filled by the current County Engineer, Greg Curtis. She has all the faith in the world that Greg has both the engineering and administrative capabilities to perform this function for the County. Then there would be four (4) basic divisions:

- 1) Engineering Services
- 2) Administrative Services
- 3) Maintenance Services
- 4) Highway Services.

All of those individual managers would report to Mr. Curtis who, in turn, will report to the Commission, who would still set policy. Those individual managers would still be responsible for the day-to-day operations of their particular divisions. Are there any questions regarding the proposed structure changes to create the Vanderburgh County Public Works Department? If not, she will entertain a motion.

Commissioner Borries said, "Let me say I don't have any questions about it, other than I don't think it will work. And, to me, it is rather ironic that the County Council (who has just gone through two weeks of deliberation) -- the entire Council was not allowed to have any kind of inkling that this was going to happen and, particularly in view of the rather suspicious of the former Superintendent, I have some very grave concerns that although we can paper ourselves to death -- the reality of it is I don't think it will work, given much of the responsibility and perhaps some of the personalities involved. Is there any reason that this had to come at this particular time -- or why you couldn't have given this presentation to the County Council in advance of their budget preparations in order to set the budget?

Ms. McClintock responded, "Well, Commissioner Borries, as a matter of fact I was planning to share this information with the County Council during their budget hearings — and immediately prior to that the diesel fuel problem surfaced once again at the Vanderburgh County Garage and I did not feel it appropriate to mire that problem and controversy with a proposed structure change. At that time we did have a full time foreman's position open. We knew that we could have everyone that was currently working at the Garage in some position of some sort. So I thought it was best to set that issue behind us and then come forward with this proposed change which, I think, will streamline and professionalize the County Highway Department and provide us with an opportunity to move forward in that particular division.

Mr. Borries asked, "And you think now that you have suddenly reorganized this -- or proposed this -- that the diesel fuel situation will now magically go away? Is that what you are saying? That as a result of separating the two issues -- now that you've concluded that the diesel situation was linked to one person (which I don't believe it was) that the whole issue has gone away and now is the time to come up with this separate issue?"

Ms. McClintock responded, "That is not what I said at all, Commissioner Borries."

Commissioner Hunter commented, "Unfortunately, the diesel fuel issue will not go away until the Indiana Department of Environmental Management is satisfied with our plans and the Health Department is satisfied with our plans. And, as far as this program right here -- Allen County (Ft. Wayne) has had a similar program in place since around 1983 or 1984. And in telephone conversations with them they have been very pleased with the outcome of it. Now, you may be right -- it may not work. If it doesn't, we can change it. But Allen County seemed very pleased with the program they have and the organizational structure is not too unlike what we have right here in front of us. So I'd like to at least give it a try.

Mr. Borries said, "Well, that's certainly a good pragmatic way of looking at it, Don. The interesting thing again is, when we're planning and when we want to enhance communication between this department and the County Council, we're not doing that by, at this point, changing the whole configuration and thereby changing what I would see as some of the deliberations the County Council has had to do line item by line item, now that they have all but approved their budget. It seems to me that proper planning of this type needs to be done much, much earlier than all of a sudden a knee jerk type situation. I had the opportunity of visiting Ft. Wayne and Allen County some nine years ago (1981) and found they had some ideas -- particularly in terms of their organization -- that were very useful -- and things that we, in terms of our road maintenance plan, did use here. But it's also interesting that we are now going to eliminate -- and we want to use someone else's information and we want to include responsibility for one person and now all of a sudden we're not even talking about any kind of increased responsibility factor or salary compensation -- we're just going to dump it all on him. It seems to me that if you; re looking at the School Corporation or Allen County, or any other governmental agency, if we're going to reflect increased and well planned responsibilities and have these things clearly outlined and not be on a knee jerk reaction, those things should certainly have been considered and any kind of increased compensation for a person, for example, in whom I had a lot of confidence -- and still do. Greg Curtis is a graduate of Rose Hulman -- perhaps the second ranked engineering school in the United States (according to a recent article in the U.S. News & World Report). So he thinks Greg has all the right qualifications to do that. But we never put a Superman cape on him in relation to now having to not do things he already has done. Because many of these things are simply just

clarifying things that are already done in the Highway Department itself. But when you begin to put a Highway Garage operation under his bailiwick and, given some of the personalities involved and one I still do not believe is effective leadership now out there. For example, last Wednesday they were literally two foremen short. There was no supervisory personnel there. The person in charge was out of town. She was the week before — at the same time. So it seems to me if we're going to do these paper moves and want to look good, then we ought to at least avoid the top down managerial approach that is so typical in this situation, talk with the employees, find out what their concerns might have been in relation to this, and carefully plan and also reflect increased responsibility factors insofar as compensation for a person who has now had a tremendous amount of responsibility thrust on him. I don't think that is innovation at all and I think, at this point, it is frankly an insult to some members on the County Council who should have had advance warning that a position that they would look upon as a Garage Superintendent is not going to be there now.

Ms. McClintock asked, "Mr. Wortman, are you insulted that we are going to save the County \$40,000?"

Councilman Wortman responded, "I tell you, there were things that went on out at the Garage that a lot of people thought they had control of -- they assessed the situation -- and they didn't. And it's been going on for years. There are a lot of things that were missed out there -- and I think this Carol Davis has saved the County thousands of dollars by going out there and getting the bull by the horns. And I think it was neglected in a lot of parts. They're in sections out there, they were not monitored well, and I think the new Commissioners coming in here have got to get a hold of this thing (which they have) -- but they're new and they're trying -- and we've got to give them credit for getting out there and doing it. But it's been a problem. I get reports that they used to get done at 1:00 p.m. and sit under a shade tree until time to go in. We can't tolerate things like this. And then go out and paint a bridge or a culvert and take six men out on one bridge. You don't do that. Then you go by and there are five watching and one working -- we can't be efficient like that. So these are things that I think we're trying to stop. So when you say we're saving money, you're talking my language. You're not only talking the taxpayers' language. And this has been a problem for years out there. I hope that the present Commission can correct that problem. Thank you."

Commissioner Hunter interjected, "Madam President, this is something I was going to put in at the end of the meeting under New Business, but perhaps this is the appropriate time. This is a letter that came to us from A&B Auto Parts -- and I might mention that we have not changed any of the vendors at the County Garage. Whoever was there when I became involved in this in January is still there. The letter is as follows:

'Dear Miss Davis,

I would like to take a few moments to thank you and your staff for your continued relationship with A & B Auto Parts. Your business is greatly appreciated. I congratulate you on the marked physical improvements of the facility. Your organizational ability is reflected in both the service area and parts department. The initialization of the inventory control method certainly lends itself to greater utilization and assets. From a vendor's perspective I am enjoying cooperation from the Parts Manager and Service Technicians in resolving any problems. This team attitude increases productivity for all involved, including myself. If my familiarity with fleet accounts allows me to comment, I would believe your management is quite pleased with the progress made. Keep up the good work. If I can be of any help, please

do not hesitate to call.

#### Dennis A. Greenfield"

Mr. Hunter said he also got something from PENCO Risk Management Insurance Program from a gentleman by the name of Charles Peter, who sends us a multi-page report from PENCO and in that he noticed one blurb about the County Highway Garage, as follows:

"We also made a tour of the County Highway premises, with it being indicated to me that housekeeping has been greatly improved in the area since the first of the year. We found evidence of satisfactory housekeeping throughout most of the area."

Continuing, Mr. Hunter said the third item came up today. Apparently we have a distributor for filters who works with McCullough Auto Parts called "Big A Filters" (whatever that is). Oil, air and fuel filters -- we still have sufficient number in our inventory at the County Garage to last for quite a while. And these folks have been kind enough to take back (I have a whole page here) oil, air and fuel filters and they're going to give us a credit of \$500. So, Curt, in relation to what you were saying it looks like lots of things are happening out there -- at least we got credit for \$500. You ought to like that."

Mr. Borries commented, "So we're still going to save the taxpayers dollars and not have any supervision out there certain days of the week. I get reports, too. Curt, did you know that someone — maybe under Ms. Davis' orders — threw away all kinds of parts. I guess we wanted to save money or clean up the housekeeping (as Don points out here) and then we had to spend \$372.00 to replace a part for the Grade-All? I get those kinds of reports, too. And, gosh, if there were people sitting around — as hard as those guys work I sure wish you'd let me known about that sooner, because I would have been out there watching them — because I want to save those tax dollars just like you do."

Ms. McClintock continued, "I think it is only fair to note for the record that the individual Mr. Borries is referring to is Carol Davis. Her sister has cancer and that is where she has been and has had approval to be on leave the last two Tuesdays."

Mr. Borries interjected, "I have no problem with her leave, except that, again, on paper we don't have any kind of proper supervision of two crews or inspection to see that the work they are doing is done. And that is part of what any kind of supervisory personnel need to do and communication network needs to be much more effectively done, in my opinion. Again, I think it is ludicrous to expect a young person like Greg Curtis to accept this kind of responsibility, given the nature of some of the personalities involved...and some increased compensation not be included for that.

Ms. McClintock said, "I couldn't agree with you more -- and that will go through the same Job Study system that has been established by the County for several years and we've asked Greg to work on a Job Description and we'll follow the normal system that has been set up. It is not our job to set salaries. That is the job of the County Council."

Mr. Borries commented, "It is our job if we're going to have position changes that affect salary. They should have been noted and given to the County Council <u>before</u> budget hearings."

Commissioner Hunter said, "I might add that during the interim period we'll go get Greg Curtis a Superman cape."

Mr. Borries commented, "He'll need it."

President McClintock entertained a motion for approval.

Motion to approve the foregoing structure change was made by Commissioner Hunter, with a second from Commissioner Borries -- with the latter asking for a roll call vote: Commissioner Borries, no; Commissioner Hunter, yes; and Commissioner McClintock, yes. So ordered.

#### RE: COUNTY ENGINEER - GREG CURTIS

Weekly Reports: Mr. Curtis said he placed the Weekly Reports from the County Highway in the packet provided to the Commissioners. Also, this morning he was made aware that we have an employee at the County Highway Department, Albert E. Gardner -- a 20 year employee. He is requesting a four (4) months Leave of Absence due to knee surgery on August 22, 1991. He is asking the County Highway Department to pay the County portion of his insurance. Mr. Curtis said he would refer that matter to the Commission for their action. From his discussions this morning, he knows that Mr. Gardner also had his other knee operated on at a previous date.

Ms. McClintock said it has not been her experience that we've allowed employees to stay on the insurance during a Leave of Absence -- and it's not been her experience that we've paid the entire County portion. Don't the employees pay that portion, Sam (Humphrey)?

Mr. Humphrey responded, "No; we've paid it for up to six months and in a few cases I'm aware of, beyond that."

Ms. McClintock asked if this is in writing -- she knows it says they can have the leave of absence. She then asked Lou Wittmer to retrieve a copy of the existing County policies.

Notice to Bidders: Mr. Curtis said Mr. Hunter has the Notice to Bidders for the breaking up/removal and replacement of slope walls on Bridge #116-A on Pfeiffer Rd. over Pigeon Creek; the second one is for removal and replacement of a culvert on County Line Rd. east; and the third is for removal/replacement of four culverts on Schaeffer Rd. Mr. Curtis said he is requesting permission to advertise each of these three projects for bid.

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

Agreement w/Indiana Department of Transportation for Purposes of an Agreement to have the Boonville-New Harmony Railroad Crossing Upgraded thru Federal Aid Project: Mr. Curtis submitted the foregoing agreement, with recommendation that it be signed and two copies forwarded to the State.

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

Green River Rd./Phases II & III: Mr. Curtis said we have a letter from Mr. Robert Neil Sanders of United Consulting Engineers requesting authorization to purchase twelve parcels of Right-of-Way construction and yard grading. Each of those are the minimal type parcels that \$150.00 is the cost for those parcels. Total authorization would therefore be \$1,800 and he recommends those be approved for purchase.

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

IDOT/Relocation Assistance re Lynch Rd. Extension Project: Mr. Curtis said the IDOT has requested information from the Board of County Commissioners and he has draft copies of letters. The first is an Assurance Letter that assures the Indiana Department of

Transportation that we will comply with all uniform relocation assistance and real property acquisition policies in the Surface Transportation & Relocation Assistance Act of 1987. Basically we will follow their practices and procedures for acquiring right-of-way for the Lynch Rd. Extension. The second letter is informing them that our consultant for that portion of the Lynch Rd. Extension project is Bernardin-Lochmueller & Associates. He is requesting that these two letters be signed and mailed to the Indiana Department of Transportation.

Motion to sign and forward the letters was made by Commissioner Hunter, with a second from Commissioner McClintock. So ordered.

Preliminary Engineering for Replacement of Ohio Street Bridge: Mr. Curtis said we've had a letter from EUTS asking the Commission to consider proceeding with Preliminary Engineering for the replacement of the Ohio Street Bridge. He has given each of the Commissioners a copy of a rather lengthy letter, so he won't go into all the details. To summarize, he would recommend that we proceed with the selection procedures and select a Consultant for the design of this project. He has a number of concerns, which are outlined in the letter. He doesn't think in any event we should commit ourselves to the point that the County funds this project 100% from local funds. He thinks we should proceed and keep it as a replacement project as a Federal Aid project. In that respect he thinks we need to keep in mind that if the coordination between our project and the State's project on the Expressway becomes such that we need to repair the bridge, that we go forth with plans to let a contract to repair the bridge to make it through the construction and still proceed with the replacement contract. We have \$90,000 in the 1992 budget. If the County chooses to wait until the first of the year to sign a contract with the Consultant, then that money could be used. If we choose to get the project going before the end of the year, we'll need to ask for an additional appropriation and that money that is next year's budget could be used in the event the bridge does need to be replaced. He would recommend we proceed with selecting a Consultant.

Ms. McClintock entertained a motion.

Motion to proceed was made by Commissioner Hunter, with a second by Commissioner Borries. So ordered.

Commissioner Hunter commented, "Prior to moving on, Greg, I've made a commitment to the EUTS people that you and I will sit down with them and talk about this as soon as possible. Have you sent a Rose a copy of the letter you've given us?"

Mr. Curtis responded, "I didn't have her carbon copied on the bottom of it, but she was on the list."

Commissioner Hunter said, "Well, send her one and let's sit down in the next few days and talk about this."

Proposed Sidewalk Arrangement/Audubon Estates: Mr. Curtis said Mr. Bud Bussing, Jr., the developer, has requested that sidewalks be approved in the configuration highlighted on the drawing of Audubon Estates. With this being in the location it is, he also referred this to the City Engineer for his review and comments. He has no problems with Mr. Bussing's proposed plan. It does not waive sidewalks in the subdivision. Rather, it puts sidewalks on one side of particular streets throughout the subdivision. It is his recommendation that we allow Mr. Bussing to place sidewalks in the areas indicated on the drawing presented. In response to query from Commissioner McClintock, Mr. Curtis advised this abuts Covert Avenue just down the road from Indian Woods — on the north side of Covert Avenue. These lots are small — but larger than the lots in Indian Woods. Those in Indian Woods come under P.U.D. — these don't come under that regulation.

Ms. McClintock raised questions about Dove Lane, which has no sidewalks -- and it goes all the way through from Green Cove Avenue to Ridgeway. And neither Dove Court nor Marian Court have sidewalks. She might support the request if we have sidewalks on all the streets on one side or the other -- but not half and half.

Mr. Curtis said he will talk with Mr. Bussing and bring this back to the Board.

Acceptance of Streets in Green River Estates/Section D-1: Mr. Curtis advised they've accomplished a site inspection with regard to the request for acceptance of streets in this subdivision and it is his recommendation that the Commissioners approve same.

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

Supplemental Agreement/Bernardin, Lochmueller & Associates re Environmental Assessment on Eickhoff-Koressel Project: Mr. Curtis said he has a Supplemental Agreement to be approved in this regard -- it's part of the USI project. He would recommend approval. They have already begun this work and that is part of the typographical error information.

Ms. McClintock asked if everyone understands that USI has **not** been changed from local funds and it will be built before 1995.

Mr. Hunter said that is what he understands.

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

Extension of Virginia St. & Vogel Road: Mr. Curtis said that for some time we've been discussing with the developers and property owners in the east side area bounded by Morgan Avenue, the Expressway, Burkhardt, and Green River Rd. the extension of Virginia and Vogel Streets from Green River Rd. on through to Burkhardt Rd. At the present time we have commitments to construct Vogel Rd. across all the properties with the exception of a bridge over Stockfleth Ditch, which is a legal drain. It would be his feelings that with the problems we've had, that the Commission should give consideration to providing a commitment for constructing the bridge. We placed a structure on Oak Grove Rd. just north of where Vogel Rd. would be and he thinks the cost was around \$45,000 to \$50,000 for that structure. This structure would cost more than that, because of the width of the road —— but it shouldn't be excessively more than that. Again, with the problems we've had in trying to get Vogel Rd. and Virginia extended, this is something he thinks the Commission should consider. In response to query from Commissioners Hunter and McClintock, Mr. Curtis said it's one of those 'we'll commit if you'll commit' situations and 'you'll commit if we commit' situations. We have the commitment that they will donate the right-of-way. Basically it's the developers on each side of the two pieces of property that we've been having problems with who have agreed to construct the road —except for the bridge. So if we have a commitment on the bridge, then we have all the commitments. If the Commissioners make a commitment, I think they will want to make it based on all the other commitments — because I don't think we want to build a bridge and then the road never come out there.

Commissioner Borries said this is the first discussion he's heard on this, although he knows Mr. Ryan has done some work on the north-south configuration. And he remembers that Don previously mentioned some group he knew or was part of or something to that effect -- but he wants to make very clear exactly what Mr. Curtis just said -- that we would have very clear financial reporting here as to how much this would cost and what available resources we have

available in the bridge fund, etc. before we get into any kind of decision on this. And he would like to study the matter further in relation to the size of the bridge and also see some written commitments regarding the willingness for all of those property owners/developers to make the commitment that they would participate in the road. Mr. Borries said he wants to commend Mr. Curtis. Nonetheless, he has the same concerns on the extension of Virginia Street. He doesn't want to put one on the fast track without the other. We had some long range plans in place which, in his opinion, were jeopardized by approval of a rezoning by this Commission on Virginia Street. But he would also want to be pushed forward, with the same intensity, by Mr. Curtis' office -- along with contacting various property owners -- by making sure that we also fulfill our long range plan to have a network in place on Virginia Street, as well -- so let's work on that one, also.

Commissioner Hunter asked if a bridge is required on Virginia Street?

Mr. Curtis responded, "I don't think it will be a bridge from the standpoint that it won't be a 20- ft. span. A large culvert will be required, however, because Stockfleth Ditch runs all the way down to the Expressway. Virginia has to cross the same ditch -- it's just that the ditch doesn't carry that much water at that point."

Coliseum Parking Lot: Mr. Curtis said the Board has had a number of discussions concerning the Coliseum Parking Lot. We have two matters in that regard today. The first is, as indicated before, the Federal Highway has required — before they will accept the City's Third & Fifth Street project — that some sort of barrier be constructed to prevent traffic from traveling straight over the sidewalk and into the street. We've talked with the City Engineer and, through him, to the Federal Highway. They have agreed to pay 75% of the cost of a curb around the perimeter of the parking lot. Therefore, with them paying 75% (and that would be part of the parking lot design) he thinks it would be in our best interest to authorize them (and he has a temporary ingress/egress easement) to allow CCC of Evansville (the sub-contractor on the Third & Fifth Street project who is doing the concrete work) to place this curb and only 25% of that cost will be borne by the County. The City will eventually bill us for that. He thinks this is a good opportunity for us to get part of that parking lot constructed at a reduced cost.

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

The other matter concerns the alley behind the Coliseum and the utility lines in that. He would ask that Gary Kercher of his office try to explain that situation to the Board.

Mr. Kercher said our plans are to vacate that alley and, to his understanding, we can't vacate that alley until we have the SIGECO poles removed from same. He's not sure whether this is a hard, fast rule -- but, in the meantime, he had SIGECO give us estimates on removing the power poles behind the Coliseum (there are four) and the prices vary. Originally they are just going to remove one and that would cost \$500. To remove the other poles and basically get everything out of the alley will cost around \$16,000. We obviously don't want to pave the alley until we know which poles are going to be removed -- because that will tear up what paving has been put down. He'd like to get some kind of decision as to how we can go ahead and paving the parking -- with or without the poles.

Ms. McClintock asked where we're getting the money to pave the parking lot? County Council has not acted on that yet. He is going to meet with them in a week or so to review all the special requests?

COUNTY COMMISSIONERS AUGUST 26, 1991

Mr. Kercher said he didn't know whether the Commissioners wanted him to go ahead and include in there the relocating of the utilities in the alley or not and the cost of that contract. It is going to make a difference as to how we pave it and how we stripe it -- how our plan goes later on. It will cost \$16,000 to remove the poles and then vacate the alley.

Commissioner Hunter said \$16,000 is a lot of money to remove four little old poles.

Mr. Kercher said the problem is the transformers on the poles and removing them and putting them in another location. That \$16,000 would have to be paid to SIGECO -- it's not something we can include in the contract. One of the things we need to know is if they absoluvely have to be removed. If so, we don't have an option -- because we have to vacate the alley. We might be able to vacate the alley and allow an easement to do that -- but he's not sure.

Agreement/CSX RAILROAD/UNION TWP: Continuing, Mr. Curtis said we have an Agreement for approval with CSX Railroad to build the bridge (Union Twp. Access Project). Other than the force account item, it is a standard agreement (whether it is with the State or whom it would be with) -- that is the way the agreements are normally written. He doesn't recall which County Attorney's office reviewed the agreement. But one of the Attorneys has reviewed it and the Railroad has reviewed it a number of times and asked for a revision. Anytime you construct a bridge over a railroad they bill you on force account for their costs associated with flagging, etc., etc. With this being a rail yard, their estimate of force account is \$40,576.00, covering work to be performed by CSX Railroad questionnaire title, flagging, insurance data, etc. He would recommend the agreement be signed. He is not too happy with the \$40,576 amount, but he doesn't really believe we have a choice and he believes the railroad knows that.

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

Claim/Blankenberger Bros.: It was noted by Mr. Curtis that we inadvertently underpaid a claim to Blankenberger Bros. earlier this month. He had submitted a claim for approximately \$600,000 and someone in Mr. Curtis' office looked at the bond draw schedule they had prepared in his office and took the number off that instead of the number on the invoice. Therefore, he has another claim to Blankenberger Bros. Construction in the amount of \$305,993.41 and he recommends same be approved.

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

#### RE: READING OF BIDS

The meeting continued with President McClintock asking Attorney Gary Price to read the bids into the record. He read, as follows:

#### Project VC-91-09-01

| Deig Bros. Construction  | \$144,180.00 |
|--------------------------|--------------|
| C. L. R., Inc.           | \$ 94,100.00 |
| Phoenix Construction Co. | \$ 79,768.00 |

#### Project VC-91-08-01

| Sam Oxley & Co., Inc.     | \$178,486.00 |
|---------------------------|--------------|
| Koester Construction Co.  | \$184,698.05 |
| J. H. Rudolph & Co., Inc. | \$169,556.00 |

#### Project VC-91-08-02

Sam Oxley & Co., Inc.\$181,761.65Koester Contracting Co.\$194,030.75J. H Rudolph & Co.\$177,072.80

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the bids were referred to the County Engineer's Office for review and a recommendation at the next Commission meeting. So ordered.

#### RE: <u>COUNTY ATTORNEY - REPORT</u>

Attorney Price submitted a copy of the County Attorney's regular report. The only attachment to this report is a letter to Sam Humphrey, which lists all current pending litigation in Mr. Ziemer's office.

#### RE: LEAVE OF ABSENCE/INSURANCE - COUNTY HIGHWAY EMPLOYEE

President McClintock noted the County policy states we can grant a leave of absence for up to one (1) year. It doesn't clearly define anything beyond that, so that is something that needs to be addressed in the revision of the County Personnel Policy. We have apparently paid, according to Sam Humphrey, insurance in the past.

Attorney Price said, "Yes; the language in the policy is to the extent permitted by available and authorized funds. I believe we discussed that before."

Ms. McClintock asked, "And we pay that out of the main insurance account?"

Auditor Humphrey said it is already funded in the department budget.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, authorization for the leave of absence, with the County paying the County's share of insurance for four (4) months for Mr. Albert Gardner was given. So ordered.

#### RE: CONSENT AGENDA

President McClintock entertained questions concerning items on the Consent Agenda. There being none, a motion was entertained.

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

#### RE: SERVICES - GLENN DEIG

Commissioner Borries said he would like to receive a report concerning the amount collected with regard to the Alexander Ambulance lawsuit collections being handled by Attorney Glenn Deig versus what we've paid for legal services rendered.

Ms. McClintock said we can get that information for Mr. Borries.

#### RE: <u>OLD BUSINESS</u>

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

#### RE: <u>NEW BUSINESS</u>

Margaret Effinger/Request for Vacation Pay: Ms. McClintock said that each of the Commissioners received a letter from Margaret Effinger with a request for some vacation pay. She is going to refer this matter to the County Attorney for his opinion. She has already talked to Sam Humphrey about it. The matter will be brought back for discussion at next week's meeting.

There being no further business to come before the Board, President McClintock declared the meeting recessed at 5:30 p.m. (Drainage Board to convene immediately.)

PRESENT:

Carolyn McClintock, President Don Hunter, Vice President Richard J. Borries, Member Sam Humphrey, Auditor Gary Price, Acting County Attorney Greg Curtis, County Highway Engineer Lou Wittmer, Supt./County Bldgs. Curt Wortman, President/County Council Betty Hermann, County Council Betty Lou Jerrel, County Council A. Ryan Jeff Hatfield/Hatfield Bros. Dev. Co. Jerry Lamb/Transition Team Sharon McCarthy/Transition Team Ray A. Mazzocco/Citizen's Bank Brent Weil/Attorney Jim Brookhart/St. Mary's Medical Center Brent Weil/Transition Team Bob Proske/Evansville Courier Loretta Townsend/Weights & Measures Gary Staley/Transition Team Donald Gibbs/Sam Oxley & Co. Charles Gulledge/J. H. Rudolph & Co. Chris Campbell/Deig Bros. Construction Joseph Ream Marcellus Hirsch Jerry V. Schmitts/Koester Contracting Co. Bud Reitmeyer/CLR, Inc. Tom Taylor/Evansville Press Mark Owen/Democrat County Chairman Frank Hassel/Independent Contractor Others (Unidentified)

SECRETARY: Joanne A. Matthews

Carolyn McClintock, President

Don Hunter, Vice President

Richard J. Borries, V. President

### Board of Commissioners

CAROLIN MECLINIOCK DON L. HUNTER

COUNTY OF VONCEPOLICY
305 ADMINISTRATION BUILDING
CIVIC CENTER COMPLEX
EVANSVILE INDIANA 47708





#### **AGENDA**

#### VANDERBURGH COUNTY COMMISSIONERS

August 26, 1991 4:30 P.M.

- $\sqrt{1}$ . Call to order
- √ 2. Introduction of staff
- /3. Pledge of Allegiance
- , 4. Any groups/individuals wishing to address the Commission
  - A. Betty Hermann
  - B. Transition Team Report
  - 5. Action Items:
    - fa. Opening of Bids for removal and replacement of Petersburgh The Road Bridge
    - b. Opening of bids for the resurfacing of various county roads
    - . c. Sale of county owned surplus real estate 33 ----- > ) have
    - d. Final Reading Ordinance providing Group Health Insurance benefits for qualified retired Sheriff's Department Sworn Deputy Sheriffs and the Sheriff —
    - e. First Reading Flood Plain Management Ordinance agrid.
    - of. Resolution of the Common Council approving an Intergovernmental Agreement with Vanderburgh County regarding the Auditorium Parking Lot
    - g. Report from Roger Lehman on property located at 9301 Old State Road
    - h. Public Works Department Structure Changes

| Brooke Ranes/Head Guard<br>8/5/91                                                                                                                  | \$42.00 dy                       |
|----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| Lori Fuhriman/Asst. Head Guard 8/5/91                                                                                                              | \$42.00 dy                       |
| Shauntrece Crider/Pool Manager<br>8/5/91                                                                                                           | \$51.00 dy                       |
| Albert J. Umbach/Pool Asst. Manager<br>8/5/91                                                                                                      | \$43.00 dy                       |
| Brooke Ranes/Head Guard<br>8/5/91                                                                                                                  | \$38.00 dy                       |
| Lori Fuhriman/Asst. Head Guard<br>8/5/91                                                                                                           | \$38.00 dy                       |
| CIRCUIT COURT - Appointments made:<br>Regina Hunt/Part-time Corrections Officer<br>7/28/91                                                         | \$7.00 Per Hr.                   |
| Norman Gerald Hoskinson/Part-time Corrections O 8/2/91                                                                                             | fficer<br>\$7.00 Per Hr.         |
| Mary Lloyd/Law Clerk<br>8/19/91                                                                                                                    | \$17,902                         |
| Mary Lloyd/Part-time Bailiff<br>8/5/91                                                                                                             | \$7.00 Per Hr.                   |
| CIRCUIT COURT - Releases made:<br>Regina Hunt/Part-time Corrections Officer<br>7/27/91                                                             | \$5.00 Per Hr.                   |
| Ernest Ritcheson/Part-time Corrections Officer                                                                                                     | \$7.00 Per Hr.                   |
| 7/28/91                                                                                                                                            | <b>7</b> ,,,,,,                  |
|                                                                                                                                                    | \$4.25 Per Hr.                   |
| 7/28/91 Angela Hayes/Intern                                                                                                                        |                                  |
| 7/28/91 Angela Hayes/Intern 7/28/91 Maggie Lloyd/Part-time Bailiff                                                                                 | \$4.25 Per Hr.                   |
| 7/28/91  Angela Hayes/Intern 7/28/91  Maggie Lloyd/Part-time Bailiff 8/16/91  COUNTY COMMISSIONERS - Appointment made: Nancy Corey/Joint Secretary | \$4.25 Per Hr.<br>\$7.00 Per Hr. |

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## AGREEMENT CONSTRUCTION OF NEW COUNTY BRIDGE

THIS AGREEMENT, made and entered into by and between the BOARD OF VANDERBURGH COUNTY COMMISSIONERS, acting by and through the VANDERBURGH COUNTY ENGINEER'S OFFICE, hereinafter called the "County" and CSX Transportation, hereinafter called the "Railroad".

#### WITNESSETH

WHEREAS, the proposed new Union Township Access crosses the track and right-of-way by means of a new bridge and approaches thereto in Section 34, Township 6 South, Range 11 West in Vanderburgh County, Indiana.

WHEREAS, in the interest of public safety and convenience the County desires to construct a new overhead bridge and approaches to carry highway traffic over and across the Railroad's tracks and right-of-way, in accordance with the general plans marked Exhibits 1 and 2, attached hereto and made a part hereof, and

WHEREAS, the parties hereto propose to construct the overhead bridge in accordance with the provisions of Indiana Code 8-6-3-1.



#### (b) Work by the Railroad

The Railroad shall perform, or cause to be performed, such temporary and permanent alterations of communications lines, signal lines, signals, and other facilities on its operating right-of-way, and do such other work and furnish such services, as are required by the installation of the grade separation improvement, in accordance with the estimate of force account work marked Exhibit 3, attached hereto and made a part hereof. This work shall be performed by the Railroad with its own forces on a force account basis. If the Railroad is not equipped to perform any part of the work with its own forces, it may request the permission of the County to do the work by contract. After receiving written approval of the method of selection the Railroad may proceed, subject to written concurrence by the County, to award a contract for the work. The Railroad shall keep complete records of the cost of the above work to be performed by it and shall submit to the County on request such information as it may require concerning the cost and other details of the work. The Railroad's accounts shall be kept in such manner that they may be readily audited and actual costs readily determined, and such accounts shall be available for audit by representatives of the County for a period of three years from the date final payment has been received by the Railroad. Except as otherwise provided in this agreement, the County shall reimburse the Railroad for the actual cost of the above work performed by it which is estimated to be as per Exhibit 3, Estimate of Force Account Work. In the event there

shall be construed as compliance with the foregoing thirty day provision.

Section 4. It is agreed that any necessary falsework, bracing, or forms may be erected to provide the following temporary minimum clearances:

Vertical: Twenty-three feet (23'-0") from top of highest rail.

Lateral: Eighteen feet (18'-0") from centerline of nearest track.

On all contract construction operations Section 5. involving direct interference with the Railroad's tracks or traffic, the fouling of railroad operating clearances, or reasonable probability of accidental hazard to railroad traffic, the County shall require the Contractor to arrange for the necessary railroad personnel to protect such operations as required by the regular operating rules of the Railroad as determined by the Chief Engineer of the Railroad or his authorized representative, except in connection with the railroad force account work as provided in Section 3b hereof, and to reimburse the Railroad for the actual cost of such protective services furnished by it, as set forth in Exhibit 4, attached hereto and made a part hereof. The County shall make final settlement with said Contractor contingent on a showing that the Railroad has been reimbursed therefore or that satisfactory arrangements have been made for such reimbursement. Any watchmen Manual Volume 6, Chapter 6, Section 2, Subsection 2 issued October 25, 1974, and any subsequent amendments or supplements thereto. The maximum dollar amounts of coverage with respect to bodily injury, death, and property damage, is limited to a combined amount of \$2,000,000.00 per occurrence with an aggregate limit of \$6,000,000.00 for the term of the policy. The policy of insurance specified in this section shall be with a company authorized to do business in the Vanderburgh County.

Section 9. Upon completion of the project, the County shall at its own cost and expense maintain, or by agreement with others provide for the maintenance of the bridge structure, approach grades and all other highway facilities including the drainage thereof, except that in the event of railway derailments, accidents, or collisions resulting in damage to the bridge structure, the County shall make the repairs necessary to restore the bridge structure substantially to its former condition, and the Railroad agrees to reimburse the County for the cost of such repairs, if said derailments, accidents, or collisions are caused solely by the negligence of the Railroad, its agents or servants. The Railroad shall at its own cost and expense maintain its own roadway and tracks, the structure supporting the same and the drainage thereof.

Section 10. In the event that delays or difficulties arise in securing necessary approvals, or in acquiring necessary right-of-way, or in settling damages or damage claims, or for

for placing commercial advertising signs on the Railroad's right-of-way adjacent to the structure between the County's right-of-way lines as projected across the Railroad's right-of-way.

This Agreement shall be binding upon the parties hereto, their successors or assigns.

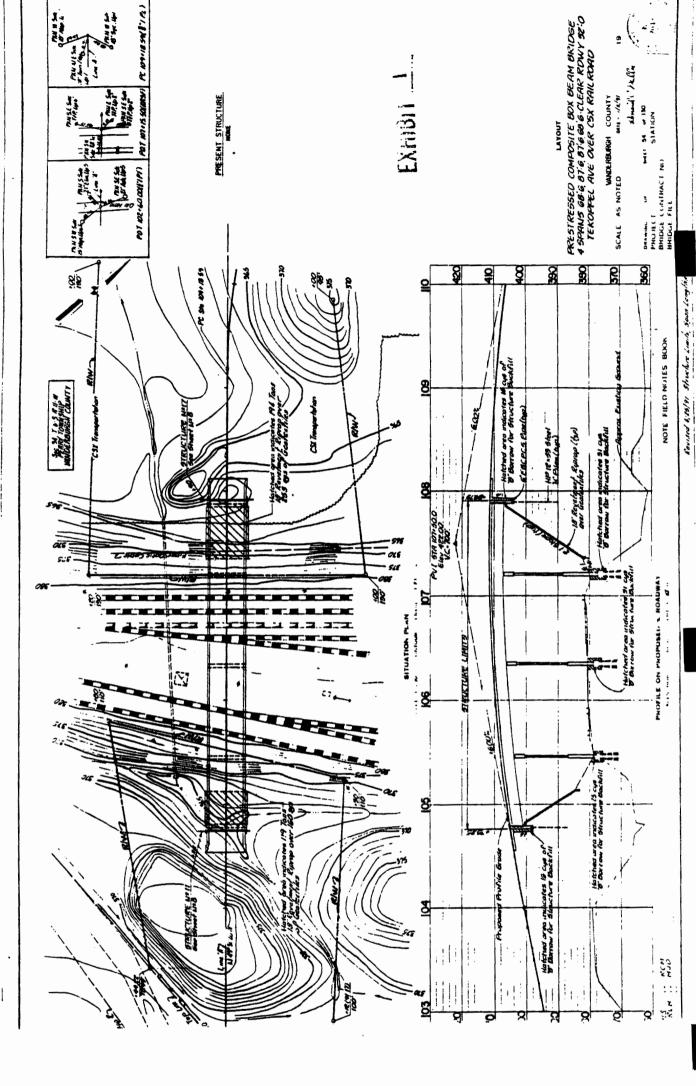
Section 14. The Railroad shall have the right, subject to the approval of the LPA, which approval shall not be unreasonably withheld or delayed, to attached to the portion of said bridge which it crosses the operating property of the Railroad such signal, electric and communication wires as may be required or useful in the operation of the Railroad. Such attachments shall be made and maintained by the Railroad at its own expense, excepting such work to make the initial attachment as covered by this Agreement.

### Resistered Veters Seneral, 1968

|               | THE RELEASE        | LAUR           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| 757           | 9. 383<br>18. 791  | 9. 623         | 9: 731                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| F. 2          | 12: 22             | 11: 12         | 11. 65                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| H: 12         | 张 辩                | it. \$60       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| ii: III       | 证:路                | H: M           | ii ii                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 19. The       | 39. 760<br>30. 442 | <b>32: 3</b>   | ANSCHOOLS PROPERTY OF A STANSON OF THE STANSON OF T |
| - 2: II       | <b>显: 鈴</b>        | 2: 5           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>至</b> 。现   |                    | <b>23. 906</b> | 23. 2285                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 16,182        | 24.344             | 14,336         | 15,493                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Americans.    | Smiss_             | Secreta.       | _ Inisht                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 1. 75         | ł &                | 1. 506         | 1. 104                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|               | 710                | E              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|               |                    | 4              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|               | •                  |                | -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|               | 4,726              | 3,373          | 1,252                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Inner_ =      | <b>Annik</b>       |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| t E           |                    | 1. 200         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 2 12          | 3. 8.9             |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 5. 1642       |                    |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 3,809         | 2,457              |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|               |                    |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|               | ٠.                 | •              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|               |                    |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

Total County 16,624

Grand Total 109,778



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# CSX TRANSFORTATION

FORCE ACCOUNT ESTIMATE ACCT. CODE: 70921-461504

| ***************************************                                                                                                                                                               | ****                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| LOCATION: EVANSVILLE, VANDERBURGH COUNTY, IN DESCRIPTION: TEKOPPEL AVE GRADE SEPARATION CONSTRUCTION OVER (                                                                                           | TX2C                |
| DIVISION: CHICAGO SUB-DIV.: ST. LOUIS MILE POST: H 321.83 DRAWING NO.: DRAWING DATE:                                                                                                                  |                     |
| ***************************************                                                                                                                                                               | ****                |
| RELIMINARY ENGINEERING:  LABOR 5 DAYS @ 200.00  SURCHARGE 41.62%  EXPENSES                                                                                                                            | 1.000<br>416<br>350 |
| SUB-TOTAL -                                                                                                                                                                                           | 4.766               |
| CONSTRUCTION ENGINEERING/INSPECTION: LABOR 400.00 SURCHARGE 41.62% EXPENSES                                                                                                                           | 800°<br>333<br>375  |
| SUB-TOTAL .                                                                                                                                                                                           | 1,408               |
| FLAGGING SERVICE: LABOR (CONDUCTOR-FLAGMAN) DAYS @ LABOR (FOREMAN/MAINTAINER) DAYS @ INSURANCE 14.00% SURCHARGE 61.49% (TRANSPORTATION DEPATRMENT) SURCHARGE 69.08% (ENGINEERING DEPARTMENT) EXPENSES | 9<br>9<br>6<br>6    |
| SUB-TOTAL SUB-TOTAL                                                                                                                                                                                   | 0                   |
| IGNAL WORK: EMPORARY (DETAILS ATTACHED) ERMANENT (DETAILS ATTACHED)                                                                                                                                   | 0<br>13.579         |
| SUB-TOTAL .                                                                                                                                                                                           | 13,579              |
| COMMUNICATION WORK: TEMPORARY (DETAILS ATTACHED) PERMANENT (DETAILS ATTACHED)                                                                                                                         | 12.593<br>10,913    |
| SUR-TOTAL                                                                                                                                                                                             | 23,506              |

EXHIBIT 3

| EQUIPMENT:  JANG TRUCK  JOOM TRUCK  JUMP TRUCK  SACKHGE  TRUCK, HI-RAIL (1 TON)  TRUCK, STAKE (2 TON)  TRUCK, STAKE (1 TON)  COMPRESSOR  JIR DRILL/WRENCH  JAVEMENT SAW  TIE TAMPER (SELF TAMPING)  TIE TAMPER (HAND HELD)  ROLLER  SUB-TOTAL  FRANSPORTATION:  ( OVER 350 MILES )  SUB-TOTAL | DAY 73.3 DAY 199.8 DAY 100.8 DAY 51.0 DAY 51.0 DAY 54.0 DAY 54.0 DAY 55.6 DAY 55.6 DAY 61.0 DAY 197.0 DAY 100.0 DAY 100.0 DAY 100.0 DAY 100.0 | 84<br>76<br>90<br>90<br>90<br>90<br>90<br>90 | 0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|-----------------------------------------------------|
| WORK TRAIN:                                                                                                                                                                                                                                                                                   | DAYS 1.500.                                                                                                                                   | ଚଚ                                           | <br>0                                               |
| SALVAGE: RAIL GTM, MISC SUB-TOTAL                                                                                                                                                                                                                                                             | NET TON NET TON                                                                                                                               |                                              | 0<br>0<br>=========                                 |
| CONTINGENCIES 10% (EXCLUDES SIGNAL:                                                                                                                                                                                                                                                           | S & COMM.)                                                                                                                                    |                                              | 317                                                 |
| GRAND TOTAL                                                                                                                                                                                                                                                                                   |                                                                                                                                               | <b>\$</b>                                    | 40,575                                              |
| DIVISION OF COST: PRIMARY AGENCY 100 % SECONDARY AGENCY 0 % PAILROAD 0 %                                                                                                                                                                                                                      |                                                                                                                                               | \$<br>\$<br>\$                               | 40,576<br>0<br>0                                    |

40,576

OFFICE OF DIVISION ENGINEER
ESTIMATED BY: L. E. DANIELS
TELEPHONE: 708/201-5262
DATE: 08-19-91 REVISED:

| WASHER CURVED 3" INSULATOR, PLASTIC INSULATOR, T-15 CROSSARM, 6' X 6 PIN CROSSARM, 10' X 10 PIN CROSSARM, PIN BOX, LINE SMALL BOX, LINE SMALL BOX, LINE LARGE TERMINAL, CABLE 12 PR. STEP, POLE, GALV. CONDUIT, 4" EXTRA HEAVY DUTY MISCELLANEOUS PIPE FITTINGS | 20<br>4<br>20<br>2<br>16<br>400 | EAAAAAAAA EE | 0.40<br>1.00<br>1.15<br>9.00<br>13,50<br>2.60<br>135.00<br>290.00<br>125.00<br>0.90<br>4.44                                      | 9<br>20<br>9<br>54<br>52<br>270<br>9<br>9<br>14                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| POLE, C.Y.P. 30' POLE, C.Y.P. 35' POLE, C.Y.P. 40' POLE, C.Y.P. 45' POLE, C.Y.P. 50' POLE, C.Y.P. 55' POLE, C.Y.P. 60' POLE, C.Y.P. 65' POLE, C.Y.P. 65' POLE, C.Y.P. 70' ROX 96 WAY ARRESTER 2B MOUNTING CABLE POST 12 FT. STRAPES, CONDUIT SHACKLES, DEADEND  | 2e<br>20                        |                                         | 55.00<br>75.00<br>110.00<br>140.00<br>160.00<br>260.00<br>360.00<br>420.00<br>470.00<br>261.00<br>3.85<br>23.80<br>92.00<br>1.50 | 0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0 |
| SUBTOTAL<br>MISCELLANEOUS MATERIAL                                                                                                                                                                                                                              | 1                               | LOT                                     |                                                                                                                                  | 5370<br>537                                                                                 |
| TOTAL MATERIAL STORE EXPENSE 5% LABOR TO INSTALL SUBSISTENCE ALLOWANCE ENGINEERING, PRELIMINARY ENGINEERING, CONSTRUCTION ADDITIVES TO LABOR 80.08% ADDITIVES TO ENGINEERING 41.62% RENTAL OF EQUIPMENT INSURANCE CONTINGENCIES CONTRACT ENGINEERING            | 20                              | MD                                      | 5907<br>295<br>2400<br>1100<br>0<br>1922<br>0<br>480<br>240                                                                      |                                                                                             |
| CSX TRANSPORTATION - RAIL TRANSPORT GROUP OFFICE OF THE CHIEF ENGINEER, TRAIN CONTROL 500 WATER STREET JACKSONVILLE, FLORIDA 32202                                                                                                                              |                                 | Anticological Control                   | 13579                                                                                                                            |                                                                                             |

DATE: 7/12/91

ESTIMATE CH91063 (GAC)

THIS ESTIMATE SHOULD BE CONSIDERED VOID ONE (1)
YEAR AFTER ESTIMATE DATE.

FORM LINE4 (REVISED 6/28/90)

# CSX TRANSPORTATION OFFICE OF ASSISTANT CHIEF ENGINEER ESTIMATE FOR COMMUNICATION POLE LINE WORK

08/01/91

PROJECT REFERENCE: Union Twp. Access Road DATE 08/01/91 MILEPOST H-321.8

To raise (), rearrange (), placing in temporary (), building new line (). restoring to permanent (), pole line at bridge location S. Howell on account of bridge construction.

| 3<br>8<br>700<br>4<br>2<br>30<br>30<br>2<br>2<br>4<br>30<br>16<br>1000<br>9800 | ea., Anchor, 8" x Rod 5/8" x 6' ea., Bolt, Thru., Mach. 5/8" x 12" ea., Bolt Carriage 3/8" x 4" ea., Brace Crossarm ft., Cable, 25/19 Fig. 8 ea., Crossarm, 10' 10 pin ea., Hook, Guy #P135A ea., Insulator, Plastic ea., Pin, Crossarm ea., Pole, C.Y.P. 25' ea., Pole, C.Y.P. 35' ea., Standvise, 5102 ea., Sleeve, #9 Splicing ea., Washer, Sq. 2-1/4" ft., Wire, Guy Galv. 3/8" ft., Wire, Copper Line #9 poly lb., Wire, Copper Tie #9 Poly ft., 1/2" TV Coax |             | 4.00<br>65.00<br>110.00<br>10.00<br>0.50<br>0.30 | 3.75<br>3.20<br>19.20<br>945.00<br>56.00<br>4.20<br>42.00<br>120.00<br>130.00<br>220.00<br>40.00<br>15.00<br>4.80<br>400.00<br>1372.00<br>47.00 |                            |
|--------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| 7                                                                              | lot., Miscellaneous Pipe Fittings lot., Miscellaneous Material                                                                                                                                                                                                                                                                                                                                                                                                     | <b>e</b>    |                                                  | 732.85                                                                                                                                          |                            |
| _                                                                              | •                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | •           |                                                  | /32.05                                                                                                                                          |                            |
| 160                                                                            | Total Material Labor hours Surcharge 0.8008 Supervision                                                                                                                                                                                                                                                                                                                                                                                                            | e<br>e      | 14.50                                            |                                                                                                                                                 | 5700.0<br>2320.0<br>1857.8 |
|                                                                                | Contractor<br>Expenses<br>Equipment                                                                                                                                                                                                                                                                                                                                                                                                                                | @<br>@<br>@ |                                                  |                                                                                                                                                 | 250.00<br>500.00           |
|                                                                                | Sub-total<br>Freight, Handling & taxes                                                                                                                                                                                                                                                                                                                                                                                                                             |             |                                                  |                                                                                                                                                 | 10627.86<br>285.00         |

GRAND TOTAL \$ 10912.86

M.D. Zeslev signed

# TEMPORARY INGRESS/EGRESS EASEMENT

THIS INDENTURE WITNESSTH, that the Board of County Commissioners of the State of Indiana and of Vanderburgh County, Indiana [herein referred to as Grantor(s)] hereby convey(s) and transfer(s) to CCC of Evansville, Inc. (herein referred to as Grantee), for the TEMPORARY INGRESS/EGRESS for purpose of curb construction over, across, and upon the following described real estate located in Vanderburgh County, Indiana, to-wit:

Block 8 (eight) Lots 1 (one) through 8 (eight) of Stockwells Enlargement to the City of Evansville located in the Northwest 1/4 (one quarter) of Section 30 (thirty) Township 6 (six) Range 10 (ten) West

The Grantee will be responsible for all work, materials and machinery on the property and must complete the project in such a way as to minimize the amount of parking spaces affected. The Grantor reserves the right to request removal of any unnecessary equipment or materials from the premises.

IN WITNESS WHEREOF, the Grantor(s) (has) (have) hereunto set (his) (her) (their) hand(s) and seal(s) this 26 m day of 29!

State of

County of Vanderburgh

num -

Grantor



# **United Consulting Engineers & Architects**

Established 1965

ARCHITECTS
Andrew C. Churchill, R.A., A.I.A.
John K. Hardin, R.A., A.I.A.

August 21, 1991



Jeff S. Bislich, P. E. Mark A. Eckert, P. E. Brad S. Faris, L. S. Ralph A. Gemmer, P.E. William E. Hall, P.E. Ronald C. Miller, P.E. William D. Richter, P.E. Jerry D. Ritchie, P.E. Ross E. Snider, P.E.

# OFFICERS Billie W. Jones, P.E., L.S. Jacob E. Hall, P.E., L.S. Kent D. Downey, P.E., L.S. Ronald B. Miller John D. Staley, R.A., A.I.A.

## Authorization to Purchase

From:

Robert N. Sanders

United Consulting Engineers, Inc.

1625 North Post Road Indianapolis, IN 46219

Project:

M-E 340(6)

Road:

Green River Road

County:

Vanderburgh

Temporary Right-of-Way is required of the following twelve (12) parcels for driveway construction, and yard grading.

# Parcel Numbers

| 32 | 39 |
|----|----|
| 33 | 40 |
| 34 | 41 |
| 35 | 42 |
| 36 | 45 |
| 38 |    |

Temporary Right-of-Way Compensation is based on a Fair Market Rental Value for the period of time necessary to complete the project. Therefore, due to the short-time requirements, sizes, uses, values, and nominal amounts it is recommended that each property owner having Temporary Right-of-Way Only be paid \$150.00. Total authorization is \$1,800.00.

Approved For Purchase:

Vanderburgh County Board of County Commissioners

S. McClintoil

1625 N. Post Road, Indianapolis, IN 46219-1995 • Phone: (317) 895-2585 Fax: (317) 895-2596

- Appendix "D", Section A. Amount of Payment has been revised to in-2. clude a new item called 2f.
  - f. Environmental Assessement/FONSI Revisions \$13,870.00

IN TESTIMONY WHEREOF, the parties hereto have executed this Supplemental Agreement.

**APPROVED:** 

APPROVED:

Bernardin, Lochmueller & Associates, Inc. Vanderburgh County Board of Commissioners

Keith Lochmueller, President

Richard Borries, Commissioner

ATTEST:

Thomas G. Bernardin,

Secretary

Auditor

Attorney for Vanderburgh County

Page 2 of 4 Pages

89-24 Supple. Agree. 2 Rev. 6/24/91

# (Form Approved by the Attorney General)

## NON-COLLUSION AFFIDAVIT

STATE OF INDIANA )
COUNTY OF VANDERBURGH )

The undersigned, being duly sworn on oath says, that he is the contracting party, or, that he is the representative, agent, member, or officer of the contracting party, that he has not, nor has any other member, representative, agent, or officer of the firm, company, corporation or partnership represented by him, directly or indirectly, entered into or offered to enter into any combination, collusion or agreement to receive or pay, and that he has not received or paid, any sum of money or other consideration for the execution of the annexed agreement other than that which appears upon the face of the agreement.

Keith Lochmueller (Print or Type Name)

Subscribed and sworn to before me this  $\frac{34^{-1}}{2}$  day of

\_, 19<u>*4/*.</u>

Cynthia L. Evans, Notary Public

My Commission Expires:

September 22, 1991

Page 4 of 4 Pages

89-24 Supple. Agree. 2 Rev. 6/24/91

- 4. Compensation. The County agrees to pay SWIRHC a sum not to exceed Twenty Thousand Dollars (\$20,000.00) for services to be performed under #2, Scope of Services. The County agrees to pay SWIRHC for expenses incurred from August 1, 1991 through December 31, 1991 upon submission of properly documented invoices and Claim Forms.
- 5. Method of Payment. SWIRHC shall be entitled to payment in accordance with the provisions of this section. Subject to the maximum compensation set forth in Section 4 above, SWIRHC shall be paid the amount of Four Thousand Dollars (\$4,000.00) on the last Friday of each month. The August 30, 1991 payment is subject to timely funding approval, timely contract approval, and timely claim form and invoicing submission. All claim forms should be submitted by the second Friday of each month to receive timely payment.
- 6. Changes. The County may, from time to time require changes in the Scope of Services of SWIRHC to be performed hereunder. Such changes which require additional services and which require an increase in the amount of SWIRHC's compensation, shall be mutually agreed upon by and between the County and SWIRHC and shall be incorporated in written amendments to this Agreement. The County or SWIRHC may, without the approval or assent of the other party, reduce the Scope of Service and an appropriate adjustment of SWIRHC's maximum compensation shall be made to reflect an appropriate reduction in the projected costs of the project. Such an adjustment shall be made in writing, delivered to the other party as provided in Section 7-Notice, seven (7) days prior to the effective date.
- 7. Notice. Any notice permitted or required under the provision of this Agreement shall be in writing and signed by the party giving or serving the same and either served in person or delivered by certified mail, addressed to the party as follows:

Vanderburgh County
Commissioners
305 Civic Center
M.L. King Blvd.
Evansville, IN 47708

Southwestern Indiana Regional Highway Coalition P.O. Box 20121 Evansville, IN 47708

- 8. Restrictions. Prohibitions and Controls. SWIRHC will not pay any bonus or commission for the purpose of obtaining approval of this Agreement or any other approval which may be necessary under this Agreement.
- 9. <u>Counterparts of the Agreement</u>. This Agreement shall be executed in counterparts, each of which shall be deemed to be an original, and such counterparts shall constitute one and the same instrument.

### AGREEMENT FOR SERVICES

THIS AGREEMENT entered into as of this /2 day of August, 1991, by and between the Southwestern Indiana Regional Highway Coalition, herein called "SWIRHC"; and Vanderburgh County in Indiana, acting by and through its County Commission, herein called "the County".

WITNESSETH that the Parties do mutually agree as follows:

- 1. <u>Employment of Contractor</u>. The County hereby agrees to engage SWIRHC and SWIRHC hereby agrees to perform the services hereinafter set forth in connection with the extension of Interstate 69 from Indianapolis to Evansville, Memphis, Shreveport and Houston.
- 2. <u>Scope of Services</u>. SWIRHC shall do, perform and carry out in a good and professional manner the following services:
  - a. Develop a program to enhance efforts to build an interstate highway from Indianapolis to Evansville and potentially on to Memphis, Shreveport and Houston.
  - b. Meet with business, city, county and state highway officials in communities and states along the proposed route of the interstate highway extension.
  - c. Publish a newsletter to keep coalition members and other interested parties informed about the coalition's efforts.
  - d. Conduct any lobbying efforts necessary at the State and local levels.
  - e. Reporting Requirements: Submit monthly activity reports to the County Auditor on forms prescribed by DMD, no later than the 5th day of the month for the preceding month. These should include receipt of detailed invoices, receipts or other appropriate documentation of expenditures for performance of the services herein.
  - f. Contractor shall submit to the County Auditor, a copy of the independent audit conducted on SWIRHC's financial records, within thirty (30) days after completion of said audit, for the period through December 31, 1991.
- 3. <u>Time of Performance</u>. The services of SWIRHC shall commence upon execution of this Agreement and continue through December 31, 1991.

10. <u>Liability of the Parties</u>. SWIRHC agrees to hold harmless the County in its office, agents, officials, and employees, from any and all claims, causes of action, judgments and liens arising out of SWIRHC's performance under this Agreement.

IN WITNESS WHEREOF, the County and SWIRHC have executed this Agreement on the day first written above.

SOUTHWESTERN INDIANA REGIONAL HIGHWAY COALITION

| ву:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Frank F. McDonald, II, Co-Chairman                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| ву:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| By: Robert M. Leich, Jr., Co-Chairman                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| VANDERBURGH COUNTY COMMISSION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| By: <u>Carolyn McClintock</u> , President                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| By: Nichard Borries Forres                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| By:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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misc\agreemen.036

### AGREEMENT

# COVERING INSTALLATION OF HIGHWAY - RAILWAY GRADE CROSSING WARNING DEVICES

| Project:       | RRP-7682(1)     | Draft of June 28, 1991                         |
|----------------|-----------------|------------------------------------------------|
| THIS AGRE      | EMENT, made and | entered into by and between the COUNTY OF      |
| VANDERBURGH    | , State         | of Indiana, acting through the Board of County |
| Commissioners, | hereinafter, ca | alled the "County" and CONSOLIDATED RAIL       |
| CORPORATION    |                 | , hereinafter called the "Railroad."           |

## WITNESSETH

WHEREAS, in the interest of public safety and convenience, the County desires to install modern active grade crossing warning devices at the location as designated on Exhibit 2 and in accordance with Exhibits 1 and 3, said Exhibits being attached hereto and made a part hereof, and

WHEREAS, the Indiana Department of Transportation will supervise the construction of the project and act as liaison agent for the County with the Federal Highway Administration. (Where the word "State" appears in this agreement, it will indicate that the Indiana Department of Transportation is performing an act for the County as required by the Federal Highway Administration

NOW, THEREFORE, in consideration of the premises and the mutual dependent covenants herein contained, the parties hereto agree as follows:

SECTION 1. The Railroad will design and install the grade crossing warning devices to conform with current "State of Indiana Special Provisions, Installation Of Active Warning Devices At Highway - Railway Grade Crossing," attached hereto and made a part hereof, and to all applicable requirements of the National Manual on Uniform Traffic Control Devices, Part VIII Traffic Control Systems for Railroad-Highway Grade Crossings, and any subsequent amendments or supplements thereto.

Page 1 of 7 pages

The provisions of Appendix "A" of the 1964 Civil Rights Act, attached hereto, shall apply to any portion of the work, including engineering services, which the Railroad may perform by the contract method. The Railroad shall keep complete records of the cost of the above work to be performe by it and shall submit to the State on request such information as it may require concerning the cost and other details of the work. The Railroad's accounts shall be kept in such manner that they may be readily audited and actual costs readily determined, and such records shall be available for audit by representatives of the State and the Federal Highway Administration for a period of three years from the date final payment has been received by the Railroad for the project. Except as otherwise provided in this agreement, the County, through the Indiana Department of Transportation, shall reimburse the Railroad for the actual cost of the project work, (herein referred to as the project expense) performed by it or by its contractors. In the event there are increases in the extent of the work or changes in methods of performing the project work, the amount of the force account estimate may be increased by mutual agreement. The eligibility for reimbursement of costs or changes to the Railroad's facilities and the facilities jointly owned or used by the Railroad and utility companies shall be determined in accordance with the provisions set forth in the Federal Highway Administration Federal-Aid Highway Program Manual, Volume 1, Chapter 4, Section 3, issued April 25, 1975, and any subsequent amendments or supplements thereto. It is agreed that progress payments be made by the State to the Railroad for the total amount of work done as shown on monthly statements or when the amount due the Railroad equals \$1,000 or more, said progress billing to be paid within thirty-five (35) days of receipt of a signed invoice voucher and the railroad progress billing. The Railroad shall notify the Indiana Department of Transportation, Utility-Railroad Section upon completion of said force account work and arrange for the final inspection thereof by representatives of the State. Any deficiencies found by such final inspection shall be corrected by the Railroad prior to submitting its final bill.

Page 3 of 7 pages

SECTION 8. In the event that delays or difficulties arise in securing necessary Federal approval, or in acquiring necessary right-of-way, or in settling damages or damage claims, or for other reasons, which in the opinion of the County render it impracticable to utilize Federal funds from current appropriation for the construction of the project, then at any time before actual project work is started by the Railroad or its contractor pursuant to proper Federal approval or authority, the County, may serve formal notice thereof upon the Railroad and said project shall thereupon be cancelled and become null and void. The County, through the Indiana Department of Transportation shall reimburse the Railroad for all costs incurred by it at the written request of the County or State on account of the said project work prior to such cancellation.

SECTION 9. In accordance with Section 10 of Chapter 208 of the Acts of the 1961 General Assembly of the State of Indiana, the contractor and his subcontractors, if any, shall not discriminate against any employee or applicant for employment, to be employed in the performance of this contract, with respect to his hire, tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment, because of his race, color, religion, national origin or ancestry. Breach of this covenant may be regarded as a material breach of the contract.

SECTION 10. In accordance with Volume 6, Chapter 6, Section 2, Paragraph 6 of Federal Highway Administration Federal-Aid Highway Program Manual, issued April 25, 1975, the installation of grade crossing warning devices is found to be of no ascertainable net benefit to the Railroad and the Railroad shall not be assigned liability in the project costs.

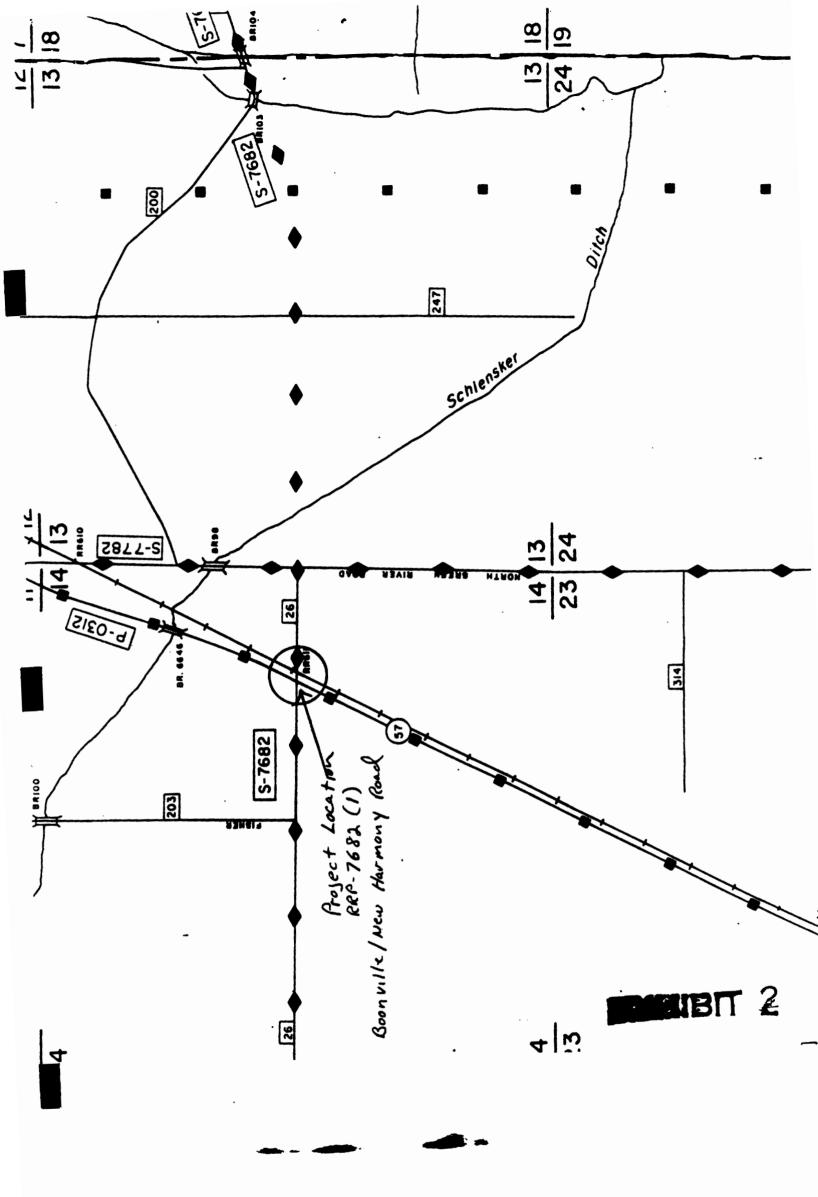
Page 5 of 7 pages

| Exitety of Maggio                    | BY XD Cooll                                                                            |
|--------------------------------------|----------------------------------------------------------------------------------------|
| ASSISTANT SECRETARY                  | CHIEF ENGINEER - DESIGN & CONSTRUCTE                                                   |
| ATTEST:                              | BOARD OF COUNTY COMMISSIONERS<br>COUNTY OF VANDERBURGH                                 |
| Sam Brugh                            | Caralyn S. McClinton                                                                   |
| APPROVED AS TO LEGALITY AND FORM     | Dichard   Borries                                                                      |
| Chief Counsel                        | Member                                                                                 |
| RECOMMENDED FOR APPROVAL             |                                                                                        |
| Chief, Division of Local Assistance  | Deputy Commissioner Office of Highway Development Indiana Department of Transportation |
|                                      | APPROVED                                                                               |
| This instrument prepared by          |                                                                                        |
| Lawrence C. Ozoby                    |                                                                                        |
| Indiana Department of Transportation |                                                                                        |

Page 7 of 7 pages

# ACKNOWL EDGMENT

| STATE OF INDIANA  COUNTY OF //enduburgh  SS:                                                                                                                                                                                                                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| On this 26 day of Rugus. 1991, there appeared before me, a Notary Public in and for said County, Carelyn Mc Clintoch.  De Ranter and Richard J. Borries respectively, of the Board of County Commissioners of the County of Conductors and stated that the above agreement was signed and attested in behalf of |
| witness my hand and seal this 26 th day of August . 19                                                                                                                                                                                                                                                          |
| Notary Public                                                                                                                                                                                                                                                                                                   |
| My complesion expires $-11/2/892$                                                                                                                                                                                                                                                                               |



## CONSOLIDATED RAIL CORPORATION

# Evansville, Vanderburgh County, Indiana Booneville - New Harmony Road Grade Crossing

## FORCE ACCOUNT ESTIMATE

Project

Estimate of cost of work to be performed by Conrail forces in connection with the Description:

proposed installation of flashing light

signals and gates.

| M.P.:<br>L.C.:<br>AAR#:<br>WO#: | 158.50<br>83-8335<br>539 611 H<br>53186                     | Line:<br>Div.:<br>Region:<br>Proj.#: |                        | condary  |
|---------------------------------|-------------------------------------------------------------|--------------------------------------|------------------------|----------|
| Addi                            | iminary Engineer<br>tives - 42.85%<br>nses Incident         | ing                                  | \$ 1,200<br>500<br>200 | \$ 1,900 |
| Addi                            | truction Enginee<br>tives - 42.85%<br>nses Incident         | ering/Inspecti                       | \$ 1,200<br>500<br>200 | \$ 1,900 |
| Inst<br>and                     | al Work; (detail<br>all flashing lig<br>gates.<br>ingencies | ls attached)<br>ght signals          | \$86,182<br>4,318      | \$90,500 |
|                                 | ounting and Billitives - 69.98%                             | ing                                  | \$ 1,000<br>700        |          |

NOTE: Estimate Good For 60 Days.

OFFICE OF THE CHIEF ENGINEER DESIGN AND CONSTRUCTION PHILADELPHIA, PENNSYLVANIA 19104 October 24, 1988 - KRA

exhibit 4

\$ 1,700

\$96,000

TOTAL

757

39

27

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EA

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CITY EVANSVILLE STATE IN ROADWAY BOOKEUILLE - NEW HAR.
BILL OF MATERIAL# WO# 53/86 MANAGEMENT CENTER# PFC# CODE# ITEM PRICE PRICE DESCRIPTION QTY UNIT EACH NUMBER TOTAL 02-020202 ARM, GATE SIDEWALK 7 FT. EA O2- ARM, GATE CROSSING FT.
O2- ARM, GATE CROSSING 19 FT.
O2-012522 ARM, GATE CROSSING 18 FT. EA 390 195 EA EA 185 02-012522 ARM, GATE CROSSING 18 FT.
02-012563 ARM, GATE CROSSING 24 FT.
02-012829 ARM, GATE CROSSING 26 FT.
02-563953 ARM, GATE SDWK. 7 FT. W/SUPPORT
02-036182 BASE, SPLIT 5 DIA. W/TERM.
02-044517 BELL, CROSSING
02-051850 BOARD, RECTIFIER ASSY. (SC-3)
02-067252 BOND, RAIL (CADWELD) 3/16 X6 1/2
02-069878 BOX, H'WAY XING TEST GATE (PB)
02-076063 BRACKET, CONVERSION
02-EA 270 EA 313 . 350 603 EA EA EA 168 EA 162 EA EA 370 5 EA FF OZ-\_\_\_\_ CABLE \_\_\_\_ \_\_\_ 0.335 250 FT 500 500 0.93 2.42 FT 1210 FT FT 0.324 \_\_162\_\_ FT 0.54 FT 0.91 O2- CANTILEVER, FT. EA O2-104485 CANTILEVER, 18 FT. O2-104493 CANTILEVER, 22 FT. O2-104501 CANTILEVER, 26 FT. EA 3272 EA 3459 EA 3529 EA -----OZ-\_\_\_\_ CASE EA \_\_=\_\_ CASE EA 02-108304 CASE, RELAY LOW SINGLE 452 EA 02-108650 CASE, RELAY HIGH SINGLE 02-114054 CELL STORAGE 72AH 02-114070 CELL STORAGE 112AH 725 EA CELL STORAGE 72AH CELL STORAGE 112AH 82 EA EA 95 --->---CELL STORAGE 156AH 02-114096 122 EA 774\_\_\_ - 02-114112 CELL STORAGE 234AH \_ ع 129 EA 02-114138 CELL STORAGE 432AH
02-158408 CONTROLLER CIRCUIT (73) W/CODS
49-229101 CONDUIT STEEL 4 in DIA.
02-758009 CROSSARM 10', 10 PIN W/PIN
-02-881578 DEADEND WIRE SIG. W/INSULATOR
02-762209 FAN, VENT ASSEMBLY (CASE) EA 215. \_\_\_\_ -----

O2-881578 DEADEND WIRE SIG. W/INSULATUR
O2-762209 FAN, VENT ASSEMBLY (CASE)
O2-205480 FOUNDATION HOUSE
O2-205878 FOUND. S-10-3WS (CANT UP TO 30')
EA
O2-208005 FOUNDATION, S-2 (GATE)

O2-208005 FOUNDATION, S-2 (GATE)
EA

TEAM of E GRAD GUIN HIGH WIND GUARD 5 in MAST

49-229101

# CONSOLIDATED RAIL CORPORATION

PAGE

| CITY EVAN<br>BILL OF MAT<br>MANAGEMENT | TERIAL#                                        | STATE_I                   | OPFC#    | _ ROADWAY | SIBLE<br>SIBLE<br>CODE |               | <u> </u>                      |
|----------------------------------------|------------------------------------------------|---------------------------|----------|-----------|------------------------|---------------|-------------------------------|
| ITEM<br>NUMBER                         | De                                             | ESCRIPTION                | :        | QTY       | UNIT                   | PRICE<br>EACH | PRICE<br>T AL                 |
| ,                                      | FILL, SELECTONCRETE, POELECTRICAL SMISCELLANEO | OURED<br>SERVICE          |          |           | CY<br>EA<br>LO         | <u>6</u>      | 7072<br>7999<br>7 <b>99</b> 0 |
|                                        | i i                                            | TOTAL                     | MATERIAL | : ·       |                        | •             | <u> 3484</u>                  |
|                                        | MATERIAL HA                                    | ANDLING -<br>OF TOTAL MAT | ERIAL    |           |                        |               | 17:47                         |

EXHIBIT "

- 8. Track circuits shall be so designed as to provide for the warning devices to be in operation a minimum of twenty seconds before arrival of a train operating at the maximum speed.
- 9. Where the distance along the highway is less than thirty-five feet (35') between the signal, and the centerline of the farthest track from such signal on which trains operate at medium or higher speeds, the signal shall operate for not less than 20 seconds before the arrival of any train on any such track. Where this distance is more than thirty-five feet (35'), the 20 seconds should be increased to provide additional time required for highway vehicles to clear the crossing.
- 10. Signals shall operate whenever any part of the train occupies the crossing.
- II. Where a ball is required, the bell shall be used in conjunction with the flashing light signals. It shall sound a warning from the time the signal lights start to operate at least until the lead end of the train has reached the crossings, or until the gate arm has descended to within 10<sup>0</sup> of the horizontal position.
- 12. Gates shall conform to current specifications of the Assocication of American Railroads, and shall be mounted on the same mast with the flashing light signals, or, if local conditions require, they may be mounted independently between the flashing light signal and the track.
- 13. The gate arm shall be striped on both sides with sixteen inch (16") alternate diagonal reflectorized stripes of red and white in accordance with the Indiana Manual on Uniform Traffic Control Devices, and shall extend over the traveled roadway a sufficient distance to cover the lanes used by traffic approaching the crossing. The tip of the lowered gate shall be not less than two feet from the centerline of a two-way pavement. The tip of a lowered gate shall be not less than two feet from the edge of the traffic lane pavement farthest from the gate lowering mechanism on a one-way pavement. If opposing gates are used on the same side of a crossing, the gap between the ends of the lowered gates shall be not less than four feet.
- 14. Gate arms shall operate to a 90 degree vertical position. Written approval must be given for the operation of any gate arm to less than a 90 degree vertical position due to local conditions.
- 15. The gate arm in the raised position shall provide a vertical clearance of not less than 17 feet at a distance of 2 feet back of the face of curb or edge of pavement.

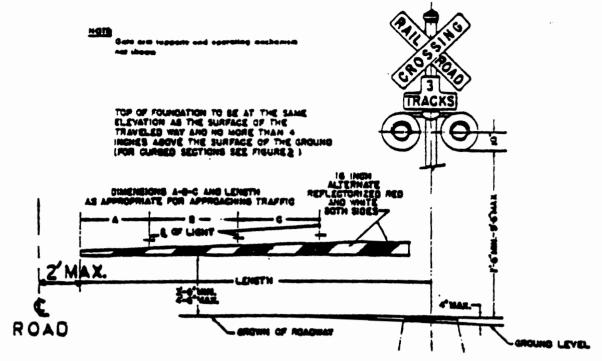
- 28. Equipment hoursings (controller cabinets) shall be placed not less than 30 feet from the nearest roadway and 12 feet from the nearest track.
- 29. At locations where existing roadways, parking areas, buildings or other restrictions are adjacent to the track, the required 30 feet distance from a parallel road will be waived.

# WORK TO BE PERFORMED BY STATE OR LOCAL AGENCY

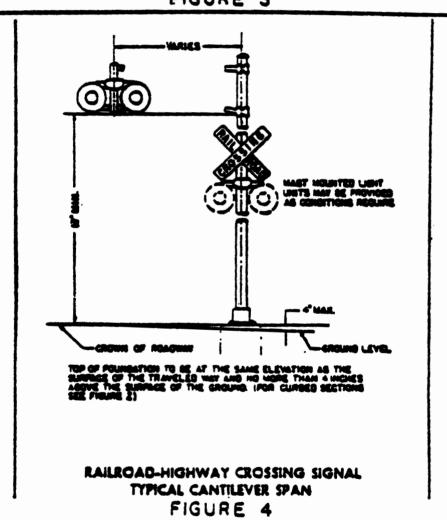
- 1. Standard pavement markings as illustrated in Figure 5 shall be used on all paved approaches to railroad crossings.
- 2. The stop line shall be perpendicular to the roadway.
- 3. The centerline marking may be extended across the track if required.
- 4. Advance warning signs shall be placed in accordance with the Indiana Manual on Uniform Traffic Control Devices.

# APPLICATION OF THESE PROVISIONS

These general provisions shall apply only to crossing warning devices installed by agreement or permit which these provisions are attached. They do not apply to repair or replacement of warning devices at existing installations placed under earlier provisions.



RAILROAD-HIGHWAY CROSSING SIGNAL WITH GATE FIGURE 3



FAX 1-3/7-233-3/39

STATE OF INDIANA BUREAU OF MOTOR VEHICLES
DIVISION OF SAFETY RESPONSIBILITY AND DRIVER IMPROVEMENT

| RELFASE                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------|
| ACCIDENT NO.                                                                                                                              |
| (CONDITIONAL*) (GENERAL) (Please strike out one)                                                                                          |
| For good and valuable consideration the undersigned does hereby release and forever discharge                                             |
| the said Pour D. Tucker and Paul D. Tucker from all claims and causes of                                                                  |
| owner being released operator being released the undersigned now has or hereafter may have on account of damages resulting from an accide |
| which occured at Evansuille, Indiana, on or about Sept-Nov. 1990.                                                                         |
| By the execution of this release the parties each agree the same may be used by the Commissione                                           |
| in the administration of any provision of the Indiana Motor Vehicle Safety Responsibility                                                 |
| and Driver Improvement Act                                                                                                                |
| (Negen With                                                                                                                               |
| OWNER GIVING RELEASE SIGN HERE                                                                                                            |
| This Director                                                                                                                             |
| OPÉRATOR GIVING RELEASE SIGN HERE                                                                                                         |
| STATE OF INDIANA                                                                                                                          |
| COUNTY OF Vendentius &                                                                                                                    |
| The owner giving release has personally appeared before me, a Notary Public in and for said                                               |
| County, and acknowledged the execution of the above release on Quast 27 1991.                                                             |
|                                                                                                                                           |
| ()                                                                                                                                        |
| My commission expires: \(\frac{12,1992}{\text{NOTARY PUBLIC}}\)                                                                           |
| STATE OF INDIANA                                                                                                                          |
| COUNTY OF:                                                                                                                                |
| The operator giving release has personally appeared before me, a Notary Public in and for said                                            |
| County, and acknowledged the execution of the above release on august 27, 19 5/                                                           |
| Joan 6! handen                                                                                                                            |
| My commission expires: 12, 1992 NOTARY PUBLIC                                                                                             |
| IF CONDITIONAL, PLEASE ATTACH COPY OF PROMISSORY NOTE AND COMPLETE AFFIDAVIT OF INSURANCE                                                 |
| AFFIDAVIT OF INSURANCE                                                                                                                    |
| I, PAUL D TUCKER do hereby swear and affirm that I now carry Public                                                                       |
| Liability and Property damage Insurance as required by Law, meeting the minimum requirements                                              |
| of \$25,000/\$50,000 and \$10,000, through PROGRESSIVE INS COMPANY,                                                                       |
| P.O. Box 6949 Cleueland OH 44101                                                                                                          |
| P.O. Box 6949 CIEUEIAND OH 44101                                                                                                          |
| address                                                                                                                                   |
| Expiration date of policy: FEB 05,1992                                                                                                    |
| $\mathcal{D} \cap \mathcal{T} \cup \mathcal{T}$                                                                                           |
| Tail Diurser                                                                                                                              |
| Insured                                                                                                                                   |
| Have 8. Tucker personally appeared before me this 27th day of Aug 19                                                                      |
| personally appeared serore me this and day of Muy 19 /                                                                                    |
| Jan Ghunken                                                                                                                               |
| My commission expires: NOTARY PUBLIC                                                                                                      |



# EMERGENCY MANAGEMENT AGENCY EVANSVILLE, VANDERBURGH COUNTY

Sherman G. Greer, Director Room 18, City-County Complex 1 NW Martin Luther King, Jr. Boulevard Evansville, Indiana 47708 (812) 426-5602



Jane Snelling, Administrative Assistant

MEMORANDUM

DATE: August 14, 1991

TO: Mayor Frank F. McDonald

County Commissioners

Central Dispatch

FROM: Sherman G. Greer, Director

RE: Out of Town Travel

On August 16, 17 and 18, 1991, Jane Snelling, Administrative Assistant and myself will be attending a conference in Indianapolis, IN. In my absence, Mr. John Buckman, Vice-Chairman of the Evansville Vanderburgh County Emergency Management Agency Advisory Council will be the person representing the Emergency Management Agency should you need his assistance. The following are the telephone numbers Mr. Buckman can be contacted at:

424-7515 Residence 963-0935 Mobile 963-9077 Business 425-2611 Pager

If you have any further questions, please contact Jane at the office before 11:00 AM Friday, August 16, 1991.

Thank you.

SGG: js

# VANDERBURGH CIRCUIT COURT

CIVIC CENTER COMPLEX
COURTS BUILDING • ROOM 210 • PHONE 426-5192
EVANSVILLE, INDIANA 47708-1885

RICHARD L. YOUNG, JUDGE

ROBERT S. MATTHEWS, SR., MAGISTRATE

ADULT PROBATION DEPARTMENT

K. ALLAN HENSON

CHEF PROBATION OFFICER

REV. ROBERT L. SAUNDERS

PROBATION OFFICER

LARRY G. McDOWELL

PROBATION OFFICER

JOHN R. MUELLER

PROBATION OFFICER

JANICE A. WADE

PROBATION OFFICER .

BETTY M. CRAIG

PROBATION OFFICER

HARRIS HOWERTON, DIRECTOR

ROBERT L. HART, JR.

ASSISTANT DIRECTOR
WORK RELEASE PROGRAM

BAL BOND PROGRAM

COMMUNITY SERVICE

S.A.F.E House

August 13, 1991

Dear County Commissoner's

I am requesting persmission to travel to Indianapolis, Indiana for Myself and Magistrate Robert S. Matthews Sr. We will be attending the Judicial Conference of Indiana. The conference begins September the 11 thru the 13. The conference will cover many judicial topics. We will be staying at the Radison Plaza Hotel in Indianapolis, Indiana. Please see attached brochure. Thank you for your cooperation in this matter.

Sincerely,

Richard L. Young, Judge

# COUNTY ENGINEER'S AGENDA

# AUGUST 26, 1991

# **ITEMS**

| 1.  | Notice to Bidders: D⇔ /R/3                                     |
|-----|----------------------------------------------------------------|
|     | Bridge #116A Pfeiffer Road over Pigeon Creek                   |
|     | Culvert Replacement on County Line Rd. East                    |
|     | Culvert Replacement on Schaeffer Road                          |
| 2.  | • • • • • • • • • • • • • • • • • • • •                        |
|     | Agreement/Grade Crossing Warning Devices                       |
| 3.  | Green River Road/Temporary Right-of-way                        |
| 4.  | Lynch Road Extension:                                          |
| *•  | Assurances                                                     |
|     |                                                                |
| _   | Consultant for Right-of-way Acquisition                        |
| 5.  | Road Relinquishments                                           |
| •   | Ohio Street Bridge                                             |
| ٥.  | Ohio Street Bridge                                             |
| -   | Juduban Rat (Continu B - Doutin) Cidounly Waisson - 3          |
| 7.  | Audubon Est/Section B - Partial Sidewalk Waiver - 2 - 10 be be |
|     | Green River Est/Section D-1/Acceptance - DA/R13'               |
| 8.  | Green kiver Est/section D-1/Acceptance De/~                    |
| 9.  | Vogel Road Bridge - Report                                     |
| ٠.  | Vogel Rodd Bildge - Report                                     |
| 10. | Supplemental Agreement No. 2/Bernardin, Lochmueller - Du/Ri3   |
|     |                                                                |

Coliseum Agreement with C.C.C., Inc. DEIRB
Curb Construction

Union Twp Access Proj/July Allotment \$305,993.41

Union Township Access Project - CSX Agreement

12.

13.

Claims:

# VANDERBURGH COUNTY BRIDGE CREW WORK PERFORMED FRIDAY AUGUST 9 THRU THURSDAY AUGUST 15, 1991

Added dirt around the drop-box on Syls Drive.

Added rock at culvert on Schutte Road.

Sawed road at the sink hole on Baseline Road.

Removed rock and poured concrete on Walnut Lane.

Trimmed weeds and painted rails where needed in the county.

Removed old driveway culvert and added pipe to new culvert on Boonville-New Harmony Road.

Replaced one section of guardrail on Oak Hill Road at Millersburg Road.

# VANDERBURGH COUNTY HIGHWAY DEPARTMENT WORK PERFORMED FRIDAY AUGUST 16 THRU THURSDAY AUG. 22, 1991

The paving crew worked on Mann Road and on Peck Road.

The gradall and crew worked on Old Petersburg Road and on Peck Road.

The grader and crew worked on Schmuck Road and on the roads in the bottoms.

The Patch-crew worked on Barton Rd., Bergdolt Rd., Peck Rd., New Harmony Rd., Treetop Lane and Upper Mt. Vernon Road.

The Tree-crew worked on Knob Hill Road, West Franklin Road and the weeds-trimming crew worked on Schaefer Road & Mohr Road and on West Franklin Road. Also on Heer-dink Lane, Millersburg Road and on Countyline (East).

# VANDERBURGH COUNTY HIGHWAY DEPARTMENT ABSENTEE LIST FRIDAY AUGUST 16 THRU THURSDAY AUGUST 22, 1991

# FRIDAY, AUG. 16

R. Hall - Personal day

J. Schapker - Sick H. Steckler - Sick

T. Waterman - Workmans Comp.

# MONDAY, AUG. 19

T. Waterman - Workmans Comp.

J. Garrett - Vacation

## TUESDAY, AUG. 20

J. Garrett - Vacation

J. Goerges - Sick
A. Gartner - Sick
T. Waterman - Workmans Comp.

S. Kirk - Sick

# WEDNESDAY, AUG. 21

J. Goerges - Sick

A. Gartner - Sick

J. Garrett - Vacation T. Waterman - Workmans Comp.

# THURSDAY, AUG. 22

T. Waterman - Workmans Comp.
J. Mitchell - Sick, no pay
J. Garrett - Vacation
A. Gartner - Sick, no pay

# BRIDGE CREW ABSENTEE LIST

FRIDAY, AUG. 16

J. Austin - Vacation

MONDAY, AUG. 19

T. Miles - Vacation

TUESDAY, AUG. 20

T. Miles - Vacation

WEDNESDAY, AUG. 21

T. Miles - Vacation

THURSDAY, AUG. 22

T. Miles - Vacation

Board of Commissioners

OF THE
COUNTY OF VANDERBURGH
305 ADMINISTRATION BUILDING
CIVIC CENTER COMPLEX
EVANSVILLE, INDIANA 47708

Richard J. Borries Don Hunter Carolyn McClintock

TEL. (812) 426-8241

August 12,1991

Chief, Division of Land Acquisition Indiana Department of Transportation State Office Building Indianapolis, Indiana 46204-2249

RE: Consultant For R/W Acquisition Lynch Road Extension Project No. M-E185(1) Des. No. 20560

Dear Mr. Terwilliger:

Bernardin, Lochmueller and Associates, Inc. of Evansville, Indiana is under contract with the Vanderburgh County Commission to perform the necessary R/W acquisition management on the above reference project.

Respectfully:

Carolyn McClintock, President Vanderburgh County Commissioners

cc: Mr. Richard Bennitt, Bernardin, Lochmueller and Assoc.

If the County commits only to replacing the structure it causes one of two problems. First, if we proceed as a Federal aid project, it will (as stated previously) be practically impossible to get the project completed prior to the State's Project. Secondly, if we commit only to replace this bridge we would then have to construct this bridge with local funds. While this solves the problems for the City's transportation system and the increased construction traffic, it will deplete the bridge fund and greatly decrease our ability to safely maintain our bridge inventory.

The only way to have a clear, easy decision would be if the State had to delay their project until Fiscal year 1995. At this time there are no guaranties that the State will be on schedule or that they will be delayed. With all this in mind, it would be my recommendation that the County proceed with the selection process for a consultant for this project. If the project proceeds in such a way as to make it appear that the County will not be able to construct the replacement in time, I would recommend that we proceed at that time with a repair contract. I am basing my recommendation on the following factors:

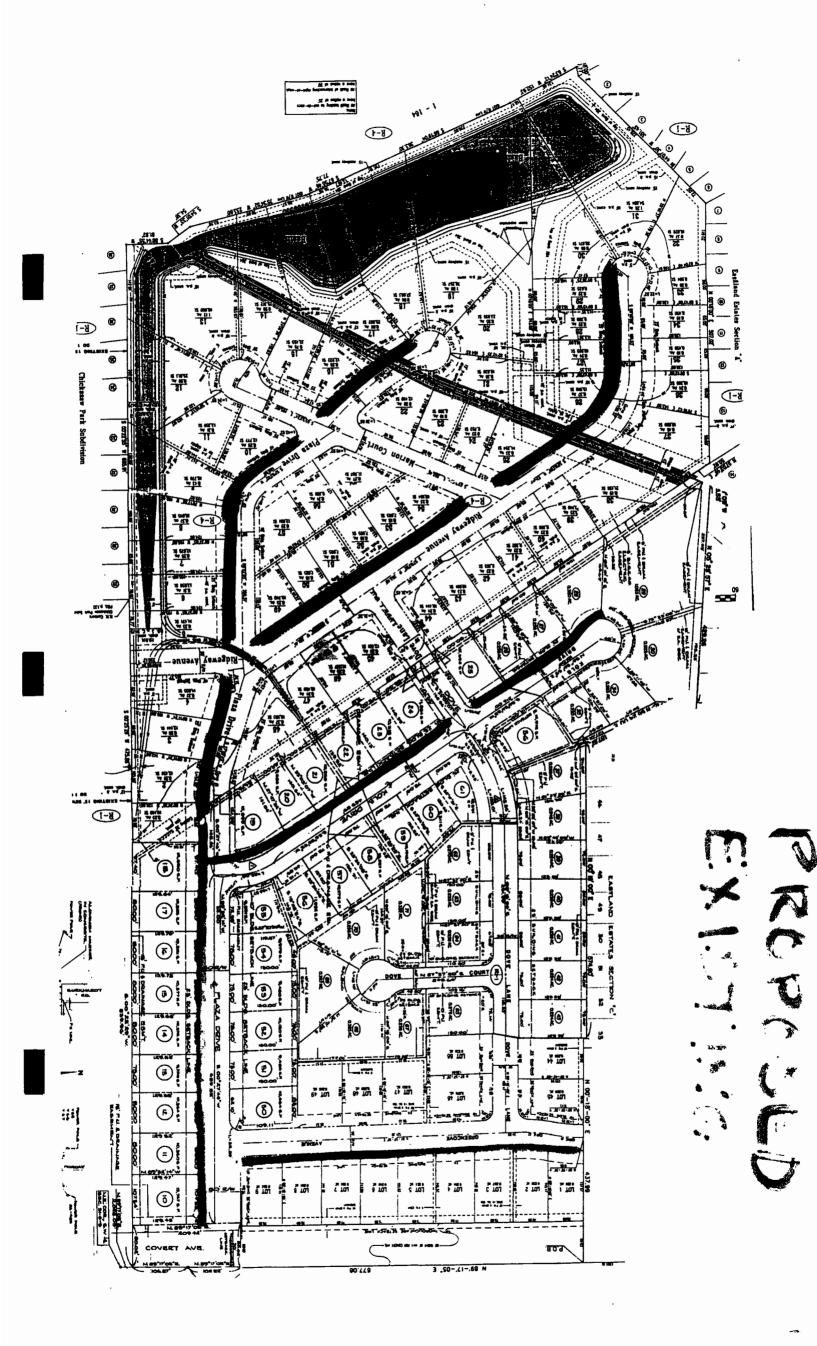
- I do not believe the improvement to the transportation network is substantial enough to merit construction of the bridge with 100% local funding.
- 2. I believe the Commission needs to go on record as having a back-up plan in the event we are unsuccessful in completing the record time Federal-Aid project.
- I believe that the County's best interest is not to repair and replace the bridge within a few years span.
- 4. There will be \$90,000.00 in the 1992 budget for this bridge which will allow the contract for design to be signed January 1, 1992. If the Commission is to proceed posthaste we will need to request sufficient funding to cover the cost of the Preliminary engineering. The funds in next years budget would then be able to be used to help repair the structure if necessary.

I hope this information is beneficial to you in preparing to make a decision. I will be bringing this matter to your August 26, 1991 meeting. If you have any questions contact me at your convenience. Thank you.

Respectfully,

Gregory W. Curtis, P.E.

Vanderburgh County Engineer



# NOTICE TO BIDDERS

Sealed Proposals, or Bids, for THE BREAKING UP, REMOVAL AND REPLACEMENT OF SLOPE WALLS ON BRIDGE 116A ON PFEIFFER ROAD OVER PIGEON CREEK in Vanderburgh County, Indiana will be received at the Office of the County Auditor (Rm. 208) until 4:30 p.m. LOCAL time as prescribed by the Acts of the Indiana Legislature in Chapter 172, year 1957, on the 9th day of September, 1991, at which time all Bids will be publicly opened and read aloud in the County Commissioners Hearing Room (Rm. 307).

Any Bids received after the designated time, for any reason, will be returned unopened.

Contract documents are on file in the office of the Vanderburgh County Engineer, Vanderburgh County Auditorium 715A Locust Street, Evansville, Indiana.

Bids shall be delivered in a sealed envelope bearing the name and address of the bidder indicating identification of the project and the branch of the work on which bid.

Bids shall be submitted on the Itemized Proposal Form (form enclosed) and Bid Form No. 96 (Indiana Form No. 96, Rev. 1987, provided separately), with a Non-Collusion Affidavit (form enclosed), all properly executed, signed, and sealed. The Non-Collusion Affidavit must also be properly notarized.

Each Bid shall be accompanied by (enclosed in the same envelope) a Bid Bond (form enclosed), Certified Check, Cashier's Check, Bank Treasurer's Check, or Bank Money Order in the amount of five percent (5%) of the total bid submitted.

No Bid shall be withdrawn after the opening of the Bids without the expressed consent of the Vanderburgh County Commissioners for a period of thirty (30) days after the scheduled time of bid opening.

The Contractor receiving award will be required to furnish a Performance Bond (Indiana Form 86A, Rev. 1947) in the amount of one-hundred percent (100 %), which is to remain in effect for twelve (12) months from the date of acceptance of the work.

Attention is called to the fact that prevailing wage minimum salaries and wages are set forth in the Contract Documents.

The Contractor shall list any subcontractors and the percentage of the contract to be performed by each subcontractor in the bid submittal.

# **NOTICE TO BIDDERS**

Sealed Proposals, or Bids, for THE REMOVAL AND REPLACEMENT FOUR CULVERTS ON SCHAEFFER ROAD in Vanderburgh County, Indiana will be received at the Office of the County Auditor (Rm. 208) until 4:30 p.m. LOCAL time as prescribed by the Acts of the Indiana Legislature in Chapter 172, year 1957, on the 9th day of September, 1991, at which time all Bids will be publicly opened and read aloud in the County Commissioners Hearing Room (Rm. 307).

Any Bids received after the designated time, for any reason, will be returned unopened.

Contract documents are on file in the office of the Vanderburgh County Engineer, Vanderburgh County Auditorium 715A Locust Street, Evansville, Indiana.

Bids shall be delivered in a sealed envelope bearing the name and address of the bidder indicating identification of the project and the branch of the work on which bid.

Bids shall be submitted on the Itemized Proposal Form (form enclosed) and Bid Form No. 96 (Indiana Form No. 96, Rev. 1987, provided separately), with a Non-Collusion Affidavit (form enclosed), all properly executed, signed, and sealed. The Non-Collusion Affidavit must also be properly notarized.

Each Bid shall be accompanied by (enclosed in the same envelope) a Bid Bond (form enclosed), Certifled Check, Cashier's Check, Bank Treasurer's Check, or Bank Money Order in the amount of five percent (5%) of the total bid submitted.

No Bid shall be withdrawn after the opening of the Bids without the expressed consent of the Vanderburgh County Commissioners for a period of thirty (30) days after the scheduled time of bid opening.

The Contractor receiving award will be required to furnish a Performance Bond (Indiana Form 86A, Rev. 1947) in the amount of one-hundred percent (100 %), which is to remain in effect for twelve (12) months from the date of acceptance of the work.

Attention is called to the fact that prevailing wage minimum salaries and wages are set forth in the Contract Documents.

The Contractor shall list any subcontractors and the percentage of the contract to be performed by each subcontractor in the bid submittal.

# NOTICE TO BIDDERS

Sealed Proposals, or Bids, for THE REMOVAL AND REPLACEMENT OF CULVERT ON COUNTY LINE ROAD (EAST) in Vanderburgh County, Indiana will be received at the Office of the County Auditor (Rm. 208) until 4:30 p.m. LOCAL time as prescribed by the Acts of the Indiana Legislature in Chapter 172, year 1957, on the 9th day of September, 1991, at which time all Bids will be publicly opened and read aloud in the County Commissioners Hearing Room (Rm. 307).

Any Bids received after the designated time, for any reason, will be returned unopened.

Contract documents are on file in the office of the Vanderburgh County Engineer, Vanderburgh County Auditorium 715A Locust Street, Evansville, Indiana.

Bids shall be delivered in a sealed envelope bearing the name and address of the bidder indicating identification of the project and the branch of the work on which bid.

Bids shall be submitted on the Itemized Proposal Form (form enclosed) and Bid Form No. 96 (Indiana Form No. 96, Rev. 1987, provided separately), with a Non-Collusion Affidavit (form enclosed), all properly executed, signed, and sealed. The Non-Collusion Affidavit must also be properly notarized.

Each Bid shall be accompanied by (enclosed in the same envelope) a Bid Bond (form enclosed), Certified Check, Cashier's Check, Bank Treasurer's Check, or Bank Money Order in the amount of five percent (5%) of the total bid submitted.

No Bid shall be withdrawn after the opening of the Bids without the expressed consent of the Vanderburgh County Commissioners for a period of thirty (30) days after the scheduled time of bid opening.

The Contractor receiving award will be required to furnish a Performance Bond (Indiana Form 86A, Rev. 1947) in the amount of one-hundred percent (100 %), which is to remain in effect for twelve (12) months from the date of acceptance of the work.

Attention is called to the fact that prevailing wage minimum salaries and wages are set forth in the Contract Documents.

The Contractor shall list any subcontractors and the percentage of the contract to be performed by each subcontractor in the bid submittal.

# VANDERBURGH COUNTY HIGHWAY DEPARTMENT ENGINEERING DIVISION

325A Administration Building Civic Center Complex Evansville, IN 47708

| DATE                                                                                                                                                       | August 26                                                                                                                                                                                                                                                                                                                   | 1991            |                                                | Tel.               | (812)         | 426-5211 |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|------------------------------------------------|--------------------|---------------|----------|--|
| Rm.                                                                                                                                                        | erburgh County<br>305 Civic Cente<br>sville, IN 4770                                                                                                                                                                                                                                                                        | er Complex      | nmissioners                                    |                    |               |          |  |
|                                                                                                                                                            | RE:                                                                                                                                                                                                                                                                                                                         | Green           | of Street Improvemen<br>River Estates<br>n D-1 |                    |               |          |  |
| Dear                                                                                                                                                       | Commissioners                                                                                                                                                                                                                                                                                                               |                 |                                                |                    |               |          |  |
| const<br>const<br>appro                                                                                                                                    | The undersigned have made an inspection of the subject Street Improvements on August 1, 1991 . These Street Improvements were constructed/finished on/by August 1, 1991 . All streets were constructed with Concrete in accordance with the approved plans.  The following is a summary of the length of the completed 29.0 |                 |                                                |                    |               |          |  |
| feet                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                             | •               | ct Subdivision:                                |                    |               |          |  |
|                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                             |                 |                                                |                    | 654           |          |  |
|                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                             |                 |                                                |                    | 652           |          |  |
|                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                             |                 |                                                |                    | 708           | LFT      |  |
|                                                                                                                                                            | Clare                                                                                                                                                                                                                                                                                                                       | endon Drive     |                                                |                    | 866           | LFT      |  |
|                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                             |                 |                                                | Samuel of the same |               | LFT      |  |
|                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                             |                 | TOTAL:                                         |                    | 2880          | LFT      |  |
| It is recommended that these Street Improvements be:  ACCEPTED XXXX REJECTED FOR MAINTENANCE  If you have any questions please call the Engineer's Office. |                                                                                                                                                                                                                                                                                                                             |                 |                                                |                    |               |          |  |
| Respe                                                                                                                                                      | actfully,                                                                                                                                                                                                                                                                                                                   | To the          | Accepted for Board of Cou                      | nty C              | ommiss<br>Llu | ioners   |  |
| Count                                                                                                                                                      | Highway Supe                                                                                                                                                                                                                                                                                                                | who erintendent | A A                                            | siden              |               |          |  |
| cc:                                                                                                                                                        | Developer Design Engine                                                                                                                                                                                                                                                                                                     | er              | Dechan                                         | Presi              |               | més      |  |

Member

APC

member is no longer enrolled in any other health insurance program and provides adequate documentation to the County which indicates the same. An application to reserve this option must be made within sixty (60) days after such retired member's retirement date. retired member, at re-entry to the Plan, will be subject to the following conditions:

- the qualifications in paragraph one (1) above must be met;
- (b) the pre-existing condition clause of the plan will apply to the members and any dependents returning to the plan as well as any other clause applicable to new employees;
- (c) payment will be at the same rate as paid by active members of the department.
- Upon the execution hereof by the Commissioners, or a majority of them, this Ordinance shall become final, binding, and in full force and effect beginning August 5, 1991.
- The terms and conditions contained within this Ordinance are subject to review and re-negotiation every three (3) years by the Commissioners, or a majority of them, beginning August 1, 1994.

PASSED by the Board of Commissioners of Vanderburgh County, Indiana on the day of Avouat, 1991, and upon that day signed and executed by the members of the Board as appears by their respective signatures and all attested to by the Auditor of Vanderburgh County, Indiana.

> BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY

Carolyn McClintock, President M. Clintall

Vice-President Don Hunter,

Richard J. Borries, Member

APPROVED han the

Ted C. Ziemer, Jr., County Attorney

Brown Lly Sam Humphrey, Ayditor Vanderburgh County, Indiana

#### AGREEMENT

THIS AGREEMENT, executed this 26 day of Lucus, 1991, by and between the Common Council of the City of Evansville, State of Indiana (hereinafter "City") and the Board of County Commissioners of Vanderburgh County, State of Indiana (hereinafter "County");

#### WITNESSETH;

WHEREAS, it has been proposed that the County provide for the purchase of parking stickers permitting the bearer to park in the Vanderburgh Auditorium Convention Center parking lot (hereinafter "Auditorium Parking Lot"); and,

WHEREAS, there has been a further proposal to provide for metered parking spaces for use by the general public in the Auditorium Parking Lot.

NOW THEREFORE, in consideration of the premises, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

- 1. City Installation and Maintenance of Parking Meters. The City shall direct the City of Evansville Parking Meter Department to install three (3) hour parking meters at twenty-five spaces to be designated by the County in the Auditorium Parking Lot. The City shall be solely responsible for the installation and maintenance of said meters throughout the term of this Agreement, and any extensions hereto.
- 2. Other Duties of the City. The City shall be solely responsible for removing moneys deposited in the meters, issuing tickets for meter violations, and for ticketing parties illegally parked in the reserved spots to be designated. The City shall further perform law-enforcement patrols of the Auditorium Parking Lot to enforce the applicable parking restrictions from 8:00 o'clock A.M. to 5:00 o'clock P.M., Monday through Friday.
- 3. <u>Division of Meter Revenue and Fines</u>. The City shall retain seventy-five percent (75%) of the revenue derived from use of the parking meters, and shall retain one hundred percent (100%) of the revenue resulting from parking ticket fines issued to individuals illegally parked in the Auditorium Parking Lot.
- 4. Monthly Stickers: Revenue. The County shall establish parking slots to be rented for Fifteen and 00/100 Dollars (\$15.00) per month, and shall issue readily visible identifying tags or stickers evidencing payment of the fee for obtaining a parking space. The County shall retain all revenue generated from the issuance of identifying tags or stickers. The City shall be responsible for enforcement of the reserved parking restrictions, and any parking ticket fines recovered by the City for tickets

-1-

dbw:audpark.agt:4/17/91

PASSED BY THE COMMON COUNCIL of the City of Evansville,

Indiana on the 12 day of \_\_\_\_\_\_, 1991, and on said day
signed by the President of the Common Council and attested by the
City Clerk.

President, Common Council

ATTEST:

Betty Low Jarboe City eyerk

PRESENTED by me, the undersigned City Clerk of the City of Evansville, Indiana, to the Mayor of said City, this <u>23</u> day of <u>July</u>, 1991, at <u>JU</u> o'clock <u>H</u>M., for his consideration and action thereon.

City Clerk of the City of Evanswille, Indiana

HAVING EXAMINED the foregoing Ordinance, I do now, as Mayor of the said City of Evansville, Indiana, approve said Ordinance and return same to the City Clerk, this 24 day of July 1991, at 11 o'clock AM.

Mayor of the City of Evansville, Indiana

APPROVED AS TO FORM:

By: Toby D. Shaw, Corporation Counsel

ZIEMER, STAYMAN, WEITZEL & SHOULDERS

ATTORNEYS AT LAW

P. O. BOX 916 - 1507 OLD NATIONAL BANK BLDG.
EVANSVILLE, INDIANA 47706-0916

TED C. ZIEMER, JR.
ROBERT F. STAYMAN
STEPHAN E. WEITZEL
PATRICK A. SHOULDERS
MARCO L. DELUCIO
GREGORY G. MEYER
REBECCA T. KASHA
GARY K. PRICE

TELEPHONE (812) 424-7575
TELECOPIER (812) 421-5089

JOHN E. EARLY

August 26, 1991

Ms. Carol McClintock
President
Vanderburgh County Commissioners
Civic Center Complex
Room 305
Evansville, IN 47708

Re: Report of County Attorney to Regular Meeting of Commissioners (August 26, 1991); Status of Various Legal Matters

Dear Ms. McClintock:

Herewith I submit to the Vanderburgh County Commissioners my report as Vanderburgh County Attorney on the status of various legal matters as of the regular meeting of the Vanderburgh County Commissioners held August 26, 1991:

- 1. At the request of Sam Humphrey, we prepared a letter, for the County Auditor's signature, in connection with the tax refund due Netcorp.
- 2. At the request of the Prosecutor's office, this office prepared an opinion letter stating that the County is under no legal obligation to provide a discharged employee with copies of his personnel file, without an order from the Court directing the County to do so.
- 3. The County was named a Defendant in a mortgage foreclosure action filed by Aetna Finance Company v. Richard N. Beard in the Vanderburgh Superior Court. An Answer was filed by this office on behalf of the Vanderburgh County Treasurer in response to the Complaint.
- 4. The County was named a Defendant in a mortgage foreclosure action filed by Commercial Credit Loans, Inc. v. James C. Brumbeloe in the Vanderburgh Superior Court. After reviewing this matter, it was determined that the Board of

- 14. At the request of Sam Humphrey, attached hereto is a list of all litigation matters in which this office is currently representing the County.
- 15. The Vanderburgh County Treasurer was named a Defendant in a mortgage foreclosure action filed by Aetna Finance Company V. Terry Lee Goodmon in the Vanderburgh Superior Court, Cause No. 82D03-9108-CP-1529. An Answer was filed on behalf of the County Treasurer in response to the Complaint.

Sincerely,

Ziemer, Stayman, Weitzel & Shoulders

Gary K. Price

GKP/srm

defendant, we believe the Court will rule that this is a cause of action against the Sheriff's Department, not the individuals.

This complaint was filed in July of 1991 so this firm has not had an opportunity to complete its investigation of the claims concerning denial of phone privileges or inadequate medical attention. We have investigated the conditions at the Jail and find the claims in this regard to be defensible. Given that our investigation is not complete we cannot furnish an opinion as to the decision and estimated liability.

b. <u>James Harding v. Capt. James Moers and Clarence Shepard</u>, United States District Court, Cause No. EV 91-46-C.

This is a civil rights complaint brought by a federal prisoner who, until recently, was housed in the Vanderburgh County Jail. He is acting as his own counsel. His complaint is based on inadequate sanitary and safety conditions at the Jail. He also alleges a minor incident of inadequate medical attention. Portions of Mr. Harding's complaint also assert claims on behalf of other prisoners which is completely inappropriate. Mr. Harding has moved to join Officer Jim Tucker and Sheriff Ray Hamner as defendants. The Court has yet to rule on this motion.

Mr. Harding is seeking \$500,000 in actual damages and \$1,000,000 in punitive damages per defendant.

As noted above, even though this cause of action was filed against individual County employees, we believe the Sheriff's Department will ultimately be the sole defendant herein.

A motion to dismiss has been filed by the defendants, which motion addresses virtually all of Mr. Harding claims. We feel that chances of success of this motion are 50-50 given that these are fact sensitive issues.

The County has instructed us to vigorously defend this cause of action. While the outcome of litigation can never be predicted with certainty, our present opinion is that a favorable determination is more likely than not. Given that Mr. Harding has alleged no physical harm, we also believe that any money damages he may be awarded at trial would be less than \$10,000.

c. James R. Keown v. Clarence Shepard, Sheriff Ray Hamner, Dr. Evers, Det. Richard Reed, Capt. James Morris, Officers W. Dossett and C. Jordan, United States District Court, Cause No. EV-91-53-C

This is a civil rights complaint filed by a prisoner who was arrested by the Evansville Police and housed in the Vanderburgh

e. Robert Spain v. Clarence Shepard, Sheriff Ray Hamner, Officer Pete Swaim, Officer Korn, Capt. James Moers, Dr. Evers, Officer Ken Roy, Kathy Mann, and The Vanderburgh County Jail, United States District Court, Cause No. EV-91-03-C

This is a civil rights complaint filed on behalf of an inmate who was housed at the Vanderburgh County Jail. Mr. Spain is represented by counsel appointed by the United States Magistrate. They have filed against the foregoing defendants in both their official and individual capacities.

Mr. Spain alleges inadequate sanitary conditions at the Jail, inadequate medical treatment, negligent medical treatment, and denial of a hearing prior to being housed in segregation.

We have not obtained all of Mr. Spain's medical records so we are unable, at present, to evaluate the allegations of inadequate and negligent medical treatment. Similarly, we have not been able to make an evaluation concerning his claims of segregation without a hearing. While the success of litigation cannot be accurately predicted, we believe the County's likelihood of prevailing on Mr. Spain's claims concerning the sanitary conditions at the Jail is better than 50-50.

f. <u>Vanderburgh County Treasurer v. Barry Cato d/b/a Bee Novelty</u>, Vanderburgh Superior Court, Cause No. 82D03-8803-CP-444

This is an action brought by the Treasurer of Vanderburgh County to collect for delinquent property taxes. A judgment was entered against the Defendant in the total sum of \$5,788.81. To date, there remains a balance of \$5,788.81 due and owing the Treasurer of Vanderburgh County.

A petition for Proceedings Supplemental was filed by the Treasurer in which the Defendant herein did not appear. We have been unable to locate the Defendant in order to proceed with collection proceedings. As such, unless the Defendant can be located, it is unlikely that this judgment debt will be collected in the near future. However, such judgment debt creates a lien against the property of the Defendant.

g. Albert Coomer & Nancy Coomer v. Vanderburgh County Board of Commissioners, Vanderburgh Superior Court, Cause No. 82D03-9005-CP-743

This action was brought by the Coomers in connection with property purchased by the Coomers at the 1987 tax sale. The Coomers purchased two parcels of real estate at said sale, however, after the sale, the Coomers learned that both parcels were subject to a right-of-way of a public street. The Coomers

1989, on South Weinbach Avenue, in Vanderburgh County, Indiana, where it is alleged that the Plaintiff lost control of her vehicle due to mud and debris left upon the roadway by the Defendants, causing her to strike another vehicle head on. The Plaintiffs contend that the Defendants were guilty of negligence and carelessness which proximately caused injuries and damages to Mrs. Greer. The Plaintiffs are asking for a judgment in the sum sufficient to fully compensate them for their injuries and damages, plus the cost of this action.

It is the County's contention that any debris left around the work area was caused by independent contractors working in that area and not by County employees. In fact, there were no County employees assigned to that work area.

This matter is currently in discovery. A hearing date has not yet been scheduled. We believe that based upon the foregoing, the County will not be found liable for the injuries incurred by the Plaintiffs.

j. In the matter of a legal survey performed by Warrick Engineering, Inc. on 1.68 acre parcel, more or less, located in West one-half of East one-half of Section Eighteen (18), Township Six (6) South, Range Nine (9) West, Vanderburgh County, Indiana, Vanderburgh Circuit Court, Cause No. 82C03-8908-CP-2017

This matter was consolidated with a case in the Vanderburgh Circuit Court, entitled <u>Thomas Hirsch and Rosemary Hirsch v. Lemmons</u>, Cause No. 82C03-8907-CP-1984.

The action between the Hirsch's and Lemmons is a suit to quiet title of a certain parcel of real estate. Both parties are requesting of the court that an order be issued declaring them the owners of said real estate. A survey was initially requested by the Lemmons. Vanderburgh County is involved due to an Appeal of Survey filed by the Hirschs against the County alleging that the statutory procedure for conducting such survey was not properly utilized because it erroneously assumed that the Lemmons were the property owners. Said complaint further alleges that the surveyor did not properly notify the Hirschs before the survey was conducted.

This matter remains pending. No action has been taken recently. To date, no hearing has been scheduled.

k. <u>Indiana Department of Environmental Management v.</u>
<u>Vanderburgh County Commissioners</u>, Vanderburgh Circuit Court

The County has been named a Defendant in connection with a spill of hazardous materials detected at the Vanderburgh County

- 1. Aetna Finance Company v. Blanche Marie Anderson, Michael Woods, Vanderburgh Superior Court, Cause No. 82D03-9104-CP-622. The total sum of \$204.46, plus interest thereon, is currently due and owing for delinquent real estate property taxes assessed upon the real estate foreclosed upon.
- 2. Aetna Finance Company v. Joseph G. Agee, Vanderburgh Superior Court, Cause No. 82D03-9105-CP-622. The total sum of \$705.27, plus interest thereon, is currently due and owing for delinquent real estate property taxes assessed upon the real estate foreclosed upon.
- 3. Aetna Finance Company v. Richard N. Beard, Vanderburgh Superior Court, Cause No. 82D03-9108-CP-1450. The total sum of \$0.00, is currently due and owing for delinquent real estate property taxes assessed upon the real estate foreclosed upon.
- 4. Waterfield Mortgage Company, Inc. v. Marion Carter, Jr., Vanderburgh Superior Court, Cause No. 82D03-9105-CP-940. The total sum of \$358.15, is currently due and owing for delinquent personal property taxes assessed upon the real estate foreclosed upon.
- 5. <u>Citizens Bank of Posey County v. Roger L. Dove</u>, Vanderburgh Superior Court, Cause No. 82D03-9107-CP-1415. The total sum of \$251.76, plus interest thereon, is currently due and owing for delinquent real estate property taxes assessed upon the real estate foreclosed upon.
- 6. Robert A. Goff v. Billy R. Harper, Vanderburgh Superior Court, Cause No. 82D03-9104-CP-746. The total sum of \$1,649.70, plus interest thereon, is currently due and owing for delinquent real property taxes assessed upon the real estate foreclosed upon, and the sum of \$4,920.99 for personal property taxes assessed.
- 7. Aetna Finance Company v. Linda L. Jones, Vanderburgh Superior Court, Cause No. 82D03-9103-CP-413. The total sum of \$578.38, plus interest thereon, is currently due and owing for delinquent real property taxes assessed upon the real estate foreclosed upon.
- 8. Evansville Federal Savings Bank v. Michael L. Kenoyer, Vanderburgh Superior Court, Cause No. 82D03-9105-CP-916. The total sum of \$2,087.11, plus interest thereon is currently due and owing for personal property taxes assessed upon the real estate foreclosed upon.

- 18. Aetna Finance Company v. Terry Lee Goodmon, Vanderburgh Superior Court, Cause No. 82D03-9108-CP-1529. The total sum of \$813.97, plus interest thereon for delinquent real estate taxes assessed upon the real estate foreclosed upon.
- o. <u>DPF</u>, <u>Inc.</u> v. <u>Board of Commissioners for Vanderburgh County</u>, Vanderburgh Superior Court, Cause No. 82D03-9108-CP-1515

An action was brought against the County in connection with the Board of Commissioners not granting a petition for rezoning filed by the Plaintiff herein. It is the Plaintiff's contention that the Commissioners' refusal to approve said rezoning petition constituted an unlawful taking of Plaintiff's property in violation of the Fifth and Fourteenth Amendments of the United States Constitution. The Plaintiff requests the court to order Vanderburgh County Commissioners to rezone Plaintiff's property as requested in its zoning petition.

It is the County's contention that its refusal to grant said rezoning petition was based upon valid reasons. It is therefore anticipated that this matter will be tried. A hearing has not been scheduled.

As of August 23, 1991, this office is aware of and is investigating the following threatened litigation:

a. Ricky Wedding and Jaquette Luckett v. Kathy Mann and Dr. Evers

Mr. Wedding and Mr. Luckett are or were inmates at the County Jail. They are represented by legal counsel who has served a tort claim notice on the County. At present we do not know whether any cause of action will ultimately be filed, or if the Sheriff's Department as well as the individuals will be named defendants. The inmates will be taking the depositions of Ms. Mann and Dr. Evers next month per a special court order allowing discovery prior to bringing suit.

Mr. Wedding and Mr. Luckett each allege that he was injected with a used needle during his physical at the jail. Each seeks an undetermined amount of damages. Our investigation is not yet complete so we cannot offer an opinion on the outcome or range of loss. As with all other "jail" litigation, we have been instructed to vigorously defend these claims.

- 3. <u>Liabilities (contingent and otherwise) arising from compliance requirements of federal acts</u>.
- a. To the best of our knowledge, we are not aware of any violations of compliance requirements, restrictions or prohibitions of federal assistance programs.
- b. To the best of our knowledge, we are not aware of any violations of the Davis-Bacon or Fair Labor Standards Acts.
- c. To the best of our knowledge, we are aware that one complaint has been filed with the Equal Employment Opportunity Commission. It was filed by Pat Gilbert, a former employee of the County Clerk's office. She alleges that her employment was terminated because of her race. The County vigorously denies this allegation and has submitted its response to her complaint. Presumably an investigation by the EEOC is in progress with respect to this matter. We are not aware of any other complaints, investigations in progress, suits pending or previously adjudicated with the EEOC.

To the best of our knowledge, we are not aware of any complaints, investigations in progress, suits pending or previously adjudicated the Indiana Civil Rights Commission.

#### 4. Limitations on Opinion

This response is limited by and in accordance with the ABA Statement of Policy Regarding Lawyers' Responses to Auditors' Requests for Information (December, 1979); without limiting the generality of the foregoing, the limitations set forth in such Statement on the scope and use of this response (Paragraphs 2 and 7) are specifically incorporated herein by this reference, and any description herein of any "loss contingencies" is qualified in its entirety by Paragraph 5 of the Statement and the accompanying commentary (which is an integral part of the Statement).

If you need any further information or wish to clarify any of the information provided herein, please do not hesitate to contact me.

Very truly yours,

ZIEMER, STAYMAN, WEITZEL & SHOULDERS

Ted C. Ziemer, Jr.

### TRAVEL REQUEST FORM

FOR

# COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

| DATE OF REQUEST: 8/16/91 DEPARTMENT: WEIGHTS AND MEASURES                                    |
|----------------------------------------------------------------------------------------------|
| EMPLOYEE(\$): LORETTA TOWNSEND                                                               |
| •                                                                                            |
|                                                                                              |
| DATE(S) OF TRAVEL: Monday Sept. 23 thru Thursday Sept 26                                     |
| DESTINATION: Jeffersonville, Indiana                                                         |
| PURPOSE: Fall Training School (N.I.S.T.) - agenda attached                                   |
| Sufficient funds available in Weights and Measures budget, line items 130-2-3130,3310 & 2210 |
| Proof (Copy of brochure or letter) must be attached.                                         |
| LODGING REQUIRED: 9/23/24/25/91                                                              |
| MEANS COUNTY VEHICLE NUMBER:                                                                 |
| OF TRAVEL OTHER: Personal - (properly insured)                                               |
| REIMBURSEMENT CLAIMED X Mileage Parking                                                      |
| X Per diem X Registration                                                                    |
| Air fareOther                                                                                |
| Let of                                                                                       |
| APPROVED: Department Head                                                                    |
|                                                                                              |
| APPROVED: Office Holder                                                                      |
| · · · · · · · · · · · · · · · · · · ·                                                        |
| APPROVED BY: VANDERBURGH COUNTY COMMISSIONERS this day of, 1991                              |
| VANDERBORGE COURT COMMISSIONERS CHISCay or                                                   |
| Carolin Mc Clintoil                                                                          |
| Carolyn McClintock, President                                                                |
| Don Hunter, Vice President                                                                   |
| Hickory Paris                                                                                |
| Richard J. Borries, Member                                                                   |



STATE BOARD OF ACCOUNTS

302 WEST WASHINGTON STREET
4TH FLOOR, ROOM E418
INDIANAPOLIS, INDIANA 46204-2738
(317) 232-2513

#### MEMORANDUM

TO:

All County Auditors

FROM:

Donald L. Euratte, C.P.A

State Examiner

RE:

September Conference

DATE:

August 12, 1991

**VANDERBURGH COUNTY** 

FILED

AUG 19 1991

Sem Hampley AUDITOR

The State Board of Accounts is calling a conference of all County Auditors pursuant to IC 5-11-14-1 to be held Wednesday and Thursday, September 11 and 12, 1991, at the Holiday Inn, I-65 and State Road 46, Columbus, Indiana.

The meeting will start promptly at 9:00 A.M., Eastern Standard Time, on both Wednesday and Thursday.

Each County Auditor may require the attendance of: (1) each of his appointed and acting chief deputies or chief assistants; and (2) if the number of deputies or assistants employed: (A) does not exceed three (3), one (1) of his appointed and acting deputies or assistants; or (B) exceeds three (3), two (2) of his duly appointed and acting deputies or assistants.

Each County Auditor and each authorized deputy or assistant shall be entitled to reimbursement for actual lodging expense for the nights of September 10 and 11, 1991, in an amount equal to that allowed for State employees. The current amount allowed for lodging for State employees in travel status is as follows: (1) if occupied by one person-actual room rate per day; (2) if a room is shared with a person who is not a county employee-single occupancy room rate per day; (3) if a room is shared with another county employee-one-half of the room rate per day. Mileage at \$.25 per mile from the county seat to the meeting place and return will be certified for payment to the Auditor, deputy or assistant furnishing the conveyance. Subsistence for meals in the amount of \$24.00 for each day in attendance will also be certified for payment for the County Auditor and/or each authorized person.

The conference is called for the purposes stated in the above referenced law. Your attendance at this meeting is respectfully requested.

CWP:JLS/njp

#### **VANDERBURGH CIRCUIT COURT**

CIVIC CENTER COMPLEX
COURTS BUILDING • ROOM 210 • PHONE 426-5192
EVANSVILLE, INDIANA 47708-1885

RICHARD L. YOUNG, JUDGE

ROBERT S. MATTHEWS, SR., MAGISTRATE

ADULT PROBATION DEPARTMENT K. ALLAN HENSON CHEEF PROBATION OFFICER

REV. ROBERT L. SAUNDERS

PROBATION OFFICER

LARRY G. McDOWELL

PROBATION OFFICER

JOHN R. MUELLER

PROBATION OFFICER

JANICE A. WADE

PROBATION OFFICER

BETTY M. CRAIG PROBATION OFFICER

August 13, 1991

Dear County Commissoner's

I am requesting persmission to travel to Indianapolis, Indiana for Myself and Magistrate Robert S. Matthews Sr. We will be attending the Judicial Conference of Indiana. The conference begins September the 11 thru the 13. The conference will cover many judicial topics. We will be staying at the Radison Plaza Hotel in Indianapolis, Indiana. Please see attached brochure. Thank you for your cooperation in this matter.

Sincerely,

Richard L. Young, Judge

(M) Yen

HARRIS HOWERTON, DIRECTOR

ROBERT L. HART, JR.

WORK RELEASE PROGRAM

Assistant Director

BAL BOND PROGRAM

COMMUNITY SERVICE

S.A.F.E House

#### **OBJECTIVES**

#### Attendees will learn:

- To use a systematic, stepwise approach in investigation of disease outbreaks.
- To understand the role of disease surveillance.
- To describe the epidemiology of viral hepatitis.
- To describe the epidemiologic features of foodborne illness and the steps to take in investigation.
- To describe the ecology and epidemiology of vectorborne diseases in Indiana.

#### **INTENDED AUDIENCE:**

Public Health Nurses
Sanitarians
Environmental Specialists
Infection Control Practitioners

#### **SPEAKERS**

Each workshop is conducted by staff from ISBH, Divisions of Acute Disease, Sanitary. Engineering, and Local Health Support.

Programs are on E.S.T. except for Crown Point, IN, which is C.D.T.

#### **AGENDA**

| 8:30 - 8:50   | Registration                                                                                                           |  |  |  |  |  |
|---------------|------------------------------------------------------------------------------------------------------------------------|--|--|--|--|--|
| 8:50 - 9:00   | Welcome                                                                                                                |  |  |  |  |  |
| 9:00 - 9:50   | General Session I:<br>Steps in Conducting the<br>Epidemiologic Investigation;<br>Principles of Disease<br>Surveillance |  |  |  |  |  |
| 9:50 - 9:55   | Go to Concurrent Sessions                                                                                              |  |  |  |  |  |
| CON           | CONCURRENT SESSIONS                                                                                                    |  |  |  |  |  |
| 9:55 - 10:50  | I - Viral Hepatitis                                                                                                    |  |  |  |  |  |
| 9:55 - 10:50  | II - Vectorborne Disease in<br>Indiana                                                                                 |  |  |  |  |  |
| 10:50 - 11:00 | BREAK                                                                                                                  |  |  |  |  |  |
| 11:00 - 11:45 | I - Viral Hepatitis (Cont.) II - Foodborne Disease                                                                     |  |  |  |  |  |
| 11:45 - 1:00  | Lunch (On Your Own)                                                                                                    |  |  |  |  |  |
| 1:00 - 2:00   | General Session II:<br>Practical Exercise in Problem<br>Solving: Disease Outbreak<br>Problem                           |  |  |  |  |  |
| 2:00 - 2:10   | BREAK -                                                                                                                |  |  |  |  |  |
| 2:10 - 3:10   | Coordination of Outbreak Investigations                                                                                |  |  |  |  |  |

**Evaluation** 

3:10 - 3:15

# EGISTRATION FORM

| I will attend workshop on: (Check one) | Stigator | | will attend workshop on: (Check one) | Stigator | | October 1 - Ft. Wayne, Ind. | October 3 - Seymour, Ind. | October 15 - Jasper, Ind. | October 17 - Crown Point, Ind. | October 18 - I

tion due by September 27, 1991 J. Butwin

Mail to: J. Butwin Indiana State, Board of Healtl Division of Acute Disease 1330 West Michigan Street, P. Indianapolis, IN 46206-1964 317/633-0665 Board of Commissioners

OF THE
COUNTY OF VANDERSURGH
305 ADMINISTRATION BUILDING
CIVIC CENTER COMPLEX
EVANSVILLE, INDIANA 47706

Richard J. Borries Don Hunter Carolyn McClintock

TEL. (812) 426-8241

August 12,1991

Chief, Division of Land Acquisition Indiana Department of Transportation State Office Building Indianapolis, Indiana 46204-2249

RE: Consultant For R/W Acquisition Lynch Road Extension Project No. M-E185(1) Des. No. 20560

Dear Mr. Terwilliger:

Bernardin, Lochmueller and Associates, Inc. of Evansville, Indiana is under contract with the Vanderburgh County Commission to perform the necessary R/W acquisition management on the above reference project.

Respectfully:

Carolyn McClintock, President Vanderburgh County Commissioners

cc: Mr. Richard Bennitt, Bernardin, Lochmueller and Assoc.

#### CSX TRANSFORTATION

FORCE ACCOUNT ESTIMATE ACCT. CODE: 70921-461504

LOCATION: EVANSVILLE, VANDERBURGH COUNTY, IN DESCRIPTION: TEKOPPEL AVE. - GRADE SEPARATION CONSTRUCTION OVER CSXT. DRAWING NO.: \_\_\_\_\_ DRAWING DATE: \_\_\_\_\_ PRELIMINARY ENGINEERING: 5 DAYS @ 200.00 1,000 LABOR SURCHARGE 41.62% 416 350 EXPENSES ........... 3,766 SUB-TOTAL CONSTRUCTION ENGINEERING/INSPECTION: 800 4 DAYS @ 200.00 LABOR 333 SURCHARGE 41.62% 275 EXPENSES ======== 1,408 SUB-TOTAL FLAGGING SERVICE: LABOR (CONDUCTOR-FLAGMAN) DAYS @ 0 0 LABOR (FOREMAN/MAINTAINER) INSURANCE 14.00% SURCHARGE 61.49% (TRANSPORTATION DEPATRMENT) 0 Δ SURCHARGE 69.08% (ENGINEERING DEPARTMENT) 0 0 EXPENSES ======= 0 SUB-TOTAL SIGNAL WORK: TEMPORARY (DETAILS ATTACHED)
PERMANENT (DETAILS ATTACHED) 0 13,579 ======= 13,579 SUB-TOTAL COMMUNICATION WORK: TEMPORARY (DETAILS ATTACHED)
PERMANENT (DETAILS ATTACHED) 12,593 10,913 ::======= 23,506 SUB-TOTAL

| EQUIPMENT:                                   |                              |                                          |
|----------------------------------------------|------------------------------|------------------------------------------|
| GANG TRUCK DAY                               | 73.36<br>119.84              | <b>⊕</b><br><b>⊘</b>                     |
| POOM TRUCK DAY DUMP TRUCK DAY                | 117.8 <del>4</del><br>100.94 | ₩<br><b>()</b>                           |
| SACKHOE DAY                                  | 107.00                       | ŏ                                        |
| TRUCK, HE-RAIL (1 TON)                       | 51.00                        | Ø                                        |
| TRUCK, STAKE (2 TON) DAY                     | 54.00                        | 0                                        |
| TRUCK, STAKE (1 TON)                         | 34.00                        | 0                                        |
| COMPRESSOR DAY                               | 55.00<br>13.00               | ()<br>()                                 |
| AIR DRILL/WRENCH DAY PAVEMENT SAW DAY        | 10.00<br>61.00               | ₩<br>-:}                                 |
| TIE TAMPER (SELF TAMPING) DAY                | 197.00                       | Ó                                        |
| LE TAMPER (HAND HELD) DAY                    | 50.00                        | Ø                                        |
| DLLER DAY                                    | 162.00                       | <b>⊘</b>                                 |
|                                              |                              |                                          |
| SUB-TOTAL                                    |                              | 0                                        |
| TRANSPORTATION: TON/MILE                     | 0.0275                       | 0                                        |
| ( OVER 350 MILES )                           |                              | ***** **** **** **** **** **** **** **** |
| SUB-TOTAL                                    |                              | 0                                        |
| WORK TRAIN DAYS                              | 1.500.00                     | 0                                        |
| WORK TRAIN DAYS                              | 1,200.00                     | W                                        |
| SALVAGE:                                     |                              |                                          |
| RAIL NET TON                                 | ****                         | 0                                        |
| GTM, MISCNET TON                             |                              | 0                                        |
| CUD TOTAL                                    |                              |                                          |
| SUB-TOTAL                                    |                              | W                                        |
| CONTINGENCIES 10% (EXCLUDES SIGNALS & COMM.) |                              | 317                                      |
|                                              |                              |                                          |
| GRAND TOTAL                                  | \$                           | 40,576                                   |
| GMHMM (O. HE                                 | #*                           | ማዩ/ 27 (7)                               |
|                                              |                              |                                          |
| DIVISION OF COST:                            |                              | AA E3/                                   |
| PRIMARY AGENCY 100 % CONDARY AGENCY 0 %      | \$<br>* \$                   | 40,576<br>0                              |
| ILROAD 0 %                                   | \$<br>\$                     | 0                                        |
| TENORIE V //                                 | *                            | :::::::::::::::::::::::::::::::::::::::  |
|                                              |                              |                                          |

40,576

OFFICE OF DIVISION ENGINEER
ESTIMATED BY: L. E. DANIELS
TELEPHONE: 708/201-5262
DATE: 08-19-91 REVISED:

| 'WASHER CURVED INSULATOR, PLASTIC INSULATOR, T-15 CROSSARM, CROSSARM, CROSSARM, PIN BOX, LINE SMALL BOX, LINE LARGE TERMINAL, CABLE 12 STEP, POLE, GALV. CONDUIT, 4" EXTRA 10 MISCELLANEOUS PIPE POLE, C.Y.P. 30' POLE, C.Y.P. 35' POLE, C.Y.P. 40' POLE, C.Y.P. 40' POLE, C.Y.P. 40' POLE, C.Y.P. 55' POLE, C.Y.P. 50' POLE, C.Y.P. 60' POLE, C.Y.P. 65' POLE, C.Y.P. 65' POLE, C.Y.P. 65' POLE, C.Y.P. 65' POLE, C.Y.P. 70' ROX 96 WAY ARRESTER 2B MOUNTING CABLE POST 12 FT. STRAPES, CONDUIT SHACKLES, DEADEND | HEAVY DUTY                              |                        | 26<br>26<br>3<br>406<br>1 | AAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAA | 92.00<br>1.50                                                       | 52<br>270<br>0<br>14<br>1776<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|------------------------|---------------------------|----------------------------------------|---------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| SUBTOTAL<br>MISCELLANEOUS MATE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                         |                        |                           | FT<br>1 LOT                            |                                                                     | 9<br>5370<br>537<br>=====                                                                                              |
| TOTAL MATERIAL STORE EXPENSE LABOR TO INSTALL SUBSISTENCE ALLOWA ENGINEERING, PRELI ENGINEERING, CONST ADDITIVES TO LABOR ADDITIVES TO ENGIN RENTAL OF EQUIPMEN INSURANCE CONTINGENCIES CONTRACT ENGINEERI ESTIMATED TOTAL CO                                                                                                                                                                                                                                                                                      | NCE<br>MINARY<br>RUCTION<br>EERING<br>T | 5%<br>80.08%<br>41.62% | 2                         | o MD                                   | 5907<br>295<br>2400<br>1100<br>0<br>1922<br>0<br>480<br>240<br>1234 |                                                                                                                        |
| CSX TRANSPORTATION OFFICE OF THE CHIE 500 WATER STREET JACKSONVILLE, FLOR                                                                                                                                                                                                                                                                                                                                                                                                                                          | - RAIL TRAN<br>F ENGINEER,              | ISPORT GROUP           |                           |                                        |                                                                     |                                                                                                                        |

DATE:7/12/91 ESTIMATE CH91063 (GAC)

THIS ESTIMATE SHOULD BE CONSIDERED VOID ONE (1) YEAR AFTER ESTIMATE DATE. (REVISED 6/28/90)

FORM LINE4

## CSX TRANSPORTATION OFFICE OF ASSISTANT CHIEF ENGINEER ESTIMATE FOR COMMUNICATION POLE LINE WORK

08/01/91

DIVISION Chicago PROJECT REFERENCE: Union Twp. Access Road 08/01/91 MILEPOST H-321.8

To raise ( ), rearrange ( ), placing in temporary ( ), building new line ( ). restoring to permanent ( ), pole line at bridge location S. Howell on account of bridge construction.

| 3<br>8 | ea., Anchor, 8" x Rod 5/8" x 6' ea., Bolt, Thru., Mach. 5/8" x 12" ea., Bolt Carriage 3/8" x 4" ea., Brace Crossarm |             | 20.00<br>1.25<br>0.40 | 3.75    |          |
|--------|---------------------------------------------------------------------------------------------------------------------|-------------|-----------------------|---------|----------|
|        | ft., Cable, 25/19 Fig. 8                                                                                            | ā           | 1.35                  | 945.00  |          |
|        | ea., Crossarm, 10' 10 pin                                                                                           | a           | 14.00                 |         |          |
|        | ea., Hook, Guy #P135A                                                                                               | ã           |                       | 4.20    |          |
|        | ea., Insulator, Plastic                                                                                             | ě           | 1.40                  |         |          |
|        | ea., Pin, Crossarm                                                                                                  | ě           |                       | 120.00  |          |
|        | ea., Pole, C.Y.P. 25'                                                                                               | ě           |                       | 130.00  |          |
|        | ea., Pole, C.Y.P. 35'                                                                                               | ě           |                       | 220.00  |          |
|        | ea., Standvise, 5102                                                                                                | ē           |                       | 40.00   |          |
|        | ea., Sleeve, #9 Splicing                                                                                            | ē           | 0.50                  | 15.00   | •        |
|        | ea., Washer, Sq. 2-1/4"                                                                                             | ē           | 0.30                  | 4.80    |          |
|        | ft., Wire, Guy Galv. 3/8"                                                                                           | <b>e</b>    |                       | 400.00  |          |
|        | ft., Wire, Copper Line #9 poly                                                                                      | e e         | 0.14                  | 1372.00 |          |
|        | lb., Wire, Copper Tie #9 Poly                                                                                       | 9           | 4.70                  | 47.00   |          |
|        | ft., 1/2" TV Coax                                                                                                   | <b>e</b>    | 2.15                  | 1505.00 |          |
|        | lot., Miscellaneous Pipe Fittings                                                                                   | 9           |                       |         |          |
| . 1    | lot., Miscellaneous Material                                                                                        | 9           |                       | 732.85  |          |
|        | Total Material                                                                                                      |             |                       |         | 5700.00  |
| 160    | Labor hours                                                                                                         | 9           | 14.50                 |         | 2320.00  |
|        | Surcharge 0.8008                                                                                                    | _           |                       |         | 1857.86  |
|        | Supervision                                                                                                         | 9           |                       |         |          |
|        | Contractor                                                                                                          | @<br>@<br>@ |                       |         |          |
|        | Expenses                                                                                                            | 9           |                       |         | 250.00   |
|        | Equipment                                                                                                           | 9           |                       |         | 500.00   |
|        | Sub-total                                                                                                           |             |                       |         | 10627.86 |
|        | Freight, Handling & taxes                                                                                           |             |                       |         | 285.00   |

\$ 10912.86 GRAND TOTAL

M.D. Deslo

# MINUTES COUNTY COMMISSIONERS MEETING SEPTEMBER 3, 1991

#### INDEX

| <u>Subject</u> P                                                                                    | age No. |
|-----------------------------------------------------------------------------------------------------|---------|
| Meeting Opened at 4:30 p.m                                                                          | . 1     |
| Introduction of Staff & Pledge of Allegiance                                                        | . 1     |
| Authorization for County Attorney to Open Proposals re Rehabilitation of Bridges #172, #117, & #214 | . 1     |
| Awarding of Contract for Removal & Replacement of Bridge on Old Petersburg Rd                       | . 1     |
| Awarding of Contract for Resurfacing on Various County Roads                                        | . 1     |
| Sale of County-Owned Surplus Real Estate (No bids)                                                  | . 2     |
| Final Reading/Floodplain Management Ordinance                                                       | . 2     |
| Travel Request/Area Plan Commission                                                                 | . 2     |
| Progress Report/9301 Old State Rd                                                                   | . 2     |
| Deluxe Miniature Golf Course at Burdette Park (Consent to Assignment)                               | . 2     |
| Burdette Park                                                                                       | . 4     |
| Public Works Department - Greg Curtis                                                               | . 5     |
| Change in Consent Agenda                                                                            | . 5     |
| Discussion re County Highway Work Reports                                                           | . 6     |
| County Attorney - Jeff Wilhite                                                                      | 7       |
| Dan Hartman Claim<br>Reading of Proposals on Three Bridge Projects                                  |         |
| Data Processing/Roger Elliott/Agreement w/ATEK                                                      | . 10    |
| County Coroner - Charles Althaus                                                                    | . 10    |
| Claim/Frank Hassel                                                                                  | . 11    |
| Consent Agenda                                                                                      | . 11    |
| Old Business                                                                                        | . 11    |
| New Business                                                                                        | . 11    |
| Meeting Adjourned at 5:32 p.m                                                                       | . 11    |

#### MINUTES COUNTY COMMISSIONERS MEETING SEPTEMBER 3, 1991

The Vanderburgh County Board of Commissioners met in session at 4:30 p.m. in the Commissioners Hearing Room on Tuesday, September 3, 1991, with President Carolyn McClintock presiding.

#### RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

President McClintock called the meeting to order, welcomed the meeting participants and asked the group to stand for the Pledge of Allegiance.

Ms. McClintock then asked if anyone is present who wishes to address the Commission who does not find themselves on today's agenda. There was no response.

# RE: <u>AUTHORIZATION FOR COUNTY ATTORNEY TO OPEN PROPOSALS</u> RE REHABILITATION OF BRIDGES #172, #117 AND #214

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, Attorney Jeff Wilhite was instructed to open proposals received on the subject projects. So ordered.

# RE: AWARDING OF CONTRACT FOR REMOVAL & REPLACEMENT OF BRIDGE ON OLD PETERSBURG RD.

Greg Curtis, Public Works Director, said bids were opened last week for the removal and replacement of bridge on Old Petersburg Rd. The low bidder on the project was Phoenix Construction Co., a local firm, in the amount of \$79,768.00. It is his recommendation that the contract be awarded to Phoenix Construction.

Motion to this effect was made by Commissioner Hunter, with a second from Commissioner Borries. Mr. Borries asked if we're doing prevailing wages on that.

Mr. Curtis responded in the affirmative, saying the prevailing wage documents were included in the bid documents.

So ordered.

# RE: AWARDING OF CONTRACT FOR RESURFACING ON VARIOUS COUNTY ROADS

Mr. Curtis said that with regard to Project VC-91-08-01, low bidder was J. H. Rudolph & Co. in the amount of \$169,556.00 and it is his recommendation that the contract be awarded to the low bidder.

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

Project VC-91-08-02, J. H. Rudolph was the low bidder in the amount of \$ 177,772.80, and it is his recommendation that the contract be awarded to J. H. Rudolph & Co.

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

COUNTY COMMISSIONERS SEPTEMBER 3, 1991

#### RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

Ms. McClintock entertained bids on the County-Owned Surplus Real Estate, as advertised. There were no bids.

#### RE: FINAL READING/FLOODPLAIN MANAGEMENT ORDINANCE

Mrs. Barbara Cunningham, Director of Area Plan Commission, said that when APC requested that the maps be changed along Highway 41, that caused new maps to be prepared by FEMA. Those maps are dated August 5, 1991. Therefore, all they want us to do is request the date of the new maps. It's just a housekeeping matter.

Ms. McClintock entertained questions. There being no response, a motion was entertained.

Motion to approve the Ordinance on Final Reading was made by Commissioner Hunter, with a second from Commissioner Borries.

Ms. McClintock then asked for a roll call vote: Commissioner Borries, yes; Commissioner Hunter, yes; and Commissioner McClintock, yes. Motion passed by unanimous affirmative vote. So ordered.

Travel Request: Ms. Cunningham said quite some time ago she requested permission to travel to a State Meeting. She subsequently learned that the day she will be going through Indianapolis they will be having a Census Meeting and she will also attend a part of that session. She just wanted the Commissioners to know she is attending both meetings.

#### RE: PROGRESS REPORT/PROPERTY AT 9301 OLD STATE RD.

Ms. Mclintock proceeded by reading a report from Mr. Roger Lehman, who indicated the remaining items, with the exception of the front porch, are items not governed by housing maintenance standards. Mr. Short has also indicated he has a potential tenant for the property. He plans to install a culvert across the entire front yard and have it covered. Since 95% of the items contained in our order have been corrected, he anticipates recommending that the order on the property be officially released until next meeting.

Ms. McClintock said she would have no problem with supporting the release, with the exception noted concerning repair of the front porch. She is afraid if the Commission releases Mr. Short unconditionally this may be a matter the neighbors may be concerned about and can come back on this. That is something that is obviously visible on the exterior and of major concern. If it is the Commission's preference, the Commission could have Lou Wittmer call Mr. Lehman and request that he attend next week's meeting and bring with him a written document with exterior conditions noted.

The other two Commissioners were in agreement.

# RE: DELUXE MINIATURE GOLF COURSE AT BURDETTE PARK CONSENT TO ASSIGNMENT

President McClintock noted this matter initially came before the Board a month or six weeks ago and was referred back to the County Attorney. We now have a new document in front of the Board. Basically, William E. Schmidt is the individual who has financial interest and has put up the money for this development by loaning money to the Hoons. He is not asking for an assignment of this lease for a time. What he is asking for is, if the Hoons, for some reason, would default on this, that instead of the County just taking this back, that he would have first option to continue to

operate this facility under the lease. When she talked with Mr. Schmidt, she told him she could understand his wanting to protect his investment.

Mr. Mark Tuley, Burdette Park Manager, stated he has no problems with the assignment. Mr. Schmidt has quite a financial interest in the Hoons and the ownership of that business. Basically, if the Hoons default or go under, Mr. Schmidt is simply trying to protect his interest -- which is considerable.

Mr. Borries said that from the time the Commission considered this, there were drawings and the usual kind of song and dance that the people who wish to do business do in this sort of thing. We also knew there were some financial concerns and this is to offer a resolution to that particular part. In the interim, in Mr. Tuley's opinion, has this relationship or agreement been fulfilled to the best of his knowledge?

Mr. Tuley responded, "If you ask me if that is the exact same golf course that we looked at in the drawings, I would have to say no. It seems they made quite a few modifications to the course from the actual drawings to the 'as built'."

Mr. Borries asked if, in its present state, it is reasonably accurate or is it still not finished in Mr. Tuley's opinion?

Mr. Tuley responded that in the drawings we were shown there were several ponds that were going to be circulating water going through several areas of the golf course. Those have never been installed. They did come back and add some things this year. They added some landscaping. But the drawings they showed us in earlier meetings before the contract was let was an extensively landscaped course. He still doesn't believe the additions are to the extent of the drawings we were shown. He thinks it might be wise to set up a meeting with the Hoons and their architect and review the drawings to determine what exactly has not been done and then report back to the Commission.

Ms. McClintock noted that what she and Mr. Tuley discussed following her visit to the park a couple of weeks ago — is concern that we have not been provided with the same product we were assured during Commission meetings we would be provided. We need to get with the Hoons and Mr. Schmidt would also like to be involved in those meetings. If, according to the contract, things were supposed to be done and the Hoons are not living up to their contract, then Mr. Schmidt wants to be assured that if he goes ahead and makes that additional investment to bring it to where it should be — because otherwise if we wanted to get pushy about it, we could say they are in violation of the contract — because the drawings and specifications were included as part of that. She thinks the Commission has tried to work with the Hoons both last year and this year. In a huge advertising campaign this year we included mention of the golf course and we have tried to promote it. Now that things are slowed down a bit since Labor Day, we need to get with these people and determine what is to be finished now and come up with a proposal and timetable.

Mr. Borries agreed.

Mr. Hunter said he would suggest we defer this assignment document until there has been a meeting with Bill Schmidt and we hammer out what needs to be done. His concern is if we go ahead and approve this, have we lost our leverage?  $5\sim[5\sim$ 

Ms. McClintock responded by saying they're still not off the hook. They still have not provided the product they said in the contract they would provide -- and we could give them 30 days notice and cancel it due to that, regardless of this. At least that is what the County Attorneys have told the Commission.

Mr. Tuley said that according to the Hoons, they ran into construction overrun. According to them they have spent considerably more than they said at the beginning they would spend. Therefore, they have not been able to finish it and over a period of time they hope to finish it. But, in all fairness, he doesn't think that is quite fair to the Commission.

In conclusion, Mr. Tuley said he doesn't think the assignment document would have any bearing on the matter.

Attorney Wilhite said that even if the Hoons defaulted and the lease went to Bill Schmidt --if it is still not in compliance, the Commission would notify Bill Schmidt. He doesn't think this in any way affects the Commission's ability to terminate the lease.

Ms. McClintock said she thinks it is in the County's best interest to make Mr. Schmidt more than an interested party in this assignment and to go forward, meet with him and the Hoons, and then come back to the Commission.

Mr. Tuley said he will try to set up a meeting with all parties involved just as quickly as possible -- hopefully, next week.

Ms. McClintock requested that Mr. Tuley be prepared to report back to the Commission within two weeks.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the Board approved the assignment to Mr. William Schmidt. So ordered.

Skate-a-Thon/Mark Pleiss: Mr. Tuley said a Skate-a-Thon to benefit Mark Pleiss (a Reitz student who suddenly was stricken with leukemia) is scheduled on Thursday night. They're trying to raise funds for his family. The skating rink employees are donating their time, so there will be no expense to the County. Carolyn had no problem with it, but wanted him to bring it to the meeting as a matter of record that the Commission is in favor of this event.

Motion to support the forgoing Skate-a-Thon was made by Commissioner Hunter, with a second from Commissioner McClintock. So ordered.

Waterpark Symposium/Orlando,, FL: Ms. McClintock said she and Mr. Tuley discussed prior to the meeting that rather than paying mileage, for him to take the vehicle from Burdette, which would reduce that cost to \$1,222.

Motion to approve the use of the park vehicle was made by Commissioner Hunter, with a second from Commissioner McClintock. So ordered.

WTVW Award/Bonus Program: Mr. Tuley said that after all Burdette's advertising this year, WTVW came out with an Award/Bonus Program. If you spend "X" number of dollars you qualify for whatever trips they are giving way. All the T-V Stations do this. Channel 25 was giving away the tickets to the All-Star Game. Nonetheless, WTVW notified Burdette that their big incentive this year was the trip to the Bahamas. He's talked to Commissioners McClintock and Borries concerning this. The trip is for October 4-7. This was purchasing we've already done. Carolyn basically had no problem with allowing the Burdette employees to go (it had to be a Burdette employee since Burdette bought the advertising). They picked two employees from the ground crew who have done an outstanding job for them this year. With the Commission's approval today -- and at absolutely no cost to the County -- he'd like to be able to allow the two employees to go on the trip (Steve Craig and Bill Murphy).

If we qualify next year, their names would be removed from the list and the other employees would be eligible. They put the names in a hat and draw out two -- and the park employees were all in favor of this method of selection.

#### RE: PUBLIC WORKS DEPARTMENT - GREG CURTIS

<u>County Highway Report:</u> Mr. Curtis said he had submitted copies of the Weekly Work Report to the Commissioners.

Supplemental Agreement/Veach, Nicholson, Griggs: With regard to the Orchard Rd. Bridge project, Mr. Curtis said he has a Supplemental Agreement. The Federal Highway Administration has revised their standards in relation to guard railing and bridge railing, etc., and it required an immediate re-design of the railing and the way the railing is attached to the bridge. With Mr. Griggs already having completed the work, it was a change in scope -- so he has proposed a Supplemental Agreement because of the needed changes. The agreement adds an Item "j", which is barrier rail revision in the amount of \$1,500 and he recommends approval.

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

Union Township Project: Mr. Curtis said that at one of the pump stations we have extended the pipe, which has lowered the outlet pipe — which results in the need for the ditch to be cleaned out between that outlet pipe and Carpenter Creek. That was not foreseen in the original design plans due to the ditch not being surveyed all the way back to Carpenter Creek, because it was outside of the scope of the project. In working with the Levee Authority, we have come up with a proposed arrangement for cleaning the ditch (all on Levee Authority property). It's approximately 500 ft. Blankenberger Bros. has given a Change Order cost for excavating and removing that material of \$5,100. The Levee authority is willing to pay half that cost. Therefore, our cost would be \$2,550. He doesn't have a Change Order prepared today — he just got the information from Jim Morley & Blankenberger Bros. right before the meeting. He is seeking Commission approval today and will have the actual document for signatures next week.

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

<u>Claims:</u> Mr. Curtis then submitted claims for approval (see list on attached County Engineer's Agenda) and recommended approval of same.

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

Commissioner McClintock exited the meeting, indicating she has an Auditorium Advisory Board Meeting.

#### RE: CHANGE IN CONSENT AGENDA

Ms. McClintock said that before she leaves, under claims to be approved on the Consent Agenda, the way it is listed Frank Hassel is under legal services, and that should be listed as Engineering Services for Union Township, according to the contract we have with Mr. Hassel. That is the only change she knows of -- she has no new or old business for discussion. (Auditor Humphrey noted the amount was also incorrect, but that has been corrected, he believes.) Ms. McClintock requested that Greg Curtis check this out.

Ms. McClintock said the Auditorium Advisory Board is going to review the proposals and additional information provided to the Board and, hopefully, that Board will have a recommendation for the Commission to discuss within the next two to three weeks. They will not be making any decision tonight, with the exception that they might decide to bring in and interview some of these prospects and the Commissioners would be invited to said interviews. Ms. McClintock then exited the meeting.

#### RE: DISCUSSION RE COUNTY HIGHWAY WORK REPORTS

Commissioner Borries said that when he first came on this Board, the Commissioners were <u>not</u> provided with a written work report from the County Highway Garage. At his suggestion, the Commission felt they needed some verification that could be entered into the public record as to what work was being done -- or not being done. In this reorganization that passed over his objection last week, it has come to his attention -- he is not clear at this point exactly who is supervising some of the work now being listed on the written reports. As an example, in the past it was his understanding that either the Superintendent or the Assistant Superintendent literally drove to the work site to make sure that if there were any kinds of problems that the crew had encountered that these matters were discussed -- whether it had to do with a culvert or an unusual water problem,, whatever the case might be -- then that Superintendent or Assistant Superintendent went back out on the job site the next day to verify the work or change the work schedule or whatever. It is his understanding that this is not being done very effectively at this point and he wants to clearly state that he does not believe it is Greg Curtis' fault -- obviously. The way this whole reorganization was pushed through without a lot of input, it seems to him that Mr. Curtis has had to undertake a lot of responsibility -- not only without compensation, but also without what he would consider very clear order of command as to what the lines of communication need to be on a daily basis. In his opinion we have some very effective foremen. They've been out there, know what has to be done, and certainly he can have confidence in them. But he doesn't know whether it is possible for Mr. Curtis to talk with them on a daily basis or whether it is necessary for him to have to talk to all four or five of them at any given time. He is, however, concerned about this and does not believe that whoever is in charge at the County Garage (whether it's the headless horse or whatever is going on out there) that that person clearly needs to understand that they need to provide you in writing with some verification that they have examined that ich site -- and if there is additional work that needs to be done. job site -- and if there is additional work that needs to be done, then Mr. Curtis needs to know so he can keep in touch with that. It's not possible for Mr. Curtis with his busy schedule to go to every job site to verify what has been done. That was always the job of the Superintendent or the Assistant Superintendent. He does have a concern about this.

Mr. Curtis countered that obviously with the arrangement being new there is going to be an adjustment period of duties that belong to who, etc. In that regard, with Scott Davis being off sick last week, they didn't have a Staff Meeting. But at least for a while they will have weekly staff meetings, which change to bi-weekly at a later date. And one of the main reasons for that is to get people's duties not only assigned, but get in their minds what each person is expected to do and responsible for. He doesn't know what is being done at the Garage insofar as review of the work -- but with Mr. Borries' expressed concern, as well as his own, that is one of the items that will be discussed tomorrow.

Commissioner Hunter said he commends Commissioner Borries for requesting a report when he came on the Commission. However, with the exception of the paving that went on last week, he doesn't see any difference in this report and the ones submitted previously. He is a little confused as to what Mr. Borries is asking.

Mr. Borries said it is obvious.

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Mr. Hunter countered that it is not obvious -- because this is the same type of report the Commission had in the past.

Mr. Borries asked, "Well, who is verifying and checking these things?"

Mr. Hunter asked, "Who verified it before?"

Mr. Borries responded, "The Superintendent and the Assistant Superintendent."

Mr. Hunter stated, "From what he is saying, we'll be able to ask him if he's going to have meetings."

Mr. Borries said, "The thing is, Don, if you're going to have a person in charge out there in a supervisory capacity at that County Garage, I want to make sure that person is out there on the job site and doing what had been done in the past. You could verify these things before, because you could assume that the Superintendent or the Assistant Superintendent or designee of his choice was out there examining that job site. We don't have that anymore."

Mr. Hunter said, "All he has to do is tell the Assistant Superintendent to do it."

Mr. Borries said, "We don't have an Assistant Superintendent now. We have a...."

Mr. Hunter interrupted, "Well, whatever you call it, it's still the same person."

Mr. Berries said, "You're calling it. You approved it."

Mr. Hunter responded, "That's right.

#### RE: COUNTY ATTORNEY - JEFF WILHITE

School Corporation: Mr. Wilhite said Gary Staley is present today, along with Counsel Marco Delucio. In a nutshell, there is a lease document with the Building Authority -- between the Building Authority as the owner of this real estate and Civic Center and three entities -- the City, the County, and the School three entities -- the City, the County, and the School Corporation. The School Corporation is looking at ending that relationship. They have paid all the money that needs to be paid to pay off the bond. And as they began to look at the real estate they will be deeded when that lease agreement comes to an end, they realized from the drawing (which is attached to my report) that the area in pink was missing. The importance to the School Corporation is they would not have one inch of ground outside the front doorstep that they would own, which obviously would be a problem for them in terms of controlled access to their building. they proposed to the Building Authority and would ultimately need our consent -- is that the legal description of the ground that they would get back from the Building authority would be expanded to include the area drawn in pink by Attorney Wilhite on the diagram. That area is essentially the lawn area out in front of the School Corporation on the other side of the pedestrian walkway. The pink area also includes the driveway into their parking lot, which previously was excluded. If this weren't changed, they would not have access to their parking lot. The School Corporation proposes that we either amend the lease agreement by consent so that whenever it is terminated they get that land, or he thinks the School Corporation is interested in going ahead and negotiating with the Building Authority to go ahead and get that land deeded to them now. We might want to do the same. But the only thing he needs the Board's direction on now is, will the County consent to expanding the real estate that the School Corporation is to get by the area shaded in pink. It seems fair. Once the Building

Authority is out of the picture the School Corporation would be responsible for maintenance of same.

In response to query from Attorney Wilhite, Commissioners Borries and Hunter stated they have no problems with this.

Attorney Wilhite continued, "With that general direction, we will execute whatever documents need to be executed."

AMOCO Oil Arrangement: Attorney Wilhite said the Commissioners will recall discussion a couple of meetings or so ago whereby AMOCO Oil wanted to expand the intersection of Lost Bend Lane and Olmstead. The property owners agreed to give us the right-of-way to do it. AMOCO is going to pay for all the materials and we will provide the labor. The Commissioners authorized him to prepare the necessary documents. He has those and will now pass them to the Commissioners for execution. One document is an agreement between AMOCO and the County re labor and materials. The second document is the standard right-of-way agreement between the Stahls and the County. The Board approved the concept and these are just the documents.

Census: Attorney Wilhite said the Commission had asked him to investigate whether we ought to, could, or what the options would be in challenging the Census figures -- we were going to lose some Federal funds by the lower numbers. He's been investigating that with some USI Professors that would do some of the statistical research. Joe Ballard of Area Plan has been particularly helpful. Attorney Wilhite said that, unfortunately, he doesn't think it is going to be cost effective at all to pursue that -- but he will do whatever the Board wants him to do. To challenge this in Court, what we would really need to do would be to prove on an individual house a Censustaker physically didn't go there. And our investigation has shown that this very specific information is determined to be private. We'd have to go to Court on each case and there would be appeals. After talking to Joe Ballard and some of the Professors at USI who would help us get the job done, it looks like a very long, expensive proposition.

Commissioner Borries said he thinks that Attorney Wilhite is right. He doesn't think there is money enough to pursue the individual suits that would probably result. Indiana probably feels it was under counted, but as it turned out -- probably not nearly as much as California, Florida and Texas or some of the other states are saying. In the long run we probably will end up better off than they will, because they were making some huge claims about the number of people who were not counted in their particular states. Although he clearly feels we were under counted here, there is no way you can challenge this without a lot of money. At this point he doesn't think it is feasible to do that.

Dan Hartman Claim: Attorney Wilhite said the next item concerns a matter which should probably be discussed in an Executive Session at some point. He thinks the Commissioners have all seen a latter from Mr. Hartman's counsel. Mr. Wilhite said he needs some direction — even if it's the Commission just deciding when to meet in Executive Session. It is in Small Claims Court, which is why he hates to spend too much time having an Executive Session. Is there anything else we need an Executive Session for? Or, based upon the correspondence seen by each of the Commissioners, if they want to tell him in this meting to pursue the matter or?

Mr. Hunter said he has read through the correspondence and feels we need to pursue the matter.

Mr. Wilhite asked, "You think we ought to proceed in defending it or negotiating with his Counsel?"

Mr. Hunter asked, "Which would be the cheapest?"

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Attorney Wilhite said, "The cheapest would be to give up and pay the claim."

Mr. Hunter then asked Mr. Borries how he feels about it?

Mr. Borries responded, "Oh, I think we ought to pay the claim."

Mr. Hunter asked, "Pay the claim and forget about it?"

Mr. Borries replied, "Yep."

Commissioner Hunter entertained a motion.

Commissioner Borries said perhaps the dollar figure ought to be verified.

Attorney Wilhite said, "I would understand in the motion, Rick, that I would be charged with responsibility to verify that figure to make sure it's not more than would be due. In Small Claims Court the top jurisdiction is \$3,000 -- so it can't be more than that."

Mr. Borries asked if Mr. Hartman specifies a dollar amount, and Mr. Wilhite said he believes he does -- but, again, he would get verification on this.

Mr. Borries asked if he could have a week to review this matter and Attorney Wilhite said as long as we make sure we do it next week -- that's fine. The trial is not until September 26th.

#### RE: READING OF PROPOSALS

#### 1) BRIDGE #117 (OAK HILL RD. OVER PIGEON CREEK)

Morley & Associates
R. W. Armstrong (Indianapolis)
Bernardin, Lochmueller & Associates
Hazelet & Erdal, Inc. (Jeffersonville)
Floyd Burroughs & Associates (Indianapolis)
United Consulting Engineers
MSE Corporation (Indianapolis)
Aecon, Inc. (Nashville, IN)
Warren Hobson & Associates (Indianapolis)
Beam, Longest & Neff (Indianapolis)
Butler, Fairman & Seufert, Inc. (Indianapolis)
Warrick Engineering
Craig & McKneight, Inc. (Indianapolis)
Three I Engineering
Fink, Roberts & Petrie, Inc. (Indianapolis)
Veach, Nicholson, Griggs Assoc.

#### 2) BRIDGE #214 (DARMSTADT RD. OVER C&EI RAILROAD)

Morley & Associates
R. W. Armstrong (Indianapolis)
Bernardin, Lochmueller & Associates
Hazelet & Erdal, Inc. (Indianapolis)
Floyd Burroughs & Associates (Indianapolis)
United Consulting Engineers
MSE Corporation (Indianapolis)
Aecon, Inc. (Nashville, IN)
Warren Hobson & Associates (Indianapolis)
Beam, Longest & Neff (Indianapolis)
Butler, Fairman & Seufert, Inc. (Indianapolis)
Warrick Engineering
Craig & McKneight (Indianapolis)
Three I Engineering
Fink, Roberts & Petrie, Inc. (Indianapolis)

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Veach, Nicholson, Griggs Associates

#### 3) BRIDGE #72 (STRINGTOWN RD. OVER PIGEON CREEK)

Morley & Associates
R. W. Armstrong (Indianapolis)
Bernardin, Lochmueller & Associates
Hazelet & Erdal, Inc. (Jeffersonville)
Floyd Burroughs & Associates (Indianapolis)
United Consulting Engineers
MSE Corporation (Indianapolis)
Aecon, Inc. (Nashville, IN)
Warren Hobson & Assoc. (Indianapolis)
Beam, Longest & Neff (Indianapolis)
Butler, Fairman & Seufert, Inc. (Indianapolis)
Warrick Engineering
Craig & McKneight (Indianapolis)
Three I Engineering
Fink, Roberts & Petrie, Inc. (Indianapolis)
Veach, Nicholson, Griggs Associates

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the proposals were referred to Mr. Curtis for review and a recommendation concerning scheduled interviews.

#### RE: DATA PROCESSING - ROGER ELLIOTT

Mr. Roger Elliott of SCT said he is here today to obtain approval to spend less money, for a change -- rather than spending more. He has a Contract Amendment that will result in a \$2,000 reduction in the cost of the ATEK contract. It is because we made a decision to do manual data entry as opposed to having ATEK convert data for us and then having us coming back and verify that the data has been corrected. The contract has been approved; he just needs a signature signifying the Commissioners don't want this done.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter the Contract Amendment was presented to Commissioner Hunter for execution. So ordered.

Mr. Hunter noted the document has Ms. McClintock's name on it -- maybe he'd better hold it for her signature.

#### RE: COUNTY CORONER - REQUEST FOR APPROVAL ON USE OF MORGUE FEES

Mr. Charles Althaus, County Coroner, was recognized and said his request for use of fees in the new morgue facility is so that it will be on record. Since 1986, he has had an account with the Auditor's Office (Acct. 41) which is monies he has received for autopsies from industrial individuals. The money was placed in this account and goes back into the General Fund. Acct. #42 was Indiana Health Department — they paid us for investigation of SID babies and Acct. 47 for various copies insurance companies would want, or attorney, etc. Today he wants to make an increase in some of these fees and enter them into the record. A new fee is \$50.00 for use of the Vanderburgh County Morgue facility per case. Autopsy copies to attorneys, insurance companies, etc., at \$50.00 per copy. We had been charging \$20.00. He has found out that throughout the country a good number of Coroner's offices charge as much as \$350.00 for autopsy. The Toxicology copies are new —\$20.00 per copy. Same way with our blood alcohol — which is a new \$5.00 fee. Radiologists copies will be \$15.00 per copy whenever we get our X-Ray machine. The histology slides will be \$4.00 each and the histology blocks \$2.00 each. It costs us around \$1.75 to do this ourselves with our equipment. He will take this information to the County Council, as well. Mr. Althaus said he guesses he is the first Coroner that ever did this. But starting in 1986, he thinks he has turned into the County General Fund around \$9,000 by

doing this. When they send out statements, request is made to make checks payable to the Vanderburgh County Treasurer's Office. The Morgue office quietuses this, then the County Auditor puts this right into the General Fund.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the fee schedule for Morgue items was approved. So ordered.

#### RE: CLAIM/FRANK HASSEL

Commissioner Hunter noted that in response to question earlier in the meeting, the correct amount on this claim was \$1,410.00.

#### RE: CONSENT AGENDA

Commissioner Hunter entertained questions concerning the remaining items on the Consent Agenda.

In response to query from Commissioner Borries concerning the request to go on Council Call from the Commissioners, Mrs. Meeks said it was for Patient Inmate Care.

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

#### RE: OLD BUSINESS

Commissioner Hunter entertained matters of Old Business to come before the Board. There were none.

#### RE: <u>NEW BUSINESS</u>

Mr. Hunter then entertained matters of New Business to come before the Board. There were none.

There being no further business to come before the Board at this time, Commissioner Hunter declared the meeting adjourned at 5:32 p.m.

#### PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
Richard J. Borries, Member
Jeff Wilhite, County Attorney
Sam Humphrey, County Auditor
Lou Wittmer, Supt./County Buildings
Margie Meeks, Executive Assistant
Jack Waldroup, United Consulting Engineers
Roger Elliott, SCT
Greg Curtis, Public Works Director
Gary Staley, Evansville School Corp.
Others (Unidentified)
News Media

**SECRETARY:** Joanne A. Matthews

Carolyn McClintock, President

on Hunter, Vice President



# Board of Commissioners

County of Vanderburgh
305 ADMINISTRATION BUILDING

305 ADMINISTRATION BUILDING CMC CENTER COMPLEX EVANSVILLE INDIANA 47708



#### **AGENDA**

#### VANDERBURGH COUNTY COMMISSIONERS

September 3, 1991 4:30 P.M.



- 1. Call to order
- v 2. Introduction of staff
- 3. Pledge of Allegiance
- /4. Any groups/individuals wishing to address the Commission
- 5. Action Items:
  - Rehabilitation of Bridge #72 on Stringtown Road over Pigeon Creek
    Rehabilitation of Bridge #117 on Oak Hill Road over Pigeon Creek
    Rehabilitation of Bridge #214 on Darmstadt Road over C&E I Railroad
  - b. Contract to be awarded for removal and replacement of Petersburgh Road Bridge
  - c. Contract to be awarded for the resurfacing of various county roads
  - , d. Sale of County owned surplus real estate
  - v e. Final Reading-Floodplain Management Ordinance
  - , f. Report from Roger Lehman on property located at 9301 Old State Road
  - jg. Consent to Assignment-Miniature Golf Lease-Burdette Park 100 wks
- Report Lock

- 6. Department Head Reports:
  - √a. Mark Tuley....Burdette Park
  - √b. Greg Curtis.....Public Works Director
    - c. Jeff Wilhite.....County Attorney
  - √ d. Roger Elliott-Data Processing
- 7. Consent Items:

- a. Request for approval on use of Morgue fees-Charles Althaus b. Minutes to be approved c. Request from Christine Gilles of the Muscular Dystrophy Assoc. to use Burdette Park for their Annual Bud Light Pizza Run-Proposal Form to be signed d. Claims to be approved--Kahn, Dees, Donovan & Kahn.....\$8,614.07 -Kahn, Dees, Donovan & Kahn......\$7,317.07 Legal Services-Bowers, Harrison, Kent & Miller.....\$1,543.40 S.W.I.R.H.C., INC. - Services rendered for August & Sept. \$8,000.00 e. Employment Changes: TREASURER - Releases: Julie A Bethel/Part time 5.00 per hr. 8/23/91 Ann Michel/Part time 5.00 per hr. 8/23/91 CIRCUIT COURT-APPOINTMENTS MADE: Jesse Herron/Intern 5.00 per hr. 8/22/91 Christ Akin/Intern 5.00 per hr. 8/13/91 Linda Sumner/Other 8/11/91 Karen Destache/Other 8/11/91 CIRCUIT COURT-RELEASED: Michele Higdon/Intern 8/11/91 4.25 per hr. Michael Scarton/Intern 4.25 per hr. 8/11/91
  - CIRCUIT COURT-APPOINTMENTS MADE:

    Lee Kershaw/part-time Corrections Officer
    8/11/91 7.00 per hr.
    Charley Pace/part-time Corrections Officer
    8/11/91 7.00 per hr.
    Kim Thimling/part-time Corrections Officer
    8/11/91 7.00 per hr.
    Bart Gooch/part-time Corrections Officer
    8/11/91 7.00 per hr.

# Lee Kershaw/part-time Corrections Officer 8/10/91 7.00 per hr. Charley Pace/part-time Corrections Officer 8/10/91 7.00 per hr.

CIRCUIT COURT-RELEASED:

| Wanda Ringham/other 8/11/91 Jennifer Caccavalle/Typist 8/11/91 Lee Vandeveer/Intern 8/12/91 Jeff Steckler/part- time Corrections Officer 8/12/91 Gerald Hoskinson/part-time Corrections Officer 8/11/91 CIRCUIT COURT-RELEASED:  William Frank/Intern 8/11/91 Mark Cannon/Intern 8/11/91 S.00 per hr. Ryan Conley/Intern 8/11/91 Jennifer Caccavalle/Typist 8/10/91 AUDITOR-RELEASED:  Sandra Jacobi/part-time 8/16/91 5.00 per hr. | Kim Thimling/part-time Corrections Officer 8/10/91 Bart Gooch/part-time Corrections Officer 8/10/91 CIRCUIT COURT-APPOINTMENTS MADE:                                        | 7.00 per hr.<br>7.00 per hr.                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| William Frank/Intern 8/11/91 5.00 per hr. Mark Cannon/Intern 8/11/91 5.00 per hr. Ryan Conley/Intern 8/11/91 5.00 per hr. Jennifer Caccavalle/Typist 8/10/91 4.25 per hr. AUDITOR-RELEASED: Sandra Jacobi/part-time                                                                                                                                                                                                                                                                                                            | 8/11/91 Jennifer Caccavalle/Typist 8/11/91 Lee Vandeveer/Intern 8/12/91 Jeff Steckler/part- time Corrections Officer 8/12/91 Gerald Hoskinson/part-time Corrections Officer | 4.25 per hr.<br>6.00 per hr.<br>5.00 per hr. |
| Sandra Jacobi/part-time                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | William Frank/Intern 8/11/91 Mark Cannon/Intern 8/11/91 Ryan Conley/Intern 8/11/91 Jennifer Caccavalle/Typist                                                               | 5.00 per hr.<br>5.00 per hr.                 |
| COUNTY HIGHWAY-RELEASED:  C. Muensterman/Supervisor 8/27/91 \$30,641.00 yearly                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Sandra Jacobi/part-time<br>8/16/91<br>COUNTY HIGHWAY-RELEASED:<br>C. Muensterman/Supervisor                                                                                 | -                                            |

- f. Request to go on Council Call-Co.Commissioners
- g. Monthly Report-County Treasurer-July, 1991
- h. Travel Request-Vand. Co. Public Works Department
- i. Refund Check-Torian, Hofman & Dillow Ins.
- j. Scheduled Meetings:

Wednesday, September 4-Budget Hearings-2:30 P.M.-Room 301 Wednesday, September 4-County Council Meeting-3:30 P.M. Wednesday, September 4-Area Plan Commission-6:00 P.M.-Room 301 Monday, September 9-County Commissioners Meeting-4:30-Room 307 Monday, September 9-Tax Adjustment Board Organizational Meeting-8:30-Room 301 Monday Sept 9- Department Head Meeting-3:30 P.M. Room 303

- 8. Old Business h-
- 9. New Business -

10. Meeting Recessed

# VANDERBURGH COUNTY PUBLIC WORKS DEPT

### SEPTEMBER 3, 1991

DI& 1213

| UNION TOWNSHIP ACCESS PROJECT:         |                                         |
|----------------------------------------|-----------------------------------------|
| PVC Plastics                           | \$109.25                                |
| US Nuclear Regulatory Comm.            | \$1,500.00                              |
| Blankenberger Brothers                 | \$285,013.79                            |
|                                        |                                         |
| Chrysler Credit Corp.                  | \$615.38                                |
| LYNCH ROAD EXTENSION:                  |                                         |
| R/O/W Eng/Bernardin Lochmueller        | \$2,356.60                              |
| Eng. Design/Bernardin Lochmueller      |                                         |
| Eng. Design/Bernardin Locamideller     | \$7,636.96                              |
| GREEN RIVER ROAD NORTH:                |                                         |
| United Consulting Eng-R/O/W Eng.       | \$6,590.00                              |
| United Consulting Eng/Supp. #1 & #2    | \$1,085.00                              |
|                                        | 4,                                      |
| GREEN RIVER ROAD SOUTH:                |                                         |
| Veach, Nicholson, Griggs-R/O/W Eng     | \$576.90                                |
| veach, Micholson, Gliggs-Ryoy w Eng    | 4370.30                                 |
| EICKHOFF-KORESSEL:                     |                                         |
| Bernardin Lochmueller/Eng. Design      | \$15,007.09                             |
|                                        | • •                                     |
| BRIDGE INSPECTION & REPORT             |                                         |
| Bernardin Lochmueller Associates       | \$2,546.00                              |
| 20211828211 2001111802202 110000211000 | 42/01000                                |
| ORCHARD ROAD BRIDGE #158               |                                         |
| Veach, Nicholson, Griggs Assoc.        | \$1,175.00                              |
| Appraisal Company, Inc.                | \$300.00                                |
|                                        | *************************************** |
| MANN ROAD BRIDGE #5                    |                                         |
| Deig Brothers Construction             | \$3,395.00                              |
| 2019 DICTIONS CONSCINCTION             | 45,555.00                               |
| FRANKLIN STREET BRIDGE #4              |                                         |
|                                        | 66 000 00                               |
| United Consulting Engineers            | \$6,000.00                              |
|                                        |                                         |

#### SUPPLEMENTAL AGREEMENT

This Supplemental agreement is made and entered into August 30, 1991, by and between Vanderburgh County, acting by and through the Board of County Commissioners, hereinafter referred to as the "LOCAL PUBLIC AGENCY", and Veach, Nicholson, Griggs Assoc., hereinafter referred to as the "CONSULTANT".

#### WITNESSETH

WHEREAS, the LOCAL PUBLIC AGENCY and the CONSULTANT did on April 20, 1987, enter into an Agreement for preparing contract plans for the replacement of Bridge #158 on Orchard Road over the I.C.G. Railroad - Project #BRZ 9982.

WHEREAS, the LOCAL PUBLIC AGENCY desires the CONSULTANT to modify the plans to incorporate a recent change in Indiana Department of Transportation Standards for the concrete bridge barrier rail transition. Change will necessitate revision of barrier rail details and a twelve foot (12') relocation of a Class V drive at Northeast corner of bridge.

WHEREAS, in order to provide for the implementation and completion of the work, it is necessary to amend and supplement said Agreement;

NOW, THEREFORE, it is agreed by and between the parties hereto as follows:

- 1. The first paragraph of Appendix "C" is changed to read as follows: The CONSULTANT shall receive as payment for the work performed under this Agreement the total fee not to exceed \$32,673.90 unless a modification of the Agreement is approved in writing by the LOCAL PUBLIC AGENCY.
- 2. The following pay items in Appendix "C" are changed to read as follows:

| a. | Survey | \$_ | 1,320.00 |  |
|----|--------|-----|----------|--|
|    |        |     |          |  |

b. Design Study and Report

|                           |        | & Report                                                |                           |
|---------------------------|--------|---------------------------------------------------------|---------------------------|
|                           | d.     | Environmental Services                                  |                           |
|                           |        | (1) Categorical Exclusion                               |                           |
|                           |        | OR                                                      |                           |
|                           |        | (2) Environmental Assessment/FONSI                      |                           |
|                           |        | OR                                                      |                           |
|                           |        | (3) Environmental Impact Statement                      |                           |
|                           |        | (4) Public Hearing Hours                                |                           |
|                           |        | (5) Archaeological reconnaisance                        |                           |
|                           | e.     | Road Design and Plans (including R/W                    |                           |
|                           |        | Plans)                                                  |                           |
|                           | f.     | Bridge Design and Plans (including approach             | \$                        |
|                           |        | R/W Plans)                                              | 23,500.00                 |
|                           | g.     | Plat #3                                                 | 350.00                    |
|                           | h.     | Signs                                                   |                           |
|                           | i.     | Signals                                                 |                           |
|                           | j.     | Barrier Rail Revision                                   | 1,500.00                  |
| 3.                        | Exc    | ept as herein modified, changed and supplemented, al    | 1 terms of the            |
|                           | ori    | ginal Agreement, dated April 20, 1987, shall continu    | e in full force           |
|                           | and    | effect.                                                 |                           |
|                           | IN     | TESTIMONY WHEREOF, the parties hereto have executed     | this Agreement            |
| CONSULTANT<br>Veach, Nich | 10/15/ | LOCAL PUBLIC AGENCY Vanderburgh County Commis           | sioners                   |
| By President              | KIL    | arrett A. Veach  By Caselyn McC  President - Brolyn McC | Pentaro 9/3/4,<br>lintock |
| ATTEST                    | Ģ      | Michael By Sichard  By Sichard  By Sichard              | 1. Bornes                 |
| Secretary,                | Bil    | Ty T. Nicholson Member - Richard . Bory                 | ries                      |
|                           |        |                                                         |                           |
|                           |        |                                                         |                           |

c. Combined Location - Design Study

ATTEST:

Approved as to Legality and Form:

#### OFFICE OF THE

### VANDERBURGH COUNTY CORONER



201 SOUTH MORTON AVENUE EVANSVILLE, INDIANA 47713 812-425-7741

To: Vanderburgh County Commissioners

From: Coroner Charles Althaus

Subject: Morgue fees

I would like to appear before the Commissioners at the September 3, 1991, to have the fees for morgue use etc. approved.

| Morgue fee                                        | \$50.00 |
|---------------------------------------------------|---------|
| Autopsy copies                                    | 50.00   |
| Taniantony copies                                 | 20.00   |
| Toxicology copies Blood alcohol copies only       | 5.00    |
| Bedon account copies ones                         | 15.00   |
| Radiologist copies<br>Histology / Slides / Blocks | 4.00    |
| Histology / Blocks only                           | 2.00    |
| HISLOLOGY / OLUCIAS UNCY                          |         |

If you have any questions on the above prices, please feel free to contact me.

#### CONSENT TO ASSIGNMENT

Vanderburgh County, Indiana, by and through its Board of Commissioners hereby consents to the foregoing assignment by JMH Investments, an Indiana general partnership, by and through its sole general partners, John M. Hoon and Paula S. Hoon, of its rights as lessee of the property subject to the BURDETTE PARK DELUXE MINIATURE GOLF COURSE LEASE AGREEMENT. Vanderburgh County, Indiana hereby agrees that this assignment shall in no manner violate paragraph 18 of the BURDETTE PARK DELUXE MINIATURE GOLF COURSE LEASE AGREEMENT. Vanderburgh County, Indiana hereby also agrees to accept William E. Schmidt as lessee under the BURDETTE PARK DELUXE MINIATURE GOLF COURSE LEASE AGREEMENT in the event William E. Schmidt succeeds to the rights of the lessee under this Collateral Assignment of Lease Agreement; provided, however, William E. Schmidt shall have no liability under said lease unless and until he actually takes possession of the leased premises or commences collection of the rents, income and profits of the leased premises and any liability of JMH Investments and its partners.

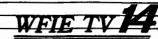
Dated this 3 day of Aestern

VANDERBURGH COUNTY, INDIANA

By Board of Commissioners



# A Galaxy Of Stars! WFIE TV 14



August 28, 1991

Vanderburgh County Commissioners 305 Administration Building Civic Center Complex Evansville, Indiana 47708

Dear Vanderburgh County Commissioners:

For the past two years you have graciously agreed to let us hold our Annual Bud Light Pizza Run to benefit the Muscular Dystrophy Association at Burdette Park.

This year we are asking that you allow us to hold this event once again on Saturday, September 21st beginning at 5:00 p.m. The run starts at the shelter house by the Burdette offices and goes out Nurrenbern Road to a turn around point and back. One lane of traffic will be blocked about 1/2 hour. The Sheriff's reserves will be there to help with traffic control and the county will be named as an additional insured to MDA's two-million dollar liability policy.

We look forward to a favorable reply.

Sincerely,

Christine Gilles District Director

CG/pc

Muscular Dystrophy Association 4770 Covert Avenue, Suite 211 / Evansville, IN 47714 / Telephone (812) 479-6550

Plated on 🐼 regard paper

### MUSCULAR DYSTROPHY ASSOCIATION EVENT PROPOSAL FORM

F-9 Commitment #

To Be Held 52+ Sept 2/9 9/

|            | 14283-1                                                                                                                                                                                                                      | To Be Held                                                                                                               |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| 1.         | NAME OF SPONSORING OF GANIZATION BOOK OF COMISS                                                                                                                                                                              | SIZE of Membership                                                                                                       |
|            | Address 305 Hoministration Building                                                                                                                                                                                          | a Civic Ctr. Complex                                                                                                     |
|            | (Street) (City) Purpose of sponsoring organization                                                                                                                                                                           | (State) (Zip)                                                                                                            |
|            | TYPE OF EVENT PROPOSED 3rd Annual Bud Ligh                                                                                                                                                                                   | n+ Pizza Run                                                                                                             |
| <b>5</b> . | Briefly describe how the event will be run. (Use separate schedule, if necessary) RUNN<br>TEE TO YUN IN EITHER A SK, I                                                                                                       | ers will pay an entry                                                                                                    |
|            | run                                                                                                                                                                                                                          |                                                                                                                          |
| 6.         |                                                                                                                                                                                                                              | ipated Expenses (Attach budget schedule or itemize below)                                                                |
|            | ANTICIPATED EXPENSES OF EVENT ·                                                                                                                                                                                              | ITEM COST                                                                                                                |
|            | Does sponsoring organization agree                                                                                                                                                                                           | ·                                                                                                                        |
| <b>J</b> . | to assume all costs of the event?                                                                                                                                                                                            | Total \$                                                                                                                 |
| 0.         | LOCATION OF EVENT DUICLETTE PUTT                                                                                                                                                                                             |                                                                                                                          |
|            | Does sponsoring organization agree that MDA will receive all net funds from the event—along with a final accounting of the funds—within 20 days of the event?                                                                |                                                                                                                          |
| 2.         | Is solicitation permit required?If so, who will obtain permit?                                                                                                                                                               |                                                                                                                          |
| 3.         | Has sponsoring organization sponsored similar events in past?  For Whom? (List name and address of last beneficiary and individual representing that the second second second second second second second second second sec  | When?<br>peneficiary)                                                                                                    |
|            | Gross of most recent event Net of most recen                                                                                                                                                                                 | nt event                                                                                                                 |
| 14.        | Does sponsoring organization understand and agree that all publicity for this proposed event must and that no publicity may be released until MDA has received from sponsoring organization a letter                         | st be approved by MDA before it is released, printed etc.,<br>or of agreement signed by both parties (separate from this |
| 5.         | agreement) authorizing our naming MDA as the beneficiary of this proposed event?  SPONSORING ORGANIZATION FURTHER AGREES TO INDEMNIFY AND HOLD NATURE WHATSOEVER ARISING OUT OF, OR IN ANY WAY RELATED TO, THE PROPERTY OF T | MDA HARMLESS FROM ANY CLAIMS OF ANY OPOSED EVENT.                                                                        |
| 6.         | Remarks:                                                                                                                                                                                                                     |                                                                                                                          |
| 7.         | Be sure to complete every item before signing.                                                                                                                                                                               | •                                                                                                                        |
| 8.         | NOTHING IN THIS PROPOSAL FORM SHALL BE CONSTRUED TO AUTHORIZE EMPLOYEE OR REPRESENTATIVE OF THE SPONSORING ORGANIZATION TO ACT                                                                                               | THE SPONSORING ORGANIZATION OR ANY                                                                                       |
| ď.         | Responsible official of sponsoring organization CAROLYN McCL                                                                                                                                                                 | INTOCK                                                                                                                   |
| <b>/</b> ` | Address 305 Civics Center Comples                                                                                                                                                                                            | Telephone No. (8/2) 426-524/                                                                                             |
|            | GVanaville Indiana (State)                                                                                                                                                                                                   | 47708<br>(Zip)                                                                                                           |
| ,          | SIGN Caroly Mc Clertock TITLE Preside                                                                                                                                                                                        | DATE 9/3/91                                                                                                              |
| 1          | APPROVED: DISTRICT DIRECTOR                                                                                                                                                                                                  | OATE                                                                                                                     |
|            | REGIONAL OFFICE                                                                                                                                                                                                              | DATE                                                                                                                     |
| 1          |                                                                                                                                                                                                                              |                                                                                                                          |

Disleme

WE NEED YOUR HELP

Thursday, September 5

6:30 to 9:00 P.M.

Bring all your friends

BURDETTE PARK SKATING RINK SKATE-A-THON



### HELP MARK FIGHT BACK!!!

MARK PLEISS IS A SOPHOMORE AT REITZ HIGH SCHOOL. MARK HAS BEEN SUDDENLY STRICKEN WITH LEUKEMIA AT AGE 16. MARK HAS ALSO FOUGHT DIABETES. INSTEAD OF STARTING HIGH SCHOOL WITH HIS FRIENDS HE IS IN THE CARE OF RILEY CHILDREN'S HOSPITAL IN INDIANAPOLIS.

GET SPONSORS FOR YOUR SKATE TIME OR PAY \$3.00 DONATION FOR ADMISSION. ALL PROCEEDS GO TO OUR EFFORTS TO HELP MARK.

THIS BENEFIT IS ONLY POSSIBLE THROUGH THE CO-OPERATION OF VANDERBURGH COUNTR COMMISSION, E.V.S.C., REITZ HIGH SCHOOL AND BURDETTE PARK MANAGEMENT.

PRIZES WILL BE AWARDED FOR THE HIGHEST DONATION RECEIVED.

FOR MORE INFORMATION CALL THE BURDETTE PARK MAIN OFFICE; 424-9535

#### WTVW - TV



P. O. BOX 7 EVANSVILLE, IN 47701-0007 812 422-1121 FAX 812 421-4040

AN ABC-TY AFFILIATE

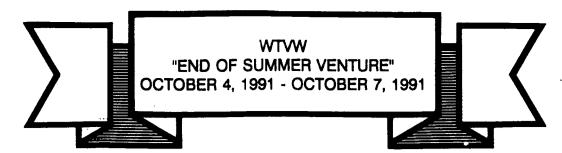
## WTVW's "End of Summer Venture to Nassau" Promotion QUALIFICATION CONTRACT

This contract is made between Woods Communications, Inc. ("WTVW") and Burdette Park ("Advertiser"), subject only to credit. approval by WTVW.

- passages on the 1991
  "End of Summer Venture to Nassau". The trip is described in Will's
  presentation and Advertiser acknowledges that it has read the items
  described in the presentation and that any additional costs will be at
  the sole expense of the persons who take the Trip ("Passengers");
- 2. Advertiser may choose the Passengers subject to the approval to WTVW management. Passengers must be designated by Advertiser to WTVW on the "Passenger Designation and Release" form attached hereto as Exhibit A, no later than September 1, 1991. Any name changes, cancellations and/or substitutions submitted after this date will incur additional charges of \$50 to be paid for by the advertiser. The trip is based on double occupancy.
- 3. The trip must be taken October 4, 1991, through October 7, 1991. No deviations will be allowed. Furthermore, Advertiser understands and agrees that no cash equivalents, discounts or any other items of valuable will be awarded to Advertiser in the event that Advertiser does not participate in the trip during the period of October 4, 1991, through October 7, 1991.
- 4. Advertiser acknowledges that the trip is the property of WTVW and that by fulfilling the terms and conditions of this contract, Advertiser qualifies for an invitation by WTVW to participate in the trip. This invitation cannot be given away, awarded, transferred or used for promotional purposes by Advertiser without the written permission of WTVW management.
- 5. Advertiser understands that the number of invitations that will be extended to Advertisers for the trip is limited and that they will be extended on a first come first served basis pending the receipt of this signed contract.

- 6. Advertiser will purchase \$ 7,295.00 of advertising time on Willia, that amount to run-during the period of May 27, 1991, through September 29, 1991, (the "Qualification Period") for two (2) passages on the WIVN "1991 End of Summer Venture to Nassau" promotion. No more than 503 of the qualification cost may be spent in any one month of the qualification period. In order to qualify for the trip, full payment for all advertising for the first three months of the qualification period must be received by WTVW no later than September 29, 1991.
- 7. Upon the reasonable belief of WTVW that the credit of Advertiser or of the Advertiser's Advertising Agency has been impaired, WTVW may cancel the Contract by giving written notice to Advertiser. Any such cancellation shall be effective upon mailing of the notice of cancellation, at which time neither party shall have any further obligation to the other pursuant to this contract (except the Advertiser must pay for all advertising time broadcast before the cancellation date.)
- 8. In the event of strikes, energy crisis problems, or stoppages of labor or services from whatever cause, or for any other reason beyond the control of WTVW, WTVW may at any time cancel, advance or postpone the Trip, but is not obligated to substitute another Trip and shall not be liable for any loss whatsoever to Passengers by reason of such cancellation, advancement, or postponement; however, in the event of such change, WIVW will diligently attempt to work out a substitute Trip or some other compromise for the Advertiser. In the event that there is new ownership at WTVW, the buyers will assume all responsibilities of providing this trip.

| By Agency:    |
|---------------|
| BY: mul Til   |
| Y TITLE:      |
| > DATE: 6-7-9 |
|               |
| BY:           |
|               |



#### WTVW WILL HAVE A TRIP INCENTIVE AS AN ADDED VALUE FOR BUYING ADVERTISING STARTING MAY 27, 1991 THROUGH SEPTEMBER 29, 1991

- INCLUSIONS: \* Round trip, nonstop, air transportation on Carnival Air Lines from Evansville to Nassau
  - \* Round trip transfers to and from the airport in Nassau
  - \* U.S. Departure taxes
  - \* Accomodations for 3 nights at Crystal Palace-Riviera Towers
  - \* Baggage handling
  - \* Gratuities for maid, bellmen, pool and beach attendants
  - \* Chaise lounges and towels at beach and poolside
  - \* Welcome Rum Swizzle upon arrival
  - \* President's Cocktail Reception (Mon. & Thurs.)
  - \* Free Golf Clinic
  - \* Free Scuba Lessons
  - \* In-Room Satellite Color TV
  - \* Green fees for 18-hole round of Golf\*\*
  - \* Tour of the Galactic Fantasy Suite
  - \* One admission to Fanta-Z Disco\*\*
  - \* Bottle of wine per couple at the Oriental Palace
  - \* \$8.00 Discount on the dinner show at the Palace Theatre
  - \* \$5.00 Discount for the Late Show at the Palace Theatre
  - \* Free glass of wine with dinner at the Riviera Restaurant\*\*
  - \* Free shot of tequila with dinner at the Margaritaville Restaurant\*\*
  - \* 10% Discount Coupon toward purchases at Logo Shop
  - \* Daily Activities

#### \*\* Certain restrictions apply

Package inclusions are subject to change

The Charter will depart Evansville at 2:30pm -- Arrives Nassau 6:50pm The return flight departs Nassau 11:10am - Arrives Evansville 1:30pm

TIMES ARE SUBJECT TO CHANGE

#### QUALIFICATION COSTS: QUALIFIERS WILL BE ASKED TO BUY ADVERTISING ON WTVW STARTING MAY'27, THROUGH SEPTEMBER 29, 1991. HERE ARE THE DETAILS:

COSTS:

- \* Spend \$5000.00 over and above what was spent for the same
- period the previous year for a trip for two

A second and third trip for two will be an additional \$6,500.00 each

RULES:

- Only trips for two will be offered. No advertiser may qualify for one trip or a portion of a trip
- \* No advertiser may qualify for more than 3 trips for two
- \* No more than 50% of the qualification cost may be spent in any one month of the qualification period
- \* Each advertiser will be required to sign a contract to verify their participation and agreement to terms and conditions of the trip

#### **LONDON TRIP QUALIFIERS:**

\* London trip qualifiers that elect to go on the Nassau Trip may use 80% of the June, July, August and September expenditures toward London qualifications cost. (i.e. If a client spends \$1000.00 in July, \$800 of those dollars will be used to fulfill the London Trip spending critieria).

### VANDERBURGH COUNTY HIGHWAY DEPARTMENT WORK PERFORMED FRIDAY AUGUST 23 THRU THURSDAY AUGUST 29, 1991

The paver worked on Cemetary Road and on Peck Road.

The grader worked on Heerdink Road, Oak Grove Road, Denzer Road and on Motz Road.

The mower worked on Baseline Road.

The Weed trimming crew worked on Baseline Road, Rode Road, Smith Diamond Road, Heerdink Road, Voigt Road, St. Joseph Avenue, McCutchan Road.

The Tree crew worked on Short Allens Lane, Petersburg Place subdivision, Koring Road and on Indian Mounds Blvd.

The Patch crew worked on Schmitt Lane, Laura Lane, Owensville Road, Volkman Road & Baseline Road and.

The gradall worked on Middle Mt. Vernon Road, Peacock Lane, Ward Road and on Inglefield Road.

### VANDERBURGH COUNTY BRIDGE CREW WORK PERFORMED FRIDAY AUGUST 23 THRU THURSDAY AUG. 29, 1991

Built retaining wall on Baumgart Road.

Build drop-box and place pipe on Middle Mt. Vernon Road. Replace driveway culvert.

Place 72' of RCP culvert on Ward Road.

Break out side of storm drain for inlet and repair with concrete.

Place driveway culvert on Inglefield Road.

Remove rock and pour concrete at 6939 Greendale Drive.

Open sink-hole and repair bridge with concrete on Baseline Road.

Trim weeds and paint rails on West Franklin Road, Smith Diamond Road, Strueh-Hendricks Road, Baumgart Road, Heinlein Road and Old Petersburg Road.

#### VANDERBURGH COUNTY HIGHWAY DEPARTMENT ABSENTEE LIST FRIDAY AUGUST 23 THRU THURSDAY AUGUST 29, 1991

#### FRIDAY, AUG. 23

- T. Waterman Workmans Comp.
- J. Garrett Vacation
- J. Mitchell Sick
- A. Gartner Sick no pay

#### MONDAY, AUG. 26

- T. Waterman Workmans Comp.
- A. Gartner Sick no pay
  T. Deller Sick
  A. Groves Sick

#### TUESDAY, AUG. 27

- T. Waterman Workmans Comp.
- A. Gartner Sick no pay
- G. Bray Sick L. Phillips Sick

#### WEDNESDAY, AUG. 28

- T. Waterman Workmans Comp. A. Gartner Sick no pay R. Hall Sick

#### THURSDAY, AUG. 29

- T. Waterman Workmans Comp. R. Martin Sick H. Steckler Sick A. Gartner Sick- no pay

#### BRIDGE CREW ABSENTEE LIST

#### FRIDAY, AUG. 23

T. Miles - vacation

ZIEMER, STAYMAN, WEITZEL & SHOULDERS

ATTORNEYS AT LAW

P O BOX 916 - 1507 OLD NATIONAL BANK BLDG.

EVANSVILLE, INDIANA 47706-0916

TED C. ZIEMER, JR.
ROBERT F. STAYMAN
STEPHAN E. WEITZEL
PATRICK A. SHOULDERS
MARCO L. DELUCIO
GREGORY G. MEYER
REBECCA T. KASHA
GARY K. PRICE

TELEPHONE (812) 424-7575
TELECOPIER (812) 421-5089

JOHN E. EARLY

August 23, 1991

Mr. Sam Humphrey Vanderburgh County Auditor 208 Civic Center Complex Evansville, IN 47708

Re: State Board of Accounts Audit

Dear Mr. Humphrey:

By letter dated July 29, 1991, you requested a description and evaluation of: 1) pending or threatened litigation, claims or assessments (excluding unasserted claims and assessments), 2) unasserted claims and assessments, and 3) liabilities (contingent and otherwise) arising from compliance requirements of federal acts, this firm is handling for Vanderburgh County. This information is requested in connection with the State Board of Accounts audit of the financial statements of the County as of August 23, 1991 and for the period then ended December 31, 1990. In connection therewith, please be advised as follows:

1. Pending or Threatened Litigation (excluding unasserted claims and assessments)

As of August 23, 1991, this office is handling the following pending litigation:

a. <u>Darren Armstead v. Ray Hamner, Jim Tucker and James Moers</u>, United States District Court, Cause No. EV 91-100-C.

This is a civil rights complaint brought by a prisoner housed in the Vanderburgh County Jail. He is acting as his own legal counsel. He alleges "physical and psychological abuse" because of inadequate sanitary and safety conditions at the Jail. He also alleges inadequate medical attention and deprivation of telephone privileges. Mr. Armstead is seeking \$1,000,000 in actual damages and \$500,000 in punitive damages per defendant.

Under federal law, when a government employee is sued in his official capacity, the lawsuit is considered to be against the employing governmental agency, not the individual. Thus, even though the County Sheriff's Department is not named as a

defendant, we believe the Court will rule that this is a cause of action against the Sheriff's Department, not the individuals.

This complaint was filed in July of 1991 so this firm has not had an opportunity to complete its investigation of the claims concerning denial of phone privileges or inadequate medical attention. We have investigated the conditions at the Jail and find the claims in this regard to be defensible. Given that our investigation is not complete we cannot furnish an opinion as to the decision and estimated liability.

b. <u>James Harding v. Capt. James Moers and Clarence Shepard</u>, United States District Court, Cause No. EV 91-46-C.

This is a civil rights complaint brought by a federal prisoner who, until recently, was housed in the Vanderburgh County Jail. He is acting as his own counsel. His complaint is based on inadequate sanitary and safety conditions at the Jail. He also alleges a minor incident of inadequate medical attention. Portions of Mr. Harding's complaint also assert claims on behalf of other prisoners which is completely inappropriate. Mr. Harding has moved to join Officer Jim Tucker and Sheriff Ray Hamner as defendants. The Court has yet to rule on this motion.

Mr. Harding is seeking \$500,000 in actual damages and \$1,000,000 in punitive damages per defendant.

As noted above, even though this cause of action was filed against individual County employees, we believe the Sheriff's Department will ultimately be the sole defendant herein.

A motion to dismiss has been filed by the defendants, which motion addresses virtually all of Mr. Harding claims. We feel that chances of success of this motion are 50-50 given that these are fact sensitive issues.

The County has instructed us to vigorously defend this cause of action. While the outcome of litigation can never be predicted with certainty, our present opinion is that a favorable determination is more likely than not. Given that Mr. Harding has alleged no physical harm, we also believe that any money damages he may be awarded at trial would be less than \$10,000.

c. James R. Keown v. Clarence Shepard, Sheriff Ray Hamner, Dr. Evers, Det. Richard Reed, Capt. James Morris, Officers W. Dossett and C. Jordan, United States District Court, Cause No. EV-91-53-C

This is a civil rights complaint filed by a prisoner who was arrested by the Evansville Police and housed in the Vanderburgh

County Jail. He is acting as his own counsel. Mr. Keown had been in a "bar room fight" on the night he was arrested. He alleges that he was placed in the booking room with the same man with whom he had been in the fight. This other man struck Keown. Keown also alleges that he was denied adequate medical treatment for the injuries he received during the fight that occurred prior to his arrest. He also alleges that he was denied a fair trial because the jail refused to take him to the emergency room so that he could have pictures taken of his injuries. He alleges continuing medical problems are a result of the foregoing.

Mr. Keown is seeking \$200,000 from each of the seven defendants for a total of \$1,400,000. As noted above, even though this cause of action was filed against individual County employees, we believe the Sheriff's Department will ultimately be the sole defendant herein.

Both the County defendants and the City defendants have filed their answers to the complaint and investigations are continuing. The County has instructed us to vigorously defend this cause of action. Given that our investigation of this matter is not complete, we cannot render an opinion on the outcome of this litigation or the range of potential loss.

d. <u>Wilbert Shelby v. Sheriff Ray Hamner. Officer Jim Tucker and Capt. James Moers</u>, United States District Court, Cause No. EV-91-86-C

This is a civil rights complaint brought by a prisoner housed in the Vanderburgh County Jail. He is acting as his own counsel. He alleges inadequate sanitary and safety conditions at the Jail. He makes no allegation of inadequate medical attention or physical harm. Mr. Shelby is seeking \$1,000,000 in actual damages and \$500,000 in punitive damages per defendant.

As noted above, even though this cause of action was filed against individual County employees, we believe the Sheriff's Department will ultimately be the sole defendant herein.

This complaint was filed in July of 1991 and the answer of the County defendants is due in early September. Even though this firm has not had an opportunity to complete its investigation of the claims, we are aware of the general condition of the Jail and believe these claims are defensible. Moreover, Mr. Shelby has alleged no physical harm. Consequently, the County has instructed us to vigorously defend this cause of action. While the outcome of litigation can never be predicted with certainty, our present opinion is that a favorable determination is more likely than not and that Mr. Shelby would be awarded only nominal damages if he prevails.

e. Robert Spain v. Clarence Shepard, Sheriff Ray Hamner, Officer Pete Swaim, Officer Korn, Capt. James Moers, Dr. Evers, Officer Ken Roy, Kathy Mann, and The Vanderburgh County Jail, United States District Court, Cause No. EV-91-03-C

This is a civil rights complaint filed on behalf of an inmate who was housed at the Vanderburgh County Jail. Mr. Spain is represented by counsel appointed by the United States Magistrate. They have filed against the foregoing defendants in both their official and individual capacities.

Mr. Spain alleges inadequate sanitary conditions at the Jail, inadequate medical treatment, negligent medical treatment, and denial of a hearing prior to being housed in segregation.

We have not obtained all of Mr. Spain's medical records so we are unable, at present, to evaluate the allegations of inadequate and negligent medical treatment. Similarly, we have not been able to make an evaluation concerning his claims of segregation without a hearing. While the success of litigation cannot be accurately predicted, we believe the County's likelihood of prevailing on Mr. Spain's claims concerning the sanitary conditions at the Jail is better than 50-50.

f. <u>Vanderburgh County Treasurer v. Barry Cato d/b/a Bee Novelty</u>, Vanderburgh Superior Court, Cause No. 82D03-8803-CP-444

This is an action brought by the Treasurer of Vanderburgh County to collect for delinquent property taxes. A judgment was entered against the Defendant in the total sum of \$5,788.81. To date, there remains a balance of \$5,788.81 due and owing the Treasurer of Vanderburgh County.

A petition for Proceedings Supplemental was filed by the Treasurer in which the Defendant herein did not appear. We have been unable to locate the Defendant in order to proceed with collection proceedings. As such, unless the Defendant can be located, it is unlikely that this judgment debt will be collected in the near future. However, such judgment debt creates a lien against the property of the Defendant.

g. Albert Coomer & Nancy Coomer v. Vanderburgh County Board of Commissioners, Vanderburgh Superior Court, Cause No. 82D03-9005-CP-743

This action was brought by the Coomers in connection with property purchased by the Coomers at the 1987 tax sale. The Coomers purchased two parcels of real estate at said sale, however, after the sale, the Coomers learned that both parcels were subject to a right-of-way of a public street. The Coomers

further determined that at the time of the tax sale, both parcels of real estate were totally encumbered. The Coomers request relief in the sum of \$9,019.73 in order to reimburse them the purchase price of the two parcels of real estate at the tax sale, plus real estate taxes paid in May and November for the year 1988, plus legal interest from the dates of payment, plus costs of this legal action.

On July 15, 1991, the County offered as full settlement of said dispute the total sum of \$5,879.73, which sum represents the purchase price at the tax sale, plus the sum paid for the 1988 taxes. After discussions with the attorney representing the Coomers we believe the Coomers will accept the offer, and therefore avoid further litigation.

h. Bettye L. Davis and Carol M. Lant v. Vanderburgh County Board of Commissioners, Gibson Circuit Court, Cause No. 26C01-9009-CP-0074

This is an action brought by the Plaintiffs in connection with their request for rezoning of a certain parcel of property in Vanderburgh County. In response to such request, the County asked the Plaintiffs to donate certain portions of the subject property for the County's use on a planned highway development and proposed road expansion. The Plaintiffs refused to donate such property.

To date, the County and the Plaintiffs are currently negotiating a purchase price for the property needed by the County for its improvements.

In this action, the Plaintiffs are requesting that Defendant, Vanderburgh County, approve their rezoning request.

This office delivered to the attorneys for the Plaintiff a site plan and legal description of the parcels of real estate needed for said public improvements. The Plaintiffs have agreed to determine a [reasonable] price for said property. The County is currently in need of this property for said public improvements, and therefore is very interested in the Plaintiffs settlement offer. As such, it is doubtful that this matter will proceed past these negotiations. We are now awaiting a response from the Plaintiffs.

i. <u>Jason E. Greer and Terrana Greer v. State of Indiana.</u>

<u>Vanderburgh County, Indiana, et al</u>, Gibson Circuit Court, Cause
No. 26C01-9102-CT-0003(V)

This action was brought by the Plaintiffs in connection with an automobile accident which occurred on the 22nd day of July,

1989, on South Weinbach Avenue, in Vanderburgh County, Indiana, where it is alleged that the Plaintiff lost control of her vehicle due to mud and debris left upon the roadway by the Defendants, causing her to strike another vehicle head on. The Plaintiffs contend that the Defendants were guilty of negligence and carelessness which proximately caused injuries and damages to Mrs. Greer. The Plaintiffs are asking for a judgment in the sum sufficient to fully compensate them for their injuries and damages, plus the cost of this action.

It is the County's contention that any debris left around the work area was caused by independent contractors working in that area and not by County employees. In fact, there were no County employees assigned to that work area.

This matter is currently in discovery. A hearing date has not yet been scheduled. We believe that based upon the foregoing, the County will not be found liable for the injuries incurred by the Plaintiffs.

j. In the matter of a legal survey performed by Warrick Engineering, Inc. on 1.68 acre parcel, more or less, located in West one-half of East one-half of Section Eighteen (18), Township Six (6) South, Range Nine (9) West, Vanderburgh County, Indiana, Vanderburgh Circuit Court, Cause No. 82C03-8908-CP-2017

This matter was consolidated with a case in the Vanderburgh Circuit Court, entitled Thomas Hirsch and Rosemary Hirsch v. Lemmons, Cause No. 82C03-8907-CP-1984.

The action between the Hirsch's and Lemmons is a suit to quiet title of a certain parcel of real estate. Both parties are requesting of the court that an order be issued declaring them the owners of said real estate. A survey was initially requested by the Lemmons. Vanderburgh County is involved due to an Appeal of Survey filed by the Hirschs against the County alleging that the statutory procedure for conducting such survey was not properly utilized because it erroneously assumed that the Lemmons were the property owners. Said complaint further alleges that the surveyor did not properly notify the Hirschs before the survey was conducted.

This matter remains pending. No action has been taken recently. To date, no hearing has been scheduled.

k. Indiana Department of Environmental Management v. Vanderburgh County Commissioners, Vanderburgh Circuit Court

The County has been named a Defendant in connection with a spill of hazardous materials detected at the Vanderburgh County

Garage. Attorney Jeff Dodson represents the County in this matter. An investigation revealed that a petroleum based product had escaped from the County Garage via the drainage tile. The tile enters into an aluminum covert and exits in a ditch and runs along the south boundary of the County property. The spill has been temporarily controlled to the satisfaction of the Indiana Department of Environmental Management. The County is now awaiting proposals in connection with the permanent clean up and correction of said spill. Indiana Department of Environmental Management has agreed that no further legal action will be initiated if the County corrects said problem. As such, it is doubtful that further litigation will be initiated.

1. <u>Vanderburgh County Treasurer v. Ronald Martin d/b/a Family Pharmacy and Highland Pharmacy</u>, Vanderburgh Superior Court, Cause No. 82D03-8903-CP-349

The Vanderburgh County Treasurer initiated an action for the collection of delinquent property taxes. A judgment was entered in favor of the Vanderburgh County Treasurer. A petition for Proceedings Supplemental was initiated and a Personal Order of Garnishment was entered on behalf of Vanderburgh County Treasurer. To date, there remains a balance due and owing to Vanderburgh County in the amount of \$18,650.36, plus court costs. Mr. Martin has been cooperative in making payments of approximately \$300.00 each month. Assuming such payments remain forthcoming, it is not anticipated that further legal action will be necessary.

m. <u>Vanderburgh County Treasurer v. Forrest VanZant and Betty VanZant</u>, Vanderburgh Superior Court, Cause No. 82D06-9007-SC-4560

The Vanderburgh County Treasurer initiated an action for the collection of delinquent property taxes. A judgment was entered in favor of the Vanderburgh County Treasurer. A petition for Proceedings Supplemental was initiated and a Personal Order of Garnishment was entered on behalf of Vanderburgh County Treasurer. To date, there remains a balance due and owing to Vanderburgh County in the amount of \$956.19, plus court costs. Mr. VanZant has been fairly cooperative in making monthly payments of approximately \$100.00. Assuming such payments remain forthcoming, it is not anticipated that further legal action will be necessary.

n. The County has been named Defendants in numerous foreclosure actions wherein the County has an interest in such litigation due to delinquent property and/or personal taxes due. The following is a list of foreclosure matters in which this office currently represents the Vanderburgh County Treasurer:

- 1. Aetna Finance Company v. Blanche Marie Anderson, Michael Woods, Vanderburgh Superior Court, Cause No. 82D03-9104-CP-622. The total sum of \$204.46, plus interest thereon, is currently due and owing for delinquent real estate property taxes assessed upon the real estate foreclosed upon.
- 2. Aetna Finance Company v. Joseph G. Agee, Vanderburgh Superior Court, Cause No. 82D03-9105-CP-622. The total sum of \$705.27, plus interest thereon, is currently due and owing for delinquent real estate property taxes assessed upon the real estate foreclosed upon.
- 3. Aetna Finance Company v. Richard N. Beard, Vanderburgh Superior Court, Cause No. 82D03-9108-CP-1450. The total sum of \$0.00, is currently due and owing for delinquent real estate property taxes assessed upon the real estate foreclosed upon.
- 4. Waterfield Mortgage Company, Inc. v. Marion Carter, Jr., Vanderburgh Superior Court, Cause No. 82D03-9105-CP-940. The total sum of \$358.15, is currently due and owing for delinquent personal property taxes assessed upon the real estate foreclosed upon.
- 5. <u>Citizens Bank of Posey County v. Roger L. Dove</u>, Vanderburgh Superior Court, Cause No. 82D03-9107-CP-1415. The total sum of \$251.76, plus interest thereon, is currently due and owing for delinquent real estate property taxes assessed upon the real estate foreclosed upon.
- 6. Robert A. Goff v. Billy R. Harper, Vanderburgh Superior Court, Cause No. 82D03-9104-CP-746. The total sum of \$1,649.70, plus interest thereon, is currently due and owing for delinquent real property taxes assessed upon the real estate foreclosed upon, and the sum of \$4,920.99 for personal property taxes assessed.
- 7. Aetna Finance Company v. Linda L. Jones, Vanderburgh Superior Court, Cause No. 82D03-9103-CP-413. The total sum of \$578.38, plus interest thereon, is currently due and owing for delinquent real property taxes assessed upon the real estate foreclosed upon.
- 8. Evansville Federal Savings Bank v. Michael L. Kenoyer, Vanderburgh Superior Court, Cause No. 82D03-9105-CP-916. The total sum of \$2,087.11, plus interest thereon is currently due and owing for personal property taxes assessed upon the real estate foreclosed upon.

- 9. Permenant Federal Savings Bank v. Gene M. Lloyd, Vanderburgh Superior Court, Cause No. 82D03-9107-CP-1308. The total sum of \$3,720.92, plus interest thereon is currently due and owing for delinquent real estate taxes assessed upon the real estate foreclosed upon.
- 10. King City Federal Savings Bank v. Philip Nuffer, Vanderburgh Superior Court, Cause No. 82D03-9106-CP-1182. The total sum of \$3,072.05, plus interest thereon is currently due and owing for delinquent personal property taxes assessed upon the real estate foreclosed upon.
- 11. The City of Evansville v. Norfolk Southern Corporation, Vanderburgh Circuit Court, Cause No. 82C01-9104-CP-130. The total sum of \$660.24, plus interest thereon is currently due and owing for delinquent real property taxes assessed upon the real estate foreclosed upon.
- 12. Aetna Finance Company v. Julie Porter, Vanderburgh Superior Court, Cause No. 82D03-9104-CP-673. The total sum of \$0.00 is currently due and owing for real estate taxes assessed upon the real estate foreclosed upon.
- 13. Citizens National Bank of Evansville v. James Richard Partridge, Sr., Vanderburgh Superior Court, Cause No. 82D03-9101-CP-129. The total sum of \$133.74, plus interest thereon is currently due and owing for delinquent personal property taxes assessed upon the real estate foreclosed upon.
- 14. The City of Evansville. Department of Metropolitan Development v. Louise Robinson, Vanderburgh Superior Court, Cause No. 82D03-9106-CP-1387. The total sum of \$566.62, plus interest thereon is currently due and owing for delinquent real estate property taxes assessed upon the real estate foreclosed upon.
- 15. Federal Home Loan Mortgage Corp. v. Paul D. Spencer, Vanderburgh Superior Court, Cause No. 82D03-9107-CP-1404. The total sum of \$57.75, plus interest thereon is currently due and owing for personal property taxes assessed upon the real estate foreclosed upon.
- 16. Fisher Brothers Lumber Company, Inc. v. Harvey Taylor and Associates, Vanderburgh Superior Court, Cause No. 82D03-9102-CP-224. The total sum of \$0.00 is currently due and owing for real estate taxes assessed upon the real estate foreclosed upon.
- 17. Aetna Finance Company v. William Taylor, Vanderburgh Superior Court, Cause No. 82D03-9106-CP-1178. The total sum of \$704.34, plus interest thereon for delinquent real estate taxes assessed upon the real estate foreclosed upon.

- 18. Aetna Finance Company v. Terry Lee Goodmon, Vanderburgh Superior Court, Cause No. 82D03-9108-CP-1529. The total sum of \$813.97, plus interest thereon for delinquent real estate taxes assessed upon the real estate foreclosed upon.
- o. <u>DPF, Inc. v. Board of Commissioners for Vanderburgh County</u>, Vanderburgh Superior Court, Cause No. 82D03-9108-CP-1515

An action was brought against the County in connection with the Board of Commissioners not granting a petition for rezoning filed by the Plaintiff herein. It is the Plaintiff's contention that the Commissioners' refusal to approve said rezoning petition constituted an unlawful taking of Plaintiff's property in violation of the Fifth and Fourteenth Amendments of the United States Constitution. The Plaintiff requests the court to order Vanderburgh County Commissioners to rezone Plaintiff's property as requested in its zoning petition.

It is the County's contention that its refusal to grant said rezoning petition was based upon valid reasons. It is therefore anticipated that this matter will be tried. A hearing has not been scheduled.

As of August 23, 1991, this office is aware of and is investigating the following threatened litigation:

### a. Ricky Wedding and Jaquette Luckett v. Kathy Mann and Dr. Evers

Mr. Wedding and Mr. Luckett are or were inmates at the County Jail. They are represented by legal counsel who has served a tort claim notice on the County. At present we do not know whether any cause of action will ultimately be filed, or if the Sheriff's Department as well as the individuals will be named defendants. The inmates will be taking the depositions of Ms. Mann and Dr. Evers next month per a special court order allowing discovery prior to bringing suit.

Mr. Wedding and Mr. Luckett each allege that he was injected with a used needle during his physical at the jail. Each seeks an undetermined amount of damages. Our investigation is not yet complete so we cannot offer an opinion on the outcome or range of loss. As with all other "jail" litigation, we have been instructed to vigorously defend these claims.

### b. Sharon Bowman v. The City of Evansville and Vanderburgh County

We have received a tort claim notice on behalf of Sharon Bowman. Ms. Bowman alleges that on or about February 21, 1991, she was falsely arrested and imprisoned for operating a motor vehicle while intoxicated and was maliciously prosecuted for this charge (as a felony), even though she had previously plead guilty to a misdemeanor charge based on the same incident one year prior to this arrest. She seeks an undetermined amount of damages.

A representative of the County Prosecutor's office has investigated this claim and believes that both a misdemeanor charge and a felony charge were filed as to the same drunk driving incident involving Ms. Bowman. She was served with the misdemeanor charge and plead guilty. A year later, the outstanding arrest warrant for the felony charge was discovered when Ms. Bowman was stopped for some other violation. She was arrested and spent one night in jail. The felony charge was dismissed as soon as the guilty plea on the misdemeanor charge was discovered.

We have been instructed to defend this claim vigorously. While the outcome of litigation can never be predicted with certainty, our present opinion is that a favorable determination is more likely than not based on prosecutorial immunity. Should Ms. Bowman succeed on her claim, we believe her damages should be in the range of \$2,000 to \$4,000, given that she has a previous history of arrests and has served jail time in connection with other matters.

#### 2. Unasserted Claims and Assessments.

As of August 23, 1991, we are not aware of any unasserted claims or assessments in respect of Vanderburgh County. This will confirm as correct the understanding as set forth in your inquiry letter to us that whenever, in the course of performing legal services for the County with respect to a matter recognized to involve an unasserted possible claim or assessment that may call for financial statement disclosure, if we have formed a professional conclusion that the County must disclose or consider disclosure concerning such possible claim or assessment, we will so advise you and the County and will consult with you and the County concerning the question of such disclosure and the applicable requirements of Statement of Financial Accounting Standards No. 5.

- 3. <u>Liabilities (contingent and otherwise) arising from compliance requirements of federal acts.</u>
- a. To the best of our knowledge, we are not aware of any violations of compliance requirements, restrictions or prohibitions of federal assistance programs.
- b. To the best of our knowledge, we are not aware of any violations of the Davis-Bacon or Fair Labor Standards Acts.
- c. To the best of our knowledge, we are aware that one complaint has been filed with the Equal Employment Opportunity Commission. It was filed by Pat Gilbert, a former employee of the County Clerk's office. She alleges that her employment was terminated because of her race. The County vigorously denies this allegation and has submitted its response to her complaint. Presumably an investigation by the EEOC is in progress with respect to this matter. We are not aware of any other complaints, investigations in progress, suits pending or previously adjudicated with the EEOC.

To the best of our knowledge, we are not aware of any complaints, investigations in progress, suits pending or previously adjudicated the Indiana Civil Rights Commission.

#### 4. Limitations on Opinion

This response is limited by and in accordance with the ABA Statement of Policy Regarding Lawyers' Responses to Auditors' Requests for Information (December, 1979); without limiting the generality of the foregoing, the limitations set forth in such Statement on the scope and use of this response (Paragraphs 2 and 7) are specifically incorporated herein by this reference, and any description herein of any "loss contingencies" is qualified in its entirety by Paragraph 5 of the Statement and the accompanying commentary (which is an integral part of the Statement).

If you need any further information or wish to clarify any of the information provided herein, please do not hesitate to contact me.

Very truly yours,

ZIEMER, STAYMAN, WEITZEL & SHOULDERS

Ted C. Ziemer, Jr.

Vizne

### REQUEST FOR APPROPRIATION

| DEPARTMENT _                            | County Com      | missioners          |                  | DATE_8         | /30/91     |        |
|-----------------------------------------|-----------------|---------------------|------------------|----------------|------------|--------|
| ACCOU                                   | NT              | LINE ITE            | A                | AMO            | UNT        |        |
| 130 3050                                |                 | Patient & Inmate    | Care             | \$100,00       | 0.00       |        |
|                                         |                 |                     | -                |                |            |        |
| *************************************** |                 |                     |                  |                |            |        |
| -                                       |                 |                     |                  |                |            |        |
|                                         | EXPLANAT        | TION OF NEED FOR RE | EQUEST           |                |            |        |
| I have been                             | informed by the | Auditor's office    | that they have   | a bill from th | ne         | ·      |
| State Treas                             | urer in the amo | unt of \$140,465.43 | , so we need the | money to pay   | this       |        |
| bill and ho                             | pefully, enough | to pay other expe   | cted bills this  | year.          |            |        |
|                                         |                 |                     |                  |                |            |        |
|                                         |                 |                     |                  |                |            |        |
| BALANCE OF AC                           | CCOUNTS         |                     |                  |                |            |        |
| ACCOUNT NO.                             | BUDGET          | DISBURSEMENTS       | BALANCE          | BALANCE AFT    | ER APPROPR | IATION |
| 130 3050                                | \$200,000.00    | \$106,768.00        | \$93,232.00      | \$193,         | 232.00     |        |
|                                         |                 |                     |                  |                |            |        |
|                                         |                 |                     |                  |                |            |        |
|                                         |                 |                     |                  |                |            |        |
|                                         |                 |                     |                  |                |            |        |
|                                         |                 | DEPAR               | TMENT HEAD       |                |            |        |

#### CITY OF EVANSVILLE

#### INTER-DEPARTMENTAL MEMORANDUM

| DATE:    | August 27, 1991                        |
|----------|----------------------------------------|
| TO:      | Board of County Commissioners          |
| FROM:    | Roger L. Lehman, Building Commissioner |
| SUBJECT: | 9301 OLD STATE ROAD                    |
|          |                                        |

An inspection, August 19, 1991, indicated substantial progress on the required repairs at the above referenced property:

- 1.) Drywall hung and being finished.
- 2.) Floors repaired and ready for covering.

#### CITY OF EVANSVILLE

#### INTER-DEPARTMENTAL MEMORANDUM

| DATE:    | August 27, 1991                        |
|----------|----------------------------------------|
| TO:      | Board of County Commissioners          |
| FROM:    | Roger T. Lehman, Building Commissioner |
| SUBJECT: | 9301 OLD STATE ROAD                    |

An inspection, August 26, 1991, indicated substantial progress on the following required repairs at the above referenced property:

- 1.) Interior drywall finished and painted.
- 2.) Exterior walls painted.
- 3.) Gutters installed.

Items remaining to be repaired:

- 1.) Kitchen cabinets
- 2.) Interior trim
- 3.) Repair front porch
- 4.) Floor coverings
- 5.) Light Fixtures
- 6.) Plumbing fixtures

The remaining items, with the exception of repairing the front porch, are not items governed by housing maintenance standards. Mr. Matthew Short has also indicated he has a potential tenant for the property. He plans to install a culvert across the entire front yard and have it covered. Since 95% of the items contained in our order have been corrected, I anticipate recommending that the order on the property be officially released at your next meeting.

#### AGREEMENT

THIS AGREEMENT, made and entered into as of this 3 day of September, 1991, by and between Amoco Pipeline Company, with its principal place of business located at One Mid America Plaza, Suite 300, Oakbrook Terrace, Illinois 60181 ("Amoco"), and the Board of Commissioners of Vanderburgh County (the "County").

WHEREAS, Amoco currently operates a facility near the intersection of Lost Bend Lane and Olmstead Road in Vanderburgh County, Indiana;

WHEREAS, Amoco has requested that the County undertake such action as is necessary to construct a road transition and expansion near the intersection of Lost Bend Land and Olmstead Road in order to permit easier access for Amoco truck traffic, and in order to further the interests of public safety (the "Widening Project"); and,

WHEREAS, the County believes that the Widening Project will be in the best interests of Vanderburgh County.

NOW, THEREFORE, in consideration of the mutual promises, agreements and covenants herein contained, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

- 1. Recitals. The recitals set forth in the above preamble are incorporated herein by reference.
- 2. <u>Widening of Roadway</u>. The County hereby agrees to take any and all action necessary to complete the Widening Project, including obtaining all materials and supplying all labor, equipment, and machinery required to complete the Widening Project.
- 3. Payment for Materials. Amoco hereby agrees to reimburse the County for any and all materials provided in relation to the Widening Project, including but not limited to rock, asphalt, concrete, or any other construction materials required for completion of the Widening Project. Amoco shall tender payment in full within thirty (30) days of invoice receipt from the County for materials used in the Widening Project. All other costs of the Widening Project, including labor and equipment costs, shall be borne by the County.
- 4. <u>Discretion of County</u>. Amoco acknowledges that the County, its agents, and employees, and specifically the Vanderburgh County Highway Department, shall have full and absolute discretion regarding the design, specifications, placement, construction, and maintenance of the Widening Project, and that Amoco hereby waives any and all rights to refuse payment of material costs associated

with the Widening Project where such refusal is related to any action undertaken by the County in their discretion granted under this Paragraph 4.

- 5. Timing of Performance. The County shall be given one (1) year from the date of execution of this Agreement to complete the Widening Project. Amoco acknowledges that said one (1) year term is reasonable under the circumstances, and further acknowledges that no non-payment of material costs as provided herein may be premised upon delay in completion of the Widening Project where the Widening Project is completed within said one (1) year term.
- 6. Successors and Assigns. The parties and their attorneys, agents, employees, servants, heirs, executors, administrators, representatives, beneficiaries, insurance companies, parent corporations, subsidiaries, related companies, predecessors, affiliates, owners, shareholders, directors, officers, successors, and assigns, and anyone acting on their behalf are all both bound by this Agreement and receive the complete benefits of its protections.
- 7. Applicable Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Indiana. If any provision of this Agreement is contrary to, prohibited by, or deemed invalid under applicable laws or regulations then such provision shall be deemed inapplicable and deemed omitted, but shall not invalidate the remaining provisions hereof.
- 8. Expenses of Future Litigation. In the event of any litigation among the parties hereto involving this Agreement or the respective rights of the parties hereunder, the party who is unsuccessful in such litigation shall pay to the successful party reasonable attorney fees, court costs and expenses of such litigation incurred by such successful party.
- 9. Entire Agreement. This instrument contains the entire agreement between the parties and supersedes all prior oral or written understandings, agreements or contracts, formal or informal, among the parties hereto. THIS PROVISION, AND EACH AND EVERY OTHER PROVISION OF THIS AGREEMENT MAY NOT UNDER ANY CIRCUMSTANCE BE MODIFIED, CHANGED, AMENDED OR PROVISIONS HEREUNDER WAIVED VERBALLY, BUT MAY ONLY BE MODIFIED, CHANGED, AMENDED OR WAIVED BY AN AGREEMENT IN WRITING EXECUTED BY ALL OF THE PARTIES HERETO.
- 10. Copies Considered Originals. This Agreement may be executed simultaneously in several counterparts, each of which shall be deemed an original, but all which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals as of the day first above written.

BY: W.A. Moore

Amoco Pipeline Company

"Amoco"

Board of County of Vanderburgh County, State of Indiana

Carolyn McClintock, President and Commissioner

n Hunter, Victorial Commissioner Vice-President and

Richard Borries, Commissioner

"County"

#### RIGHT OF WAY

Alan Stahl and Mary D. Stahl ("Granters") hereby GRANT to the Board of Commissioners of Vanderburgh County ("Grantee") a right of way for purposes of constructing a transition and widening at the corner of Lost Bend Lane and Olmstead Road, which construction shall affect a portion of the property described as follows:

The Northwest Quarter of Section 6, Township 6 South, Range 9 West in Vanderburgh County, Indiana, as set forth in Record Book \_\_\_\_\_, page in the Vanderburgh County Recorder's Office.

Specifically, Grantors convey a permanent and perpetual right of way to Grantee for construction of the road widening transition on the following portion of the above-referenced property:

A part of the East 1/2 of the NW 1/4 of Section 6, Township 6 South Range 9 West in Vanderburgh County, Indiana being more particularly described as follows:

COMMENCING at a found 3/4 inch pipe at the center of Section 6, Township 6 South, Range 9 West; thence, South 88 degrees 44 minutes 41 seconds West (assumed BEARING) along the South line of the East 1/2 of the NW 1/4 of said section a distance of 131.48 feet (measured) and 131.34 feet (recorded) to a found 5/8 inch rebar; thence, continuing South 88 degrees 44 minutes 41 seconds West a distance of 9.54 feet; thence, North 01 degrees 36 minutes 00 seconds East 20.02 feet to a point on the North right of way line of Olmstead Road and the West right of way line of Lost Bend Lane, THE PLACE OF BEGINNING; thence, South 88 degrees 44 minutes 41 seconds West along the North right of way line of Olmstead a distance of 12.00 feet; thence, North 07 degrees 50 minutes 27 seconds East a distance of 110.25 feet to a point on the West right of way line of Lost Bend Lane; thence, South 01 degrees 36 minutes 00 seconds West along the West right of way line of Lost Bend Lane; thence, South 01 degrees 36 minutes 00 seconds West along the West right of way line of Lost Bend Lane a distance of 109.00 feet to THE PLACE OF BEGINNING containing 653.19 square feet more or less.

This right of way shall be subject to any easements and/or restrictions of records:

The parties further agree, in consideration of this conveyance, that the Grantees shall maintain the easement granted herein and the improvements made thereon, and shall further indemnify and hold Grantees safe and harmless from any and all claims, damages, or causes of action related to the construction and maintenance of the contemplated improvements which arise as a result of Grantee's failure to exercise reasonable care in constructing and maintaining the improvements.

The covenants and agreements herein contained and set forth as pertains to Grantee's easement and other obligations shall for all purposes be construed and considered

to be covenants running with the title to Grantor's real estate hereinbefore described, and shall be binding upon the parties hereto and their respective heirs, successors, and assigns.

| day of Aptembee, 1991.                                                                    | have executed this document as of the                                                                                           |
|-------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
|                                                                                           | BOARD OF COMMISSIONERS OF<br>VANDERBURGH COUNTY, STATE OF<br>INDIANA                                                            |
| Alan Stahl                                                                                | By: Carolyn McClintock, President and Commissioner                                                                              |
| Mary D. Stahl "Grantors"                                                                  | By: Don Hunter, Vice-President and Commissioner  By: Don Hunter, Vice-President and Commissioner  Richard Borries, Commissioner |
| STATE OF INDIANA ) COUNTY OF VANDERBURGH )                                                | "Grantees"<br>SS:                                                                                                               |
|                                                                                           | Public in and for said County and State,  Stahl, who acknowledged and affirmed the day of, 1991.                                |
| My County of Residence is:  Andulous 4 County, Indiana.  My Commission Expires:  12, 1992 | Signature of Notary Public  Joanne A Marthews  Printed Name of Notary                                                           |

THIS INSTRUMENT Was prepared by Kahn, Dees, Donovan & Kahn; D. Bryan Weese; 305 Union Federal Building; P. O. Box 3646; Evansville, Indiana 47735-3646, at the specific request of the parties based solely on information supplied by one or more of the parties to this conveyance, and without examination of title or abstract. The drafter assumes no liability for any errors, inaccuracy, or omissions in this instrument resulting from the information provided, the parties hereto signifying their assent to this disclaimer by their execution and acceptance of this instrument.

# MINUTES COUNTY COMMISSIONERS MEETING SEPTEMBER 9, 1991

# INDEX

| Subject                                                            | Page    | NO. |
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| Meeting Opened at 4:30 p.m                                         | • • • • | 1   |
| Introduction of Staff & Pledge of Allegiance                       | • • • • | 1   |
| Authorization for County Attorney to Open Bids                     | • • • • | 1   |
| Sale of County-Owned Surplus Real Estate                           | • • • • | 1   |
| Progress Report/Property at 9301 Old State Rd                      | • • • • | 1   |
| Lawsuit/IDEM vs. County re Chemical Spill at County Highway Garage | • • • • | 1   |
| Center Township Assessor's Office/Education Request .              | • • • • | 3   |
| County Auditor                                                     | ••••    | 3   |
| Public Works Director - Greg Curtis                                | ••••    | 3   |
| County Attorney - Gary Price                                       | ••••    | 5   |
| Consent Agenda                                                     | • • • • | 5   |
| Scheduled Meetings                                                 | • • • • | 6   |
| Old Business                                                       | ••••    | 6   |
| New Business (None)                                                | • • • • | 6   |
| Reading of Bids                                                    | • • • • | 6   |
| Meeting Adjourned at 6:00 p.m                                      | • • • • | 7   |

# MINUTES COUNTY COMMISSIONERS MEETING SEPTEMBER 9, 1991

The Vanderburgh County Board of Commissioners met in session at 4:30 p.m. on Monday, September 9, 1991 in the Commissioners Hearing room, with Vice President Don Hunter presiding.

# RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

Commissioner Hunter called the meeting to order, welcomed the meeting participants, introduced members of the County Staff, and asked the group to stand for the Pledge of Allegiance.

He then asked if there is anyone present who wishes to address the Commission who does not find themselves on today's agenda. There was no response.

# RE: AUTHORIZATION FOR COUNTY ATTORNEY TO OPEN BIDS

Upon three separate motions made by Commissioner Borries and seconded by Commissioner Hunter, Attorney Gary Price was authorized to open bids as follows:

- Breaking Up, Removal & Replacement of Slope Walls on Bridge #116-A on Pfeiffer Rd. over Pigeon Creek.
- 2) Removal & Replacement of Culvert on County Line Rd.
- 3) Removal & Replacement of Culverts on Schaeffer Rd.

So ordered.

#### RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

Commissioner Hunter entertained bids on County-Owned Surplus Real Estate, as advertised. There were no bids.

# RE: PROGRESS REPORT RE PROPERTY AT 9301 OLD STATE RD.

Commissioner Hunter noted this matter came up last week and the Commissioners had a concern about the porch and Roger Lehman has been out and conducted an inspection. He advises that the repairs required by the County Commissioners have been completed and, in most cases, exceed codes and specifications. It is his recommendation that this project be released. The property is now an asset to the County and the neighborhood. Mr. Hunter entertained a motion that the Commission lift their Order to raze the structure on this property.

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

# RE: LAWSUIT - IDEM VS. VANDERBURGH COUNTY RE CHEMICAL SPILL AT THE COUNTY HIGHWAY GARAGE

Commissioner Hunter recognized Attorney Jeff Dodson, who proceeded to give a report concerning the subject matter. He said he has submitted at this time an Amended Agreed Order to the Commissioners, which was submitted to the Commissioner of the Indiana Department of Environmental Management in late February o early March of 1991 for approval. This Amended Agreed Order is the Supplement to the original Order that was in effect governing the chemical testing to be done on the leaking barrels out at the

County Garage site. This Amended Agreed Order addresses specifically changes to that Order and a Sampling Plan as it relates to the diesel fuel contamination that was identified during the initial test run out there in October or November 1990. As stated, the Amended Agreed Order was submitted to the Commissioner of the Indiana Department of Environmental Management, as well as the Attorney General's office, for approval in late February or early March and was returned to him ( signed by IDEM, as well as the Attorney General) early last month — the delay being that IDEM obviously or apparently was backed up with various paperwork and could not have this Amended Agreed order back to us before that time. However, the terms and provisions for the Amended Agreed Order at this time, based upon representations by members of IDEM as to the amendment to the plan as well as the amendment to the Order being approved, Vanderburgh County has gone forward and operated as if this Order had been approved at the time of its submission. Therefore, we are up to No. 8 of the Order on Page 8. Based on those representations, at this time he would ask that the Amended Agreed Order as submitted to the Commissioners be approved and signed so it may be filed with the Vanderburgh Circuit Court and this matter can proceed as it has in the past with the terms and provisions as set forth in the Amended Agreed Order.

There being no questions, Commissioner Hunter entertained a motion to approve and sign the Amended Agreed Order, as recommended.

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

Commissioner Borries said he wants to personally thank Attorney Dodson, and asked what will proceed from here?

Attorney Dodson responded, "From here, representation has been made to me that the interim report that has been submitted to the Commissioners on the soil boring and well water monitoring analysis will be made formal in mid-October, after which it will be submitted to IDEM for review and approval. Once the final report is approved, which will specify the concentrations and the specific areas of contamination out there, Vanderburgh County, pursuant to the terms of the Order will be required within 90 days to submit to IDEM a Corrective Action Plan. That Corrective Plan, upon approval — Vanderburgh County then will have 90 days to initiate that plan. Basically, I would say that Vanderburgh County is in the homestretch of this problem, homestretch being actual hands—on clean—up corrective action at the County Garage site."

Mr. Borries asked, " In your opinion, that final phase at this point is proceeding in a positive manner? That the steps that were outlined last year are, in fact, positive proof that we are resolving this problem?"

Mr. Dodson replied, "Yes. The Indiana Department of Environmental Management as well as the Attorney General's Office has been very pleased with Vanderburgh County's efforts and their positive attitude toward meeting and greeting this problem, as well as the steps that have been taken to identify exactly what type of problems are out there and to rectify through remediation the problems that do exist."

Commissioner Borries again commended Mr. Dodson for his excellent work on this. In many respects, it is regrettable that it surfaced as a campaign issue. But the end result is that Mr. Dodson has given excellent counsel, we have proceeded, and he is very optimistic, based upon what Attorney Dodson has reported here today, that this will be resolved successfully.

Commissioner Hunter also expressed appreciation to Mr. Dodson.

Attorney Dodson said he will stop by the Commissioners Office tomorrow to pick up the Order, after Commissioner McClintock has signed it, as he wants to get it filed tomorrow.

## RE: CENTER TOWNSHIP ASSESSOR'S OFFICE

Janet Stucki, Chief Deputy in Center Assessor's Office, noted she had submitted a letter to the Commissioners, to thank them for the educational opportunity recently afforded her, and she completed the course satisfactorily with a 4.0 average. She would like to again request their assistance with two additional courses Ivy Tech is adding to their curriculum this fall. The total cost for the two courses would be \$150.90.

Commissioner Hunter said only \$74.00 remains in the education fund at this time.

Ms. Stucki said her boss, Alvin Stucki, has a training account set aside for computer training courses. At this time they do not foresee those courses coming up this year and he has indicated he would allow her to use those funds if the Commission has no objection to the funds being used for her two additional courses.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the request to use training funds in the Center Assessor's budget was approved. So ordered.

# RE: COUNTY AUDITOR - SAM HUMPHREY

Mr. Humphrey said the computer consultants came to him this past week and asked if we can devise a method whereby they could purchase hardware in this fiscal year and thereby save us about \$150,000. He has been investigating this since last week and just got off the phone with the State Tax Board. He gave a cite to Attorney Price to do some research. They tell him they want to be positive about it. We have the money in the Commissioners' account budgeted for next year -- but we do not have it available this year. The problem is having the money in place before you start the bid process. They are positive on doing it -- anytime we can save the County that kind of money, they want to participate in it and be positive. He will be with the Tax Commissioners and State Board of Accounts in Columbus, all week -- and whenever Mr. Price can get this to him. We'd like to do it as quickly as possible. Our computer people are attempting to save us all the money they can and he thinks this is a good effort on their part.

Secondly — is a perception he thinks the public has. In Friday's Press, Maureen Hayden had a column about the Auditorium and on Page 12 it says, "Keys for the parking lot lockbox, which holds the money paid by drives to enter the pay parking lot are now kept in the Vanderburgh County Auditor's Office". Tain't so. We don't keep any keys in our offices and we're not going to. "Instead of done as previously, we will collect the money and immediately take it to the Auditor's Office where it will be counted and a receipt issued." That's not true. We don't take any monies. The Treasurer takes the money. The procedure is they bring us a receipt, we give them a quietus, they take it to the Treasurer, the Treasurer counts it and when it comes back and says it's okay, we give them the receipt. So I just wanted to clarify that for the record. We're not in the money handling business — we just account for it.

# RE: PUBLIC WORKS DIRECTOR - GREG CURTIS

Green River Rd. Project/Evlle. Day School Property: When we purchased that property, our agreement basically was that we would

purchase the right-of-way and that the baseball field and its relocation would be negotiated and we would come back for that at a later date, but in the meantime they would sign the paperwork so we could proceed with the project. We have come back with what both Neil Sanders of United Consulting Engineers and himself feel is going to be our most equitable solution. Our cost would be \$17,431. There are a number of alternatives and how that cost figure was arrived at. It is his recommendation that we proceed with that. Evansville Day School is going to do some of the reseeding work and the sodding, as well, and he thinks this works out to be an equitable solution for everyone involved.

In response to query from Commissioner Borries, Mr. Curtis said he thinks their hopes were to do that this fall and possibly get some growth on it this fall so they can possibly use the facilities next spring.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the lowest price alternative of \$20,431.00 less the \$3,000 removed from the alternative for a total of \$17,431.00 was approved. So ordered.

Orchard Rd. Bridge: As reported at previous meetings, we offered one of the property owners (Krietemeyers) approximately double what the appraisal came back as. Last Friday we received their reply, which was a definite no. It is therefore his recommendation and request that we proceed with condemnation on this parcel so that we may construct this bridge.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the request to begin condemnation proceedings was approved. So ordered.

Work Policy: Mr. Curtis said he has a Work Policy which he intends to post in various locations, particularly at the County Highway Garage. (Copy of Work Policy attached hereto as part of the formal minutes.) Mr. Curtis noted there has been a great improvement in the tardy/absentee area; in fact, for the most part, the problem no longer exists. But to reinforce earlier policies, unless the work crew is within three miles or less of the garage, lunch is expected to be taken at the work site and will be one half hour or less in duration. Exceptions to this policy must be approved by the immediate supervisor. He prefaced all three policies with a statement that the County Commission's interest is in increasing productivity. What happens from time to time, people are coming in late to work, which basically messes up the crew schedule that is already established and work has to be reassigned, which basically delays the time that a crew is able to get out to work. person comes in later and the crew has already left, then you have to find something for that individual to do that is a one person operation or else put that individual on a crew that possibly In relation to the lunch hour, he doesn't need another person. thinks it just makes sense that coming back to the garage (they're very good about that now) but he felt that policy needed to be posted in the garage -- that unless you are close to the garage you don't take lunch in the garage. His primary reason for bringing up the Work Policy today is that if there are objections to that by the Commission, he would rather hear them today than to hear them at such time as some sort of complaint might occur.

Mr. Borries asked how the tardy/absentee days will be documented? Who is the Department Head?

Mr. Curtis responded that it is himself. The non-supervisory personnel at the garage all punch the time clock. So there is a time card that says what time they punch in. It's just a matter of reviewing that. The only leeway in that policy is something that

has to be approved by him.

Commissioner Hunter said he has no objections -- however, Mr. Curtis might want to meet with these people to make sure they understand what is being posted. Otherwise, just posting this might result in a lot of confusion.

Mr. Curtis said he intends to meet with them tomorrow morning to go over the Work Policy.

Change Order/Union Township Project: Mr. Curtis noted that last week we ran through a Change Order on the Union Township project — waterway excavation in the amount of \$2,550.00. Gary also brought in some pipe decreases. Basically, we came up with a \$846.50 decrease. However, it is his expectation that the dirt quantities are going to run over. We're getting significant amounts of settlement and it is anticipated the dirt quantities will run over the original contracted amounts. He wants the Commission to be aware of this at this point in time; but we likely won't know the significance of that until very late this fall or possibly next spring — depending on when the settlement stops. He does need the Commissioners signatures on the Change Order today.

<u>Claims:</u> The following claims were presented, with the recommendation that same be approved for payment:

- 1) Union Twp. Access/Frank Hassel \$1,125.00
- 2) Fulton/Fifth Ave. Bridge #67 \$3,572.00
- 3) Heritage Remediation \$20,501.90

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

(At 5:00 p.m., Commissioner McClintock entered the meeting.)

# RE: COUNTY ATTORNEY - GARY PRICE

Attorney Price submitted the written report from Attorney Ziemer's office, indicating there is nothing on the report that requires the Commission's action.

President McClintock asked, "So under Item #4, German Township is going to prepare the claim for back pay for Mrs. Effinger?"

Mr. Price confirmed that this is correct.

# RE: CONSENT AGENDA

Commissioner Hunter said that Item "b" should be stricken from the Consent agenda; that check was to the Sheriff's Department and does not require action on the part of the Commission.

With regard to Claims, the Commissioners might want to read the letter from Burdette Park with regard to claims submitted for reimbursement in conjunction with the Day Camp.

Motion was made by Commissioner McClintock to approve the refund claims, with a second from Commissioner Borries. So ordered.

With regard to Albert Gardner under Employment Status Changes and his request for a four months leave of absence, it was noted that this matter was previously approved, but the letter is simply being attached to the pink slip.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Consent Agenda was approved. So ordered.

# RE: SCHEDULED MEETINGS

Mr. Hunter directed the Board's attention to the Scheduled Meetings.

#### RE: OLD BUSINESS

Auditorium Advisory Board: Ms. McClintock said she attended an Auditorium Advisory Board Meeting on Tuesday. What that Board would like to do is know absolutely what we are comparing here in regards to private management versus the availability of someone to run the Auditorium as a Professional Manager. They want to go ahead and advertise to see what kind of salary range we'd be looking at and what kind of individuals might be available, so when they do interview (and the Commissioners will all be invited to the interviews for the private management companies) we do have some idea if there are people available, etc., so we can compare budgets. The actual advertisement will be brought to the Commission next week for approval. They would like to set up interviews with Ogden Food Services and Given, Spindler & Aiken Management for the end of September. The individual Commissioners will be notified in advance as to the time and date of said interviews.

#### RE: NEW BUSINESS

Mr. Hunter entertained matters of new business to come before the Board. There were none.

### RE: READING OF BIDS

The meeting continued with Attorney Price reading the following bids into the record.

# 1) Schaeffer Rd. Project

| Deig Bros. Lumber & Construction | \$92,574.00 |
|----------------------------------|-------------|
| Phoenix Construction             | 92,198.00   |
| Koberstein Trucking Co.          | 75,140.00   |
| Happe & Sons Construction Co.    | 63,956.00   |
| Bowling, Inc.                    | 101,621.00  |
| Southwest Engineering Inc.       | 84,930.00   |
| Blankenberger Bros., Inc.        | 94,996.02   |
| J. H. Rudolph & Co., Inc.        | 112,640.00  |

# 2) County Line Rd. Project

| Deig Bros. Lumber & Construction | \$ 24,070.20 |
|----------------------------------|--------------|
| Phoenix Construction             | 22,043.00    |
| Happe & Sons                     | 22,873.00    |
| Woodward Backhoe Service         | 28,000.00    |
| Blankenberger Bros., Inc.        | 21,314.00    |
| J. H. Rudolph & Co., Inc.        | 32,885.00    |
| Bowling, Inc.                    | 26,293.00    |
| Southwest Engineering, Inc.      | 24,435.00    |

# 3) Pfeiffer Rd. Project

| W. L. Ltd.                       | \$ 54,941.00 |
|----------------------------------|--------------|
| Deig Bros. Lumber & Construction | 47,806.25    |
| Phoenix Construction             | 47,735.00    |
| Happe & Sons Construction        | 32,573.00    |
| Bowling, Inc.                    | 48,625.00    |

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, all bids were referred to the Public Works Director for his review and recommendation. So ordered.

There being no further business to come before the Board at this time, Commissioner Hunter declared the meeting adjourned at 6:00 p.m.

#### PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
Rick Borries, Member
Gary Price, County Attorney
Sam Humphrey, County Auditor
Cindy Mayo, Chief Deputy Auditor
Greg Curtis, Director/Public Works
Lou Wittmer, Supt./County Bldgs.
Margie Meeks/Commission Office
Jeff Dodson, Attorney
Chris Campbell, Deig Bros. Construction
Dan Peters, J. H. Rudolph & Co.
Mary Ann Nass, Naas & Sons, Inc.
Martin Woodward, Woodward Backhoe
Jeff Happe, Happe & Sons
Pam Martin, Chamber of Commerce
Janet Stucki, Center Assessor's Office
Others (Unidentified)
News Media

**SECRETARY:** Joanne A. Matthews

Carolyn McClartol
Carolyn McClintock, President

Don Hunter, Vice President

Richard J. Borries, Member

# Board of Commissioners

of the County of Vanderburgh 305 ADMINISTRATION BUILDING

305 ADMINISTRATION BUILDING CMC CENTER COMPLEX EVANSVILLE, INDIANA 47708





### VANDERBURGH COUNTY COMMISSIONERS

September 9, 1991 4:30 P.M.



1. Call to order

RICHARD J. 'RICK' BORRIES

- 2. Introduction of staff
- 3. Pledge of Allegiance
- 4. Any groups/individuals wishing to address the Commission
- 5. Action Items:
  - a. Opening of proposals or bids for the breaking up, removal & replacement of slope walls on Bridge #116-A on Pfeiffer Road over Pigeon Creek
  - b. Opening of proposals or bids for the removal & replacement of culverts on Schaeffer Road
  - c. Opening of proposals or bids for the removal & replacement of culvert on County Line Road
  - d. Sale of County owned surplus real estate
  - e. Report from Roger Lehman on property located at 9301 Old State Road
  - f. Jeff Dodson-Report on lawsuit w/Indiana Dept. of Envionmental Management
  - g. Letter from Janet Stucki-Chief Deputy Center twp assessor
- 6. Department Head Reports:

Greg Curtis.....Public Works Director

Ted Ziemer.....County Attorney

- 7. Consent Items:
  - a. Travel Request... Health Department... Public Works Dept.
  - b. Check received for damages to County vehicle from Westfield
  - .. Companies Insurance \$217.50

| •                                         |               |
|-------------------------------------------|---------------|
| Amy Lu Helfert\Dupt.Clerk 9\9\91          | \$15,801.00   |
| ELECTION OFFICE-APPOINTMENTS              |               |
| Mary Lee Bassemier\Clerk<br>9\9\91        | \$5.00 per hr |
| Nancy L. Kleiman\Clerk 9\9\91             | \$5.00 per hr |
| CENTER ASSESSOR\APPOINTMENTS              | •             |
| STEPHANIE STEVENS\Deputy 9\9\91           | \$13,680.00   |
| CENTER TOWNSHIP ASSESSOR - Releases:      |               |
| Dava J. Roth\part-time-deputy 9\6\91      | \$5.00 per hr |
| Stephanie Stevens\ 9\6\91                 | \$5.00 per hr |
| Pat Altman\part-time-deputy 9\6\91        | \$5.00 per hr |
| Martha Childers\Deputy Personal<br>9\6\91 | \$14,362.00   |
| VETERANS SERVICE\APPOINTMENTS             |               |
| Donneta Marrs\part-time-sec. 9\9\91       | \$5.00 per hr |
| Scheduled Meetings:                       |               |

| Tuesday, | Sept.   |        | Data Processing Board-8:00 A.MRm.303            |
|----------|---------|--------|-------------------------------------------------|
|          | *       | " -    | Design Review Board-8:30 A.M. Rm.307            |
|          | *       |        | Subdivision Review Board-9:30 A.M. Rm 303       |
| **       | **      | • -    | County Insurance Meeting-4:00 P.M. Rm 303       |
| Thursday | , Sept. | . 12 - | -E.U.T.S. Technical Committee-10:00 A.M. Rm 303 |
|          | •       | •      | Central Dispatch-1:30 P.M. Rm 301               |
| **       | •       |        | County Personnel Policy Review-4:00 P.M. Rm 303 |
| •        | •       | •      | E.U.T.S. Policy Committee-4:00 P.M. Rm 307      |
| Monday,  | Sept. 1 |        | Grant Application Review-2:30 P.M. Rm 303       |
| Monday,  |         |        | County Commissioners Meeting-6:00 P.M. Rm 307   |
| •        | •       | w      | Rezoning Petitions-7:30 P.M. Rm 307             |

- 8. Old Business
- 9. New Business
- 10. Meeting recessed.

- 4. Pursuant to the provisions of I.C. 13-7 and I.C. 4-22-1, a Notice of Violation and Hearing was issued and service of same was made by Certified Mail upon Defendant on March 1, 1984.
- 5. The wastes referred to in this matter were the subject of extensive multi-state criminal investigation and proceedings and were stored at Defendant's county highway garage pursuant to Court Order for an extended period of time which contributed to the deterioration of the containers of the various chemicals purchased illegally in 1979 by a former county highway superintendent. By reason of the foregoing circumstances, Defendant unintentionally violated:
  - (a) 320 I.A.C. 4-2 (now 329 I.A.C. 3-2) by generating and storing hazardous wastes without proper notifications to the appropriate state and federal authorities;
  - (b) 320 I.A.C. 4-6 (now 329 I.A.C. 3-17) by failing to properly manage hazardous waste to prevent fire, explosion, or release of hazardous waste or hazardous waste constituents on its premises which could threaten human health or the environment;
  - (c) 320 I.A.C. 4-6 (now 329 I.A.C. 3-23) by failing to maintain its containers in good condition;
  - (d) 320 I.A.C. 4-4 (now 329 I.A.C. 3-7) by failing to determine if the waste it was storing and disposing of was hazardous.
- 6. Defendant obtained a provisional identification number from the United States Environmental Protection Agency on April 22, 1984.
- 7. On June 16, 1984, the Plaintiff and Defendant entered into a Consent Decree whereby the Defendant was to:

- 12. On September 10, 1985, the Defendant submitted a revised PEG Sampling & Analysis Plan in accordance with Plaintiff's Notice of Inadequacy.
- 13. On February 19, 1986, the Plaintiff acknowledges receipt of the revised PEG Sampling & Analysis Plan and approved this plan.

  The Plaintiff gave Defendant sixty (60) days from receipt of the approval letter to implement the Sampling & Analysis Plan.
- 14. The Defendant, concerned with costs associated with implementing PEG's Sampling & Analysis Plan, contracts with Environmental Consultant's, Inc. (hereinafter "ECI") to submit an Amended Sampling & Analysis Plan to Plaintiff for review and approval.
- 15. The Defendant submitted ECI's Amended Sampling & Analysis Plan to Plaintiff on May 19, 1986.
- 16. On March 19, 1988, the Plaintiff sent a Notice of Inadequacy letter to Defendant discussing revisions that were necessary in order for ECI's Amended Sampling & Analysis Plan to be approved.
- 17. On May 5, 1988, Defendant contracted with National Laboratories, Inc. to use the PEG Sampling & Analysis Plan, approved on September 10, 1985 for the purposes of testing for PCB's only.
- 18. On May 27, 1988, the Plaintiff submitted a second Notice of Inadequacy for ECI's Amended Sampling & Analysis Plan.
- 19. On June 27, 1988, National Laboratories, Inc. submitted its report to the Defendant indicating only one soil sample contained PCB's.
- 20. On August 22, 1988, the Plaintiff submitted, a third Notice of Inadequacy for ECI's Amended Sampling & Analysis Plan.
  - 21. On April 20, 1990, the Plaintiff filed suit against the

Agreed Order entered into on September 26, 1990. This Sampling & Analysis Plan specifically addressed soil contamination resulting from barrels that were allegedly leaking hazardous chemicals at the Defendant's property.

- 26. On November 15, 1990, Defendant reported to the Plaintiff all results of the initial soil sample analytical testing generated from the initiation of the Sampling & Analysis Plan.
- 27. Only the results of the volatile organic compound analyses were above the "contamination threshold" specified in the Sampling & Analysis Plan. It is believed that the presence of xylene, toluene, and ethylbenzene reported in the soil samples is due to diesel contamination. Because the diesel may have originated from an underground storage tank (UST), the Defendant has requested that they be allowed to amend the original Sampling & Analysis Plan to include aspects of the UST investigation which would address the remaining issue of volatile organic compound contamination.
- 28. Defendant in amending the original Sampling & Analysis Plan has proposed to undertake a full soil and ground water impact investigation as required by UST regulations. The purpose of the amendment is to substitute soil organic vapor survey and soil borings with subsequent laboratory analyses for the sampling and analysis as required in the original plan.
- 29. Plaintiff consents to the amendment of the current Sampling & Analysis Plan. As such, the Defendant by agreement between all parties, will amend the current Sampling & Analysis Plan attached as Exhibit "A" to the Agreed Order in an effort to deal with volatile organics identified during testing, which appeared to be the result of diesel fuel contamination at the test site.

the PETREX Soil Vapor Survey, Defendant shall, pursuant to the terms and provisions of Amendment "A" to the Sampling & Analysis Plan, cause to be conducted soil borings and installation of ground water monitoring wells in locations determined by the PETREX Soil Vapor Survey.

- 8. Defendant shall, pursuant to the terms and provisions of Amendment "A" to the Sampling & Analysis Plan, cause to be conducted tests on the soil borings and ground water monitoring wells.
- 9. Within thirty (30) days from obtaining complete analytical results generated from the soil and ground water investigation, Defendant shall submit those results in writing to Plaintiff.
- 10. Within ninety (90) days of Plaintiff's approval of the results of the soil and ground water investigation, Defendant shall, if deemed necessary, submit to Plaintiff a Corrective Action Plan.
- 11. Within ninety (90) days of Plaintiff's approval of the Corrective Action Plan, Defendant shall initiate said plan.
- 12. That Defendant shall pay a stipulated penalty of One Thousand Dollars (\$1,000.00) per day for each day that Defendant fails to comply with this Order.
- 13. If the Defendant or the Defendant's agent or contractor fails to comply with any requirement of this Order, and if such failure (1) is caused by persons or events beyond the control of the Defendant which cannot be overcome by due diligence, and (2) delays any performance, or makes impossible substantial performance of any obligations required under this Order, then such failure shall not be considered a violation of this Order, but rather shall be considered a Force majeure event. The Defendant shall have the burden of establishing the existence of a Force majeure event under

APPROVED FOR LEGALITY AND FORM: BOWERS, HARRISON, KENT & MILLER

By\_\_\_\_\_\_\_David V. Miller
R. Jeff Dodson
P.O. Box 1287
Evansville, Indiana 47706-1287
Telephone (812) 426-1231

ATTORNEYS FOR THE DEFENDANT, VANDERBURGH COUNTY HIGHWAY DEPARTMENT

# AMENDMENT A (February 1991)

TO

SAMPLING AND ANALYSIS PLAN (June 1990)

Vanderburgh County Highway Department 5105 St. Joseph Avenue Evansville, IN 47712

Job #25008 LE911254.14

# I. INTRODUCTION

The Vanderburgh County Highway Department implemented an approved Sampling and Analysis Plan on October 10, 1990 to investigate the impacts of potential releases from former drum storage at the garage site located at Mill Road and St. Joseph Avenue in Evansville. During the actual site investigation, the presence of diesel fuel was encountered in site soils. This contamination interfered with subsequent activities specified in the original investigative plan and necessitated some modifications. These modifications were discussed with an approved by the Indiana Department of Environmental Management (IDEM).

Results of the initial soil sample analytical testing were submitted to IDEM on November 15, 1990. Only the results of the volatile organic compound analyses were above the "contamination threshold" specified in the original Sampling and Analysis Plan. It is believed that the presence of xylene, toluene, and ethylbenzene reported in the soil samples is due to diesel contamination. Because the diesel may have originated from an underground storage tank (UST), VCHD will undertake a full soil and groundwater impact investigation as required by UST regulations. It was requested that VCHD be allowed to amend the original Sampling and Analysis Plan (June 1990) to include those aspects of the UST investigation which would address the remaining issue of volatile organic compound contamination.

The purpose of this amendment is to substitute a soil organic vapor survey and soil borings with subsequent laboratory analyses, for the sampling and analysis of the 24-inch and 36-inch depth intervals at locations specified in the original plan. The following sections describe more fully the activities proposed by this amendment.

Implementation of this amendment to the Sampling and Analysis Plan will be the responsibility of Heritage Remediation/Engineering, Inc. (HR/E) in the role of consultant to VCHD as directed by Bowers, Harrison, Kent & Miller, legal counsel.

Job #25008 LE911254.14

1

The Petrex survey will identify locations of VOC contamination at the garage site. Subsequent soil borings and ground water well installation will be used to quantify actual concentrations of VOCs identified by the Petrex survey.

Job #25008 LE911254.I4

#### II. SOIL VAPOR SURVEY

VCHD proposes to conduct a Petrex soil vapor survey of the garage site suspected of having been influenced by diesel releases. Figure 1 is a representation of the VCHD garage site and shows the proposed location of Petrex collector tubes. The actual placement of collector tubes will be determined by the project geologists responsible for collector installation. No less than forty (40) collector tubes will be installed.

The Petrex soil vapor survey is a patented direct method for trapping and identifying volatile organic compounds (VOCs) such as gasoline, diesel fuels, and their constituents (benzene, toluene, xylene, ethylbenzene) from both soil and groundwater.

Each Petrex collector consists of highly sensitive sorbents chemically fused to the tip of a Curie-point ferromagnetic wire. The collectors are suspended from the bottom of a "test tube" and are installed below ground surface in an inverted position with the open-end (top) down. Collectors are typically placed one to two feet below the surface. The collectors reside for an optimal period to assure time integrated gas collection. The collectors are then retrieved and analyzed by Curie-point desorption mass spectrometry. The adsorption wire is placed directly into the high vacuum region of a mass spectrometer where the thermally desorbed VOCs are ionized, separated according to ion mass, and counted.

Constituent identification is made by comparing mass spectra from the soil survey data to an extensive reference library of pure compounds and common mixtures. The resultant data is displayed in the form of isopleth contour maps based on the relative ion count flux data for each constituent or mixture identified at each sample point. Attachment 1 presents an example of a contour map.

Job #25008 LE911254.14

# V. SUBMISSION OF DATA

VCHD will submit a report to the IDEM Hazardous Waste Enforcement Section in accordance with the terms stipulated by the amended Agreed Order. The report will describe field activities and contain summaries of soil gas survey results (including isopleth maps) and laboratory analyses.

Job #25008 LE911254.I4

# IV. SAMPLING AND ANALYTICAL TESTING

Soil samples from borings and groundwater from wells will be collected and submitted for laboratory analysis. The results of the soil vapor survey will determine the analytical methods employed. It is anticipated, however, that the following methods will be used.

| Constituent                          | SW-846 Method     | Detection Limit* |  |  |  |
|--------------------------------------|-------------------|------------------|--|--|--|
| Volatile Organic Compounds           |                   |                  |  |  |  |
| Soil                                 | 8240              | 310 to 630 μg/kg |  |  |  |
| Water                                | 8240              | 5 to 70 μg/l     |  |  |  |
| Water                                | 8021              | 1.0 μg/l         |  |  |  |
| BTEX Soil                            | 8020              | 50 μg/kg         |  |  |  |
| Total Petroleum<br>Hydrocarbon (TPH) | ALPHA 503E (FTIR) | 5 mg/kg          |  |  |  |

<sup>\*</sup>Detection limits may vary due to interferences from sample matrices.

If only diesel fuel (and its constituents) are confirmed by the soil vapor survey then BTEX (SW846-8020) will be used to analyze soil samples from borings. TPH may be used to analyze soil samples if it is determined that such testing would result in additional useful information to adequately characterize the site. If other VOCs are identified, then method 8240 will be used to analyze soil samples. Groundwater samples will initially be analyzed by method 8021 to assess contamination in relation to drinking water standards unless visual observations or field detectors indicate high concentrations which would make analysis by this sensitive method infeasible. Subsequent groundwater analyses may be performed using SW846-8240 depending on initial results obtained.

All samples will be collected in glass containers with teflon-lined lids. All chain-ofcustody and sample handling procedures will be in accordance with those specified

# PUBLIC WORKS DEPARTMENT

# **AGENDA**

# SEPTEMBER 9, 1991 ITEMS

- 1. Green River Road/Evansville Day School
- 2. Orchard Road Bridge/Krietemeyer Condemnation
- Departmental Work Policy
- Change Order Union Twp Access Project
- 5. Claims:

Union Twp. Access/Frank Hassel \$1,125.00 Fulton/Fifth Ave. Bridge #67 \$3,572.00 Heritage Remediation \$20,501.90

# **ATTACHMENT 1**

SAMPLE PETREX
ISOPLETH MAP

Job #25008 LE911254.I4



# United Consulting Engineers & Architects

Established 1965

ARCHITECTS

odraw C. Churchill, R.A., A.I.A.

John E. Hardin, R.A., A.I.A.

August 26,1991

Greg Cutis, P.E. Vanderburgh County Engineer

RE: Green River Road Evansville Day School

Dear. Greg,

Enclosed please find copies of the following items:

- A) Letter of explanation from Mike Shoulders, A.T.A.
- B) Willis Fence Company-bid for moving backstop
  C) Rudolph and Company-two alternative bids for sitework
  D) Peyronin Construction Company-bid for sitework

# SUMMALY

\$15,740 + \$5,736 = \$21,476 \$15,540 + \$5,736 = \$21,276 Rudolph A \$5,736 = \$21,276 \$5,736 = \$20,431 Rudolph B \$14,695 + Peyronnin C

The Staff of Evansville Day School will re-seed and sod the field thereby saving \$3,000.

\$20,431.00 Recommended Alternative

Thank you



Mr. Jim Morley Morley & Associates, Inc. 605 SE 7th Street Evansville, IN 47713

RE: Dredging of existing ditch

Dear Jim;

Blankenberger Brothers, Inc. proposes to clean out ditch from existing Structure #27 on the Union Township Access Project to a point 500 feet from that structure.

The cost for cleaning out the existing ditch and leaving the excavated material on the site will be \$1800.

If the excavated material has to be hauled off an additional \$3300 will be charged.

Both of the above quotes do not include hauling off any trees or brush.

If you have any questions please feel free to contact us.

3300 /୫୦୦

Cordially BLANKENBERGER BROTHERS, INC.

P-BODE/ Jim Jessee P.E. Estimator

B 2550

R.R. No. 1, Box 69 Cynthiana, IN 47612 (812) 845-2717 FAX (812) 845-2727

# Peyronnin Construction Company Inc.



P.O. Box 3317 • Evansville, Indiana 47732 • 812 423-6241

April 24, 1991

Evansville Day School 3400 N Green River Road Evansville In 47715

Attention: Mr. Bill Smith, Trustee

Dear Bill,

I am pleased to provide you with the following estimate regarding realignment of the School's current baseball field to accommodate right of way expansion along Green River Road. We would provide all the labor, material, tools, equipment, and engineering as reflected in the items below.

| Item 1 - Rework current drainage                                    | \$ 1,850.00                |
|---------------------------------------------------------------------|----------------------------|
| Item 2 - Cut, fill, and final grade Item 3 - Seeding affected areas | \$ 8,745.00<br>\$ 4,100.00 |
|                                                                     |                            |
|                                                                     | <br>                       |

Total Cost \$14,695.00

Thank you for your request. We hope the information provided above is useful.

Sincerely,

PEYRONNIN CONSTRUCTION COMPANY, INC.

Ward Peyronnin, President

WP:co

8/1 2

1901 North Kentucky Avenue ● Evansville, Indiana 47711 General, Mechanical and Utility Contractors since 1947.

DS. 26. 91 01:04PM \*UNITED CONSULTING

RUG 2 'el 17...



Mr. Bill Smith, Trustee May 20, 1991 Page 2

The 30-foot buffer zone translates to distances of 330 feet from home plate along the first base line and 380 feet from home through center field to the wight-of-way line. If these distances are impossible to achieve, your board may declide to consider a relaxing of the buffer zone to 20 feet. This condition them gives a 220 foot first base foul line and a 370 foot center field to the right-of-way line.

In no case would I recommend distances less than the 320/370 outlined above. Dimensions less than these are unsafe for both pedestrians and for vehicles on Green River Road.

If I can be of any further assistance, please do not hesitate to call.

Sincerely,

KNAPY, GIVEN, WAZEY & DHOULDEPS, ASSOCIATES, INC.

Michael R. Shoulders, A.I.A., A.I.C.P. President

Indiana Registered Architect No. 4036 Certified City Planner

MRS/1kk Enclosure



AUCUITECTS

ENGINEERS

PLANNERS

INTERIOR DESIGNERS



Branch Plants Columbia Street - Evansville Jaeper, Ingiana MT. Vernon, Indiana

ASPHALT & CONCRETE PAVING CONTRACTORS ROAD BUILDING MATERIALS SINCE 1940 General Offices & Plant 1261 North Stockwell road Mailing address P.O. Sox \$226 • Telephone (812) 475-4821

EVANSVILLE, INDIANA 47718-5228 FAX (812) 473-8591

August 2, 1991

Mr. Bill Smith P. O. Box 5182 Evansville, Indiana 47716

Dear Mr. Smith:

Re: Day School Baseball Field

- We thank you for the opportunity to submit the following quotations for the relocation of the baseball field at the Evansville Day School:

  1) Grading for the new field. This includes cutting a new swale, filling in the existing swale, and regrading the existing field to facilitate the relocated infield. This includes 300 cubic yards of additional fill
- Install inlet and approximately 100 lineal feet of 12" pipe to eliminate the swale along first base line (area of spectator traffic). Lump sum price.......
- ----3}... Seeding of aroa famoraximaraly ==172 askil y Tijavijaore)((\$4,£00,00.

Another alternate is to install an inlet in the existing swale between the existing running track and the putfield of the new field. This would eliminate a new swale.

- Install pipe and inlet for the outfield drainage. Regrading of the outfield and infield. This includes 800 cubic yards of additional fill
- 2) Install inlet and approximately 150 lineal feet of pipe to eliminate the swale along first base line (area of spectator traffic). Lump sum price.....\$2,000.00.
- 3) Seeding of area (approximately 2-3/4 acres @ \$1,200/acre)..\$3,300.00.

Without a set of site prints, I would recommend the second alternate. This would eliminate a swale in the outfield, and disturbs the least area. It also appears to be the most cost effective.

# ALVIN E. STUCKI

CENTER ASSESSOR

VANDERBURGH COUNTY

ROOM 223, CITY-COUNTY ADMINISTRATION BUILDING

EVANSVILLE, INDIANA 47708

PHONE 426-5274

SEPTEMBER 6, 1991

COUNTY COMMISIONERS
CAROLYN McCLINTOCK
Don Hunter
Richard Borries



SEP 0 3 1991

VANDERBURGH COULTY COMMISSIONER'S OFFICE

# COMMISSIONERS:

I would at this time like to take the opportunity to thank you fot the educational opportunity that you enabled me to take, and would like to report that I Completed the course satisfactorily with a 4.0 average.

I WOULD AGAIN LIKE TO REQUEST YOUR ASSISTANCE WITH THE TWO ADDITIONAL COURSES THAT IVY TECH HAS ADDED TO THEIR CURRICULUM THIS FALL. THE TOTAL COST FOR THESE TWO COURSES WOULD BE \$150.90. IF THIS IS NOT POSSIBLE I SINCERELY APPRECIATE ALL THE HELP THAT YOU HAVE GIVEN ME ALREADY.

THANK YOU

JANET R. STUCKI CENTER TOWNSHIP

CHIEF DEPUTY

| REQUEST | FOR | APPROPRIATION |
|---------|-----|---------------|
|---------|-----|---------------|

| DEPARTMENT     | County Co      | ommissioners        |               | DATEDATE                   |
|----------------|----------------|---------------------|---------------|----------------------------|
| ACCOUN         | т              | LINE ITE            | М             | AMOUNT                     |
| 130 3190       |                | Solid Waste         |               | \$2,000.00                 |
|                |                |                     |               |                            |
|                |                |                     |               |                            |
|                |                |                     |               |                            |
|                | EXPLANA        | ATION OF NEED FOR R | EQUEST        |                            |
| We only have   | \$66.23 left i | n this account. We  | just sent dow | n a claim for \$452.28     |
| to pay the bi  | ll for August  | and have 4 months   | to go.        |                            |
|                |                |                     |               |                            |
|                |                |                     |               |                            |
|                |                |                     |               |                            |
| BALANCE OF ACC | COUNTS .       |                     | <del> </del>  |                            |
| ACCOUNT NO.    | BUDGET         | DISBURSEMENTS       | BALANCE       | BALANCE AFTER APPROPRIATIO |
| 30 3190        | 3,006.50       | \$2,940.27          | \$66.23       | \$2,066.23                 |
|                |                |                     |               |                            |
|                |                |                     |               |                            |
|                |                |                     |               |                            |
|                |                |                     |               |                            |
|                |                |                     |               |                            |
|                |                | DEPAR               | TMENT HEAD    |                            |

...

# MINUTES COUNTY COMMISSIONERS MEETING SEPTEMBER 16, 1991

The Vanderburgh County Board of Commissioners met in session at 6:00 p.m. on Monday, September 16, 1991 in the Commissioners Hearing Room, with President Carolyn McClintock presiding. Commissioner Borries was absent.

### RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

Commissioner McClintock called the meeting to order, dispensed with introduction of the County Staff, and asked that the meeting participants stand for the Pledge of Allegiance.

Ms. McClintock subsequently asked if there were any groups/individuals wishing to address the Commission who did not find themselves listed on today's agenda. There were none.

#### RE: AWARDING OF CONTRACTS

At the recommendation of Greg Curtis, Director of Public Works, contracts were awarded to the low bidders on the following projects:

- (1) Bridge #116-A on Pfeiffer Rd. over Pigeon Creek: Happe & Sons, Inc. in the amount of \$32,573.00.
- (2) Removal & Replacement of Culverts on Schaeffer Rd.: Happe & Sons, Inc. in the amount of \$63,956.00.
- (3) Removal & Replacement of Culverts on County Line Rd.: Blankenberger Bros., Inc. in the amount of \$21,314.00.

Motion approving the foregoing was made by Commissioner Hunter, with a second from Commissioner McClintock. So ordered.

# RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

President McClintock entertained bids on County-Owned Surplus Real Estate, as advertised. There were no bids.

### RE: APPOINTMENT TO S.W. INDIANA MENTAL CENTER.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, Commissioner Richard J. Borries was appointed to a three year term, with appointment expiring in September 1994. So ordered.

# RE: <u>SETTLEMENT & FINAL RELEASE/LOSS OF BUSINESS CLAIM/</u> TRAIN DERAILMENT ACCIDENT

Ms. McClintock said the Commissioners need to execute settlement documents with regard to the subject matter. CSX Transportation is going to pay the County \$5,848.79.

Motion to approve the settlement and execute documents was made by Commissioner Hunter, with a second from Commissioner McClintock. So ordered.

### RE: APPROVAL OF ADVERTISEMENT FOR MANAGER/VANDERBURGH AUDITORIUM

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, approval was given to advertise for Manager for Vanderburgh Auditorium in the Sunday Evansville Courier

on September 22, 1991. (Copy of advertisement attached hereto as part of the minutes. Subsequent to the meeting, Commissioner McClintock authorized via telecon utilizing a box ad.) So ordered.

Ms. McClintock said at their last meeting, the Auditorium Advisory Board decided to go ahead and advertise for a Manager -- so they would be able to compare the cost and availability of an individual to manage the facility -- so we'll have all the information about management at the same time.

Mr. Jack Kirwer noted that, with the Board's approval, the same ad was also placed in the International Auditorium Advisory News.

# RE: ADDENDUM TO AGREEMENT WITH PHILIP A. LIEBERMAN & ASSOCIATES

It was noted by Commissioner McClintock that an addendum to our agreement with the subject firm was approved at a previous meeting. Said addendum reduced the cost by \$2,000 of the conversion of our programs for the warrant system. Mr. Roger Elliott is here today just to obtain the signatures on said document.

Auditor Sam Humphrey said in reporting on the computer equipment previously discussed, the State Board seems to have given us the approval to advertise for bids and wait to sign contracts until after December 13th, when they will approve the budget. That would get it in this year's bidding process. He's informed Roger Elliott to this effect and believes this project is proceeding.

Attorney Gary Price said that, at the request of Auditor Humphrey, he also has a letter from Charlie Pride of the State Board of Accounts to that effect.

#### RE: VANDERBURGH AUDITORIUM

Open House: President McClintock said the Auditorium will also hold an Open House from 8:00 a.m. - 5:00 p.m. on Wednesday, September 18th. There will be refreshments and tours of the facility on a continuing basis throughout the day and brochures concerning the facility will be distributed in an effort to promote the facility.

Lease Agreement: Ms. McClintock said the Commission also needs to approve the new Lease Agreement for the facility. This form has been approved by the County Attorney and is an improvement over the old form. The Lease Agreement forms will be numbered and voided forms will be retained in the Auditorium files.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the new form was approved for use. So ordered.

Request to go on Council Call: The Auditorium also needs to go on Council Call in the amount of \$9,600. We need to hire the security personnel at \$12.00 per hour and pay them and we will be charging the lessees \$13.00 per hour for this same security. This is basically what they're doing at Burdette Park and the Stadium. Some of the people who lease from us advise they cannot get security and call us at the last minute. Mr. Kirwer said he would prefer, in most cases, to hire a County officer to guard a County facility — rather than hiring a City officer.

Motion to approve going on Council Call was made by Commissioner Hunter, with a second from Commissioner McClintock. So ordered.

Locked Storage Room for Evansville Philharmonic: Ms. McClintock said the storage room currently being used by the Evansville Philharmonic Orchestra has to be shared with other groups and that

had created somewhat of a problem for them. Mr. Kirwer is recommending that we offer them either Room "A" or "B", which can be locked. Those rooms aren't rented very often.

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

RE: PUBLIC WORKS DEPARTMENT - GREG CURTIS

Acceptance of Streets: At the recommendation of Mr. Curtis and upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the following streets were accepted for County maintenance and so ordered.

Brookview Subdivision, Sections F-1, E-1 & D Bolin Meadow West Subdivision - Section B

(Copies of signed acceptance letters attached hereto as part of the formal minutes.

Termination of Contractor/Frank Hassel: Mr. Curtis said this past week, for a number of reasons, he requested that our Contractor for the construction engineering on the Union Township project no longer show up for performance of his duties. He did so, for the most part, due to the nature of the project and the point to where we are now. Mr. Kercher felt that the majority of the time, for instance, on the concrete barrier wall (which we are doing now) as well as when we get to the bridge construction a little bit later—that he will likely be there the majority of the time in any event and that with the sporadic weather we have during the fall, etc., that it would be in the County's best interest to go ahead and discontinue that contract arrangement. To put it in a nutshell, it is to the point that overseeing the contract ourselves is less work for us than doing our portion of overseeing the contract as well as overseeing the contract with the Independent Contractor. He knows that Mr. Hassel is here this evening. He presumes Mr. Hassel may have comments to add. There has been some question brought up as to whether or not Mr. Curtis' office or himself has the authority to do what they did. He doesn't know—he didn't get an opportunity to talk with Attorney Wilhite today and he was the one he'd been dealing with on this matter. In any event, he wanted to make the Commissioners aware of this and request that the contract officially be terminated at this time.

Ms. McClintock asked, "But you did talk to Mr. Wilhite prior to talking to Mr. Hassel?"

Mr. Curtis confirmed that this is correct. He did not discuss the issue of whether or not he has that authority. At other times — for instance, with some of our consulting engineer contracts — we have stopped work on them and he's done that in the past — as well as released employees. This being a situation that falls somewhere in between there, he didn't really see where there was something that fell outside that.

Mr. Frank Hassel asked to be recognized and Ms. McClintock honored the request. Mr. Hassel submitted a letter concerning his termination for inclusion in the formal minutes, with request that copies be provided to the County Commissioners, County Attorneys, and County Engineers. If the Commissioners have questions, he'd be glad to respond to same.

Ms. McClintock entertained a motion to terminate the contract with Frank Hassel with regard to construction supervision on the Union Township Access Project.

Motion to this effect was made by Commissioner Hunter, with a

second from Commissioner McClintock. So ordered.

<u>Utility Agreement:</u> Mr. Curtis submitted three copies of a County Utility Agreement, which was previously agreed to by SIGECO and himself. He just needs to have the agreement executed.

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

Addition to Paving Contract: Mr. Curtis said he has an addition to the paving contract that has Red Bank Rd. on it. He'd like to add Boehne Camp Rd. from S.R. 62 to Upper Mt. Vernon. There is a particularly bad area (where there is a high volume of traffic) that runs from the Retirement Center (or whatever it is) south to Highway 62. With our contracts coming in significantly lower than originally anticipated, he'd request permission to add this area to the contract.

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

<u>Claims:</u> Mr. Curtis submitted four claims to Scheib's Auto Paint Shop for painting the Sheriff's cars he got and he recommends payment of same.

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

## RE: COUNTY ATTORNEY - GARY PRICE

Attorney Gary Price said that at the September 3rd Commission Meeting, it was agreed by the Commissioners to enter into a Settlement Agreement concerning the Hartman complaint. It was also requested that the Attorney determine the amount of the settlment. The original claim was in the amount of \$2,746.55 plus costs. Mr. Norton, Mr. Hartman's attorney, has now stated that Mr. Hartman would agree to forego the Court costs and accept the settlement in the amount of \$2,746.55. He believes the original amount paid was \$2,346.67 and the rest of the claim amount is 8% interest.

Motion to approve the settlement in the amount of \$2,746.55 was made by Commissioner Hunter, with a second from Commissioner McClintock. So ordered.

Attorney Price said the remainder of the written report is self-explanatory. (Copy attached hereto.)

# RE: CONSENT AGENDA

President McClintock entertained questions concerning the Consent Agenda.

Ms. Meeks said it has been brought to her attention that there is one correction to be made with regard to Scheduled Meetings. The agenda indicates the Tax Adjustment Board will meet at 9:00 a.m. on Wednesday, and it should be 10:00 a.m.

Ms. McClintock said she also has an addition. The Commissioners wish to cancel their meeting scheduled September 30, 1991. That would be the fifth Monday of the month.

Subject to the foregoing corrections, the Consent Agenda was approved upon motion made by Commissioner Hunter and seconded by Commissioner McClintock. So ordered.

#### RE: <u>OLD BUSINESS</u>

Ms. McClintock entertained matters of old business to come before

the Board. There were none.

RE: <u>NEW BUSINESS</u>

House Moving Permit Applications: Ms. McClintock noted that two house moving permit applications were requested by Mr. Roger Lehman today, with recommendation that both be approved. The first is from 1731 Apple Ridge Drive to 2146 Glenview Industrial Park; the other is from 901 Sheffield Rd. to 320 Christ Rd.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, both requests were approved. So ordered.

### RE: WASTE TREATMENT/SEWAGE SLUDGE

The Chair recognized Vicki McBride, who said she wished to address the Commissioners concerning sewage sludge and the landfill. She is asking the Commission's help in two areas. To provide a bit of background information, she doesn't know whether anyone saw the 20-20 segment that ran Friday night, but it dealt a lot with a lot of very influential Democrats who had become involved with a sewage treatment company that processes waste treatment and uses it for capping of landfills. This has been going on everywhere from L.A. to Massachusetts and wreaking havoc wherever it occurs. It seems it has hit close to home right now because the City of Evansville and its leadership have decided they want to put the City's waste treatment sludge out in the County on the current landfill that is in operation. About ten years ago the E.P.A. granted the City of Evansville \$76,000 to figure out what to do with its waste treatment sludge and during that time all that has been done is study, study, and move a pile from one place to another until we are at a crisis position wherein the City of Evansville under mandate has to dispose of this sludge. Lo and behold, the City of Evansville has decided that they are going to use it to cover the landfill. To her, it sounds as though action was not taken soon enough and why this action was taken is beyond her. BFI has requested from the Indiana Department of Environmental Management a permit modification. This must be done anytime they want to do anything that deviates from the procedures set forth by the State in the past. The permit modification has been granted. The notification ran on Thursday, September 12th, in the Evansville Courier. Her group has some problems with the notification that they need the Commission's assistance on -- and that is, they need the Commission to immediately request that the Indiana Department of Environmental Management invalidate the notification of September 12th. Her group has already done so -- but about the only information or feedback that got was that there were so many inconsistencies and errors in the notification that the man responsible was fired. However, that does not do anything to gain C.O.L.E. the time they need to properly address this situation and beseech help. The notice was flawed. It stated that the sludge and soil will be mixed together. This is not what the final permit The issued permit simply says that six inches of issued said. sludge - this is waste treatment sewage -- will be placed on the landfill every day to cover the trash. They, by law, had requested and been notified that they would be given proper notification re any modifications that would be issued. They were not given the notification. The notice that ran in the paper said that if any interested party wanted to review the permit that had been issued by the State to allow the sludge to be used for daily cover -- they could do so by traveling to New Harmony. They did this and New Harmony has no idea as to what was going on. Once again, an error on the part of the State. But it still leaves her group denial without due process, because they only have fifteen (15) days from September 12th as aggrieved parties to take action against the State. They are asking the County Commissioners to ask the State to nullify or invalidate the notice of September 12th and re-issue a new notice, thereby at least giving them some time to get the

facts and find out exactly what has happened to this point. Once a new notice is issued, they would like to see the Commission request or intervene on behalf of the constituents and residents of the County -- because they simply do not want to see sludge -waste treatment -- used as daily cover. They have reviewed some of the test that BFI was kind enough to provide to them. It shows elements such as DDT, PCB's -- all kinds of heavy metals, carcinogens, materials now outlawed for sale. They do not think it is appropriate to use this type of material as daily cover -- especially along the lines of what they heard on the 20/20 segment last Friday. To recap, they would ask that the Commission request the State IDEM invalidate the current notification, make all necessary corrections and, by law, issue a proper and correct notification -- thereby buying them 15 days -- and then, at that point in time, have the County ask the Commissioner to review this application, ask the Administrative Law Judge to look at this. They feel they have very strong reasons for making this request, one being that the definition of solid waste -- that is what goes in our landfill -- consists of garbage, refuse, sludge from a waste treatment plant, sludge from a water supply treatment plant, sludge from an air pollution control facility, etc., etc. Their question is, how can the Commissioner of IDEM grant a permit modification to allow solid waste be used as a daily cover for solid waste? Also, once they determine that the modification is consistent with the standards can deny or grant -- as she stated, the permit has been granted -- but the ruling has to be in line with and consistent with the standards of 329IAC and once again it get us back to, "Does the Commissioner of IDEM have the power to, in essence, write law and say that waste treatment sludge in this case is no longer solid waste? It is now covered dirt?" They really need this Commission's help. It more or less gets back to the fact that last year Mayor McDonald said he didn't have a problem with putting a landfill out here. He didn't have a problem with trashing on them. Now he doesn't have a problem with doo-dooing on them -- and it's kind of like the last straw.

In response to query from Commissioner Hunter, Mrs. McBride said the sludge goes through a two-step waste treatment process. But what the Commissioners have to realize is that things like the PCB's and heavy metals do not come out during the treatment. They remain.

Mr. Jim Grissom of C.O.L.E. approached the podium and said what the Commissioners have to realize is that this is not modern day sewage sludge -- this is the old stuff. This is the stuff before Evansville Plating (cited by the E.P.A. and which cost \$800,000 to clean up) stopped dumping stuff in the sewage system. This is the old stuff that has been laying down there for years and really smells bad. And they're in a dilemma as to what to do with it. As Vicki explained, they've had plenty of money to decide what to do with it -- and now they want to come out and spread it over the big new landfill. They want to use this solid waste to cover solid waste. It makes no sense at all. This came to his attention a short time ago and this is something that is going to ignite a whole new wave of something against this landfill.

Ms. McClintock asked Attorney Price what the Commission can do about this legally?

Mr. Price responded that he would like to look at the notification, etc. first. We have until September 27th to respond with a letter asking that they invalidate the notice -- which gives us 11 days. He'd like to review information and get back to the Commission.

Ms. McClintock said Mrs. McBride cited three specific areas in the notice that were wrong, one being that it said it was soil mixed with sludge and what is actually happening is that it is just sludge. Secondly, that C.O.L.E. was to be notified prior to any

permit modification being issued. Thirdly, was that they had to go to New Harmony to look up the whole notice and not just the legal ad -- and it wasn't there. If the Commission wanted to, could they go ahead -- because of the time problem -- ask Mr. Price to research this issue and if, indeed, he finds these violations are accurate -- or if there was a problem with the notification -- that he go ahead and prepare a request that the State negate the notice and request the Commission review the application through their administrative law procedure and bring it to Monday's meeting for the Commissioners' signatures.

Mr. Price said that most probably on the due process issue we can request, at the very least, an extension on the date. Without seeing the notice he can't say for sure. But we should either request an extension or appeal the September 12th notification. But prior to giving a definite answer he'd like to see both the notification and the permit. He will look at it first thing in the morning. Commissioner Hunter said that whatever Mrs. McBride can provide to Mr. Price to expedite his research will be appreciated, to save spending money on the research process.

#### RE: REZONING PETITIONS

VC-8-1/Petitioners, Steven & Marcia Yerks: Requested zoning is AG to C-4. The APC has indicated these individuals would not appear at tonight's meeting, so the Commission does not need to wait until 7:30.

There being no one present to speak to this petition, upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, VC-8-91 was approved on First Reading for forwarding to the APC. So ordered.

Ms. McClintock said that on VC-7-91, which was to have been heard on Third Reading tonight, a motion is entertained to continue this petition to October 21, 1991.

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

There being no further business to come before the Board at this time, Commissioner McClintock declared the meeting adjourned at 6:42 p.m.

#### PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
Sam Humphrey/County Auditor
Gary Price/County Attorney
Greg Curtis, Director/Public Works
Jack Kirwer/Auditorium
Frank Hassel
Vicki McBride/C.O.L.E.
Jim Grissom/C.O.L.E.
Lou Wittmer/Supt./County Bldgs.
Margie Meeks/Commission Office
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews

Carolyn McClintock, President

on Hunter, Vice President

Richard J. Borries, Member

# MINUTES COUNTY COMMISSIONERS MEETING SEPTEMBER 23, 1991

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# MINUTES COUNT COMMISSIONERS MEETING SEPTEMBER 23, 1991

The Board of Commissioners of Vanderburgh County met in session at 4:30 p.m. on Monday, September 23, 1991 in the Commissioners Hearing Room, with President Carolyn McClintock presiding.

#### RE: INTRODUCTION OF COUNTY STAFF & PLEDGE OF ALLEGIANCE

President McClintock called the meeting to order, welcomed the attendees, introduced members of the County Staff, and asked the meeting participants to stand for the Pledge of Allegiance.

Ms. McClintock then asked if there are any groups or individuals wishing to address the Commission who do not find their particular item listed on today's agenda. There was no response.

#### RE: INTRODUCTION OF SPECIAL GUESTS

Prior to proceeding, Commissioner McClintock introduced her mother and stepfather, who are currently on a visit from Florida.

#### RE: RECOGNITION OF MARGIE MEEKS

Commissioner McClintock said she would like to take a moment to recognize an individual who has been very important to Vanderburgh County for a number of years (this is not listed on the agenda) and she would ask Margie Meeks, Executive Assistant to the Commission, to take her place at the Commission table. She then asked Commissioner Rick Borries to begin the presentation.

Commissioner Borries said this is pretty hard for him -- and a lot of people here already know his feelings about Margie. In his opinion, you couldn't in this day and age find a more excellent employee than Margie Meeks. That is just a very small part of her life, because in addition to being an excellent employee she is truly a wonderful person. What he wants to do, in just a small way, is express his appreciation for all the wonderful years she has served our County and assisted him in his terms as Commissioner. One of the things that was a very pleasant surprise which he was not prepared for was her wonderful baking ability. He is not going to say what he weighed when he first started this job or what he weighs now -- and he won't blame her for all the weight he has put on -- but in some small way he thought maybe he could just repay her for this wonderful ability. He has a little present for her that says, "To Margie, the World's Greatest Cookie Baker" - and this may be the world's biggest and heaviest cookie!

Continuing, Mr. Borries said there are a couple of other items about Margie. She, in her very cheerful way, is always smiling and always a joy to have in that office in any kind of stressful situation. It occurred to him -- of course, she loves red and this is part of why this is clearly decorated in red -- one day in the heat of the summer (it had to be 98 degrees in the shade) and she had this great smile on her face. He came in and said, "Man, it's hot outside." She said, "Oh, this is just lovely -- just my kind of weather!" So from that point on, anytime it gets above 98 degrees it's Margie Meeks' weather. She is truly a person who looks at the bright side of everything. He also has a Proclamation from the Mayor that he'd like to read today, as follows:

"WHEREAS Margie Meeks has given countless hours of public service to the Vanderburgh County Commissioners as their Executive Assistant since 1981 and she served as an outstanding employee of Vanderburgh County for over twenty-two years; and,

WHEREAS not only serving her community with pride, Margie has cared for her family and had forty-nine wonderful years of marriage; and,

WHEREAS Margie has demonstrated her outstanding baking ability by continually providing cookies and desserts for the enjoyment of all who visited the Vanderburgh County Commissioners offices;

NOW, THEREFORE, I, Frank McDonald II, Mayor of Evansville, do hereby proclaim this Friday, September 27th, as Margie Meeks Day in the City of Evansville."

Commissioner Borries said His Honor will also give Margie a Key to the City for that day.

Mrs. Meeks expressed her appreciation to Mr. Borries.

Commissioner McClintock asked Mrs. Meeks to stay seated and continued by saying, "Margie, it has been a pleasure to work with you over the past three years. As Rick has said and I couldn't agree more, you have been a cheerful, hard working good friend and I certainly have appreciated everything you have done for me coming into office and for this Commission. You are truly a professional and we wish you all the best in your retirement. And we would like to adopt a Resolution today, as follows. (Copy of Resolution attached hereto as part of the minutes.)

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

Ms. McClintock continued by saying that today was the result of the efforts of a lot of Mrs. Meeks' friends in Vanderburgh County. Joanne Matthews, in particular, and Sandi Deig spent a lot of hours getting this all organized and she appreciates their help in making this such a nice day for Mrs. Meeks. At this time, she will present a gift to Mrs. Meeks from her friends.

(A monetary gift for her upcoming cruise to the Bahamas.)

In conclusion, Ms. McClintock said this being Mrs. Meeks' last meeting as the Executive Administrative Assistant to the Vanderburgh County Commission, it would give all three Commissioners great pleasure if Mrs. Meeks would agree to remain in her seat and Chair this Commission meeting. Ms. McClintock said Mrs. Meeks has been so kind not to ever say 'I think I could have done that better' that the Commissioners are going to give her an opportunity to do it better. She then requested that Mrs. Meeks proceed.

Mrs. Meeks expressed her surprise and appreciation to the Commissioners and everyone else involved.

Mr. Borries said he would comment that this would not be anything unusual for Mrs. Meeks because how many years did she serve in Joanne Matthews' position before her move to the Commission office?

Mrs. Meeks said, "Eleven years".

Mr. Borries said Mrs. Meeks has attended a few County Commission meetings during her tenure with the County -- and some long ones -- he might add.

#### RE: REQUEST TO ADVERTISE FOR BIDS

Mrs. Meeks said the next item on the agenda is a request to advertise for bids for two items (she understands the funds

#### are available):

- Construction of Post Frame Building for the Sheriff's Department
- 2) Asphalt paving of Driveways & Parking Lot areas of the Sheriff's Training Center

Ms. Susan Jeffries of Purchasing said she would like to advertise the bids on September 26 and October 3, with bid opening on October 14th.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, permission was given to advertise. So ordered.

## RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

Mrs. Meeks then entertained bids on the County-Owned Surplus Real Estate

Ms. Peggy Piper of 1320 S. Grand bid \$1.00 for property at 708 Line Street (Tax Code: 11-070-21-57-03).

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter the bid of \$1.00 was accepted. So ordered.

There were no further bids and the sale will continue.

#### RE: REQUEST TO USE Votomatic

A letter from Cynthia Overfield requesting use of Votomatic for purposes of giving a demonstrative speech on proper voting procedures at USI on Thursday, September 26th, was submitted for consideration.

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

# RE: LETTERS FROM PROSECUTOR STAN LEVCO RE ESTABLISHMENT OF BANK ACCOUNT TITLED "PETTY CASH"; IMPLEMENTATION OF "BAD CHECK COLLECTION SERVICE" AND OFFICE CREDIT CARD

Prosecutor Stan Levco said he will speak briefly concerning these items and then ask that Tim Klinger speak more extensively with regard to the proposed Ordinance.

With regard to the **Credit Card**, the reason he is requesting that is many times different deputy prosecutors and himself go to conferences and they are not able to pay for the rooms in advance. Therefore, they wind up charging them to their own credit cards. Sometimes that is a hardship to some people and sometimes to him, personally. He thinks it preferable that his office had a credit card so they could charge it to that. They always get reimbursed for their charges, but it would be a lot smoother if they had their own office credit card.

Commissioner Borries said he guesses this is a problem all over the County. He knows the State of Indiana operates this way, whereby you normally have to work with a personal credit card and then be reimbursed subsequently when proof of attendance, etc. is shown. He has no position on it other than he guesses he is not clear whether if this would be a valid request from the Prosecutor's office would it also be a valid request from Area Plan Commission, the Commission office, or other people.

Commissioner McClintock said she has no problem with it, if it is legal.

Attorney Jeff Wilhite said he frankly doesn't know the answer

without looking at the statute and he would recommend that no action be taken until this is investigated. The Commissioners requested that Mr. Wilhite do this and report back to the Board.

Prosecutor Levco said his next request is to open up an account for \$1,000, whereby the Prosecutor's office would be able to draw money out of that immediately without going through the Auditor's office first. They've had situations wherein they needed mileage quickly or something of that nature and they don't have the money and they have to rush to the Auditor's office and get a check cut, etc.

Commissioner McClintock said she believes the Commissioners will need to ask the County Attorney to check on this also.

Prosecutor Levco said he checked with the State Board of Accounts and they said this is the way to go.

Ms. McClintock said the Board needs a written opinion on this.

Prosecutor Levco said his final request concerns a proposed Ordinance. When he first became Prosecutor he had a call from someone who said they had checked with the Police and they had a \$250.00 bad check and the Police told them we didn't prosecute \$250.00 bad checks. He said that wasn't right — but when he checked with the Police he found out that is right. At that time it was \$500 on an open account and \$200 on a closed account and unless it exceeded that they wouldn't take the complaint and we wouldn't prosecute it. Subsequent they asked me to increased it to \$500 and \$1,000 — and it struck me that doesn't seem right. It seems that people and businesses ought to have a place to address their grievances if they have a bad check for \$200. He checked with a number of other counties in the State and they all have different programs. In Bloomington they have a Special Check Program whereby they essentially have people there. It is not totally a collection agency; but if someone has a bad check they can take it to the Prosecutor's office. They are notified via the regular bad check procedure that if they don't pay it within a certain amount of days they will be prosecuted. But in order for us to collect a fee on this — which he eventually would see this as self-sustaining — we would need an Ordinance passed to allow us to collect a fee and the Ordinance drafted allows us to collect a fee and the Ordinance drafted allows us to collect a fee and the Ordinance drafted allows us to collect a fee and the Ordinance drafted allows us to collect a fee and the Ordinance drafted allows us to collect a fee and the Ordinance drafted allows us to collect a fee and the Ordinance drafted allows us to collect a fee and the Ordinance drafted allows us to collect a fee and the Ordinance drafted allows us to collect a fee and the Ordinance drafted allows us to collect a fee and the Ordinance drafted allows us to collect a fee and says that the monies from this will go back to the Prosecutor's office. To launch the program he would

Mr. Klinger said it is his understanding the Commissioners were provided with copies of the proposed Ordinance earlier in the week. It has been drafted, redrafted, and submitted to the proper authorities and has been approved by both Attorney Ziemer's office and the State Board of Accounts, prior to bringing it to the Commission. The last hurdle to overcome is the Board of Commissioners. He will be glad to answer any questions, although the Ordinance is self-explanatory. Two funds would be established; one would be the service fee fund and the other is the establishment and maintenance of a public funds checking account from which they can write checks to the merchants once the money has been received from the person who originally issued the bad check.

After checking with Secretary Joanne Matthews, it was determined the Ordinance can be advertised on Friday (September 27th) with 1st Reading on October 7th and Third and Final Reading on October 14th.

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

Ms. McClintock said she is certain the news media and the public will be interested in the size of the problem being discussed. When she was in the Prosecutor's office she was amazed at the amount of money lost over the last year by grocery stores and both small and big businesses in Evansville have really been hurt by this and she thinks the public would be interested in the statistics.

Auditor Humphrey advised that with regard to the request for the establishment of the Petty Cash Fund, there may be a limit as to the amount of that fund. As for the Credit Card, he will need the names of who will have the card (and the Commissioners must approve those names) and he will need documentation and receipt for every credit card charge that comes in.

Following discussion, it was determined that the County Highway has a credit card for gas purchases only.

Attorney Humphrey said he would remind the Commissioners that this is just one more case of a mandated operation in his office. He believes his office has 62 new accounts. The camel is getting overloaded; but he can handle it -- but one of these days the old back is going to break.

#### RE: MITCHELL E. SAVAGE/FULL CIRCLE SERVICES, INC.

Ms. Meeks said there is a letter from Mitchell E. Savage concerning Full Circle Services, Inc. of Tulsa, Oklahoma, a public records research firm, which she believes the County Attorney should review.

Commissioner Borries said David M. Griffith & Co. has performed recovery services for Vanderburgh County for a number of years and he would not want to duplicate any kind of services that the County currently has. He would want to refer this not only to the County Attorney, but perhaps Lou Wittmer can check to see if we have a firm already under contract that checks various kinds of debts owed to the County or checks. The Auditor or Treasurer might have more information, but he is certain we have some kind of mechanism in place.

Attorney Wilhite suggested the Commission office check this out first, and then if they want to go forward with Full Circle he can become involved.

#### RE: BURDETTE PARK

Approval of Study to be conducted by Consultant (\$7,500):

Mark Tuley said he came to work in the Commission office when Mrs.

Meeks transferred from the Auditor's office. He knows he weighed

161 pounds when he came to work here -- and left here weighing 179

pounds. A whole lot of that was because Margie worried about him

because he was so thin and forced him to eat the cookies, coffee

cake, etc., that she brought in. Margie is retiring -- but he

hopes she continues to send cookies or a care package every once in

a while!

In August the Commissioners requested that Mr. Haralson come up with a plan for the next five years and they posed quite a few questions to him. He now has a proposal re a study from Mr. Haralson which, he believes, covers about everything brought up during the meeting with the Commissioners at Burdette. If the Commission agrees, then he is requesting permission to go on November Council Call for the \$7,500 fee to be placed in the Park Planning Account. Again, this will be for the 5-year Master Plan beginning in 1992.

Commissioner Borries said he did not attend the meeting at Burdette as that was his 25th Wedding Anniversary and he was out of town.

However, he's met Bill Haralson previously and he certainly has supported his investigations and recommendations for Burdette Park — and probably the proof is in the pudding, because most of the recommendations he has made have proved to be successful in relation to revenue for that facility. There has been discussion among some groups in relation to the aquatic center which has concerned him and he would certainly welcome Bill's examination of other aspects of the park. Therefore, he would move to approve the study.

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

Revenues: Mr. Tuley said while he cannot today give total revenue figures of the aquatic center for the season, he can tell the Board that we did set an all time season attendance record this year of 104,512 people. And he can say that for the first time ever the aquatic center generated over \$1/2 million in gross receipts.

Commissioner Borries said he thinks this is particularly noteworthy in view of the recessionary times and the number of less days open. School started this year in Vanderburgh County one weak earlier than ever before. Traditionally the Park has been open all the way through Labor Day and the park operated five or six days less during the regular season. And for the first time in five years we did not stay open on weekends after Labor Day -- so we lost four days there and still did extremely well. Last year we had to cancel the two weekends after Labor Day because it was cold and rainy -- so e decided to cancel those weekends. This year we had a heat wave. But, normally, it doesn't pay to stay open those four days.

Mr. Tuley said that while he will try to have final figures for the Board in a couple of weeks, after going over the preliminary numbers it appears that all of the capital improvements added to the Aquatic Center since the first waterslides, including the last set of slides and the children's slides installed in 1990 should pay out next year, which is extremely good. If that turns out to be true, they're going to be very excited about this.

# RE: <u>PUBLIC WORKS DEPARTMENT - GREG CURTIS</u>

Mr. Curtis said that while he has not been here as long as many of the others who have expressed their appreciation for her today, especially during the first six months or so that he was here he can't say how much help she was to getting him oriented to the way things were done differently in Vanderburgh County compared to Pike County, from whence he came. Just like Rick, he doesn't believe he can blame any weight gain directly on Margie, but she has helped him to find a way to add a few pounds.

Request to Advertise for Paving Contract: Mr. Curtis requested permission to advertise for a paving contract. Said contract will include, but not be limited to, County Line Rd. in Vanderburgh County, as well as a couple of widening projects and a number of roads on the paving list. He does not have the list with him but can bring same next week.

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

<u>Diesel Spill/County Highway Garage:</u> Mr. Curtis said that, through no fault on the part of anyone, during the diesel fuel spill at the County Highway Garage we never ran the work done by Sub-Tech through a Commission meeting. Therefore, when we subsequently ran the purchase requisition through Purchasing it was denied because there was never any approval for the work. He has the requisition

and talked to Susan in Purchasing. Her feeling was there would be no problem with it, it just needed to be made a part of the public record and the Commissioners' signatures obtained on the requisition. The amount is \$1,235.80. We discussed this -- but no formal action was ever taken.

Motion made by Commissioner Hunter to approve the expenditure of the \$1,235.80 with Sub-Tech, Inc.

Commissioner Borries said he has a lot of mixed feelings on this, particularly because of the terrible way, in his opinion, Cletus Muensterman was treated by the majority of the Board of Commissioners. He believes we definitely put the cart before the horse. He thinks this matter and Sub-Tech should have been called to the attention of this Board **before** any authorization was given. But he doesn't want to see Sub-Tech lose money over what they apparently determined would be in good faith. He has confidence that under this type of situation that certainly Greg Curtis would not have handled it the way it was handled. He will reluctantly second the motion. So ordered.

Green River Rd.: Mr. Curtis said he spoke with each of the Commissioners concerning Green River Rd. and the need to postpone that a month and move that to the State's October letting. He and the State have worked together and scheduled a pre-bid conference, which is what the contractors and the Local Vincennes District Construction Department had requested and that is scheduled for Wednesday, October 2nd hearing at the Civic Center and all the bidders who have plans out will be notified and will be invited, and we will try to get their questions answered. The reason for that delay basically is that when contractors have questions about items they tend to increase their price to make sure that they are not going to lose a considerable sum of money and the feeling of the State's Construction Department was that clearing those items up would result in less confusion and also avoid some change orders after the contract had been awarded.

<u>Maintenance Reports:</u> Mr. Curtis said he had given each of the Commissioners copies of the Weekly Reports for the past two weeks period.

<u>Claims:</u> Mr. Curtis said he has what should be the final claim for Frank Hassel. It is the final claim for work done by him as an Independent Contractor that was authorized by either Mr. Curtis or his department. He also has two claims to Earl Scheib's Auto Paint in the amounts of \$236.95 and \$196.95, the higher one being for painting the Sheriff's van that we got as a hand-me-down. It is his recommendation that the foregoing claims be allowed.

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

Mr. Borries asked if it has been part of the record -- either through consent or through any discussion -- that Mr. Hassel has been terminated in this contractual relationship?

Mr. Curtis replied affirmatively, stating this was done last week.

## RE: COUNTY ATTORNEY - JEFF WILHITE

Attorney Wilhite submitted his report on the status of various legal matters, stating that attached is a check in the amount of \$2,608.32 from Gerling Law Offices Trust account with regard to workers's compensation wages paid by the County to Ronald Martin during the time he was off from work. A second check will be forthcoming in the amount of \$1,805.62. The County is being reimbursed for wages paid to the injured employee as a result of some litigation in this matter.

COUNTY COMMISSIONERS MEETING September 23, 1991

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter the check was accepted and given to the Secretary for deposit. So ordered.

RE: C.O.L.E.

Ms. Vickie McBride of 8215 Kneer Rd. said that last Monday when she and others were here they had asked that the County Commissioners intercede on behalf of interested parties to file for petition for stay of effectiveness and review with the Indiana Department of Environmental Management. Today would have been the last day that the Commissioners would have had time to act and sign such letter of intent and petition. She was told Gary Price that his recommendation was going to be made a part of this proceeding.

Attorney Wilhite said Gary Price did call him to talk about what all he had looked at. In his report on Mr. Price's behalf back to the Commissioners -- one, Mr. Price looked through to see if there were any precedents or statutory provisions for a body like the Board of County Commissioners interceding. There is nothing prohibiting this Board from doing that. By the same token, there is nothing that explicitly suggested -- or there wasn't a specific procedure that we do it. Secondly, Gary has spoken with someone concerning if a member of the public wants to voice an objection or an opinion in that proceeding, do they have to go through the County Commissioners or can they do it themselves even without counsel. You can do it pro se without an attorney and, again, it is his understanding from Gary that somebody was going to write him a letter outlining the basis for the objection. What he has suggested -- and what Attorney Wilhite is suggesting publicly in his behalf -- is that the letter simply be addressed to IDEM in Indianapolis pro se. So there is really no need for the Commissioners to do anything unless they want to do something.

Ms. McBride said the reason they had requested not to do this pro se was because it might take anywhere from one to ten or twelve days, depending upon how many appeals are made during the process. That is why they didn't want to take the time themselves to do this, since they've been involved in so much other litigation. In closing, she would point out one other thing. She doesn't know if she emphasized this enough last time -- and she realizes since the Commission is not going to take action today that there would be no time in the future -- so she is not going to try to sway their decision. She just wants the Commission to be aware that her problems with the turn of events on this permit modification are that the Commissioner has decided to use solid waste to cover solid waste. Whether or not this is a legitimate use is their grounds for questioning the authenticity and the legality of this type of an action. And not only is she using a solid waste to cover a solid waste ('she' being the Commissioner of IDEM) she is using a special waste which is a hazardous waste, by nature, that, according to Indiana law is supposed to be handled in a certain and special way. She definitely feels we are setting a precedent right here in Vanderburgh County. From what she has been able to find out there has not been any such attempted use in the State of Indiana at this time -- so we are setting a precedent. It might just be sewage sludge today, but it might be contaminated soil as a cover for our landfill next month or next year. And if it works here, it will be the entire State. She realizes the State is not the Commissioners' problem -- but the County residents are.

Mr. Leidolf, District Manager of Laubscher Meadows Landfill, advised the sludge was run for all the chemical parameters required by the State, as well as additional parameters for soils. BFI always reserves the right that if this sludge does not work out for any operational reason, we have the right to cut if off and say we just can't take it anymore. What we're saying is that we're willing to give it a chance and see if it is going to work. Sometimes in the past I've had operational problems with sludge

where when it gets wet it gets real slippery -- and even our track dozers can't get up and down the slopes. So that is an example of an operational problem -- not so much an environmental problem.

Commissioner Hunter asked if the results of these tests are available to the public?

Mr. Leidolf responded in the affirmative.

Mr. Hunter asked if Mr. Leidolf is saying that the use of the sludge was not his idea?

Mr. Leidolf said it was probably a combination of a number of people's idea in that how could we dispose of this material in an environmentally safe manner and try to reduce some of the cost? If we had to dispose of 74,000 yds. of sludge at a special waste gate rate, that would be a tremendous cost to the County and the contractor and everyone.

Mr. Hunter said, "We're talking about sludge that has been stockpiled for some 20 to 25 years?"

Mr. Leidolf said that is correct -- and they came to him to ask if they could accept the material? About a year and a half ago when they started to move forward with this project we got calls from a number of contractors asking if we could accept the material and what the charge would be? We quoted everyone the same price and we also stated that there could be a possibility that in some other states they had been using sludge as daily cover -- intermediate or final cover -- rather than disposing of it. We said we'd be happy to try to work with whichever contractor gets the bid to try to use it for that type of material. What it does is it really saves us that much more dirt -- if the material acts as dirt.

Mr. Dave Arnold, Project Manager for E. H. Hughes -- the contractor under contract with the City of Evansville to perform the expansion to the east side and west side waste water plant was recognized. He said, "We have the contractor's responsibility for the disposal of this dry stockpiled sludge that has been stockpiled here over the last 25 years. Just for the record and for everyone's comfort, this very sludge we're dealing with is currently being permitted by IDEM to land apply on an ongoing land application program. don't, for whatever reason, use this dried sludge material (it looks like common top soil) as a daily cover at the landfill, it will ultimately be used as a land application for local farmlands. We currently have approximately 9,000 acres in the permit review with IDEM and we expect that permit back from them within the next 60 days. The only reason we don't have it already is they have to make sure our application is done very rigorously and in accordance with their set standards. This sludge was also analyzed separate from the land application permit we sought by IDEM for daily cover at the landfill. And all the same analyses were done and additional analyses done. There were some 54 samples taken at varying depths of the sludge and then several composite samples mixing these samples together were done. This process was not taken lightly by IDEM. In fact, he personally walked it through every step of the way with IDEM and met with each of the individuals who had responsibility for this review and met with some 14 different people up there, all of whom had different interests with regard to the safe disposal or removal of this sludge from the east side waste water treatment plant. environmentally sound -- at least from IDEM's point of view. That's not my words -- that's their words and that is the reason for their issuing this permit modification. In response to query from Commissioner Hunter, Mr. Arnold said that Plan B would be to the farmers of Vanderburgh County -- they would deliver it, land apply it, and incorporate it in the soil. This is ongoing all over the State of Indiana right now -- not just in Evansville.

# RE: CONSENT AGENDA

With regard to Item 7(a) -- approval of minutes, it was noted that Ms. McClintock had left the meeting early, Commissioner Borries was not present on September 16th, and approval of those minutes will be deferred until next week.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, with the exception of the approval of the minutes, the remainder of the Consent Agenda was approved. So ordered.

#### RE: SCHEDULED MEETINGS

It was also noted that there will be no Department Head Meeting or County Commissioners Meeting on Monday, September 30th. The next Commission Meeting will be on Monday, October 2nd, at 4:30 p.m.

#### RE: OLD BUSINESS

Commissioner Hunter interjected that everyone has had a shot at Mrs. Meeks today except him. He's been on his job ten months now and has put on 10 lbs. as a result of the cookies and he is going to blame Margie for it. But he also wants to thank her -- because she has made this 10 months a lot easier for him. She has guided him and given him some pretty good advice along the way and he wants to thank her for it.

#### RE: <u>NEW BUSINESS</u>

Ms. Meeks entertained matters of New Business to come before the Board. There was none.

There being no further business to come before the Board and this being the last meeting of the month, Mrs. Meeks declared the meeting adjourned at 5:40 p.m., with the announcement that the Drainage Board will convene immediately.

#### PRESENT:

Carolyn McClintock, President Don Hunter, Vice President Richard J. Borries, Member Sam Humphrey, Auditor Jeff Wilhite, County Attorney Greg Curtis, County Engineer Susan Jeffries, Purchasing Stan Levco, Prosecutor Tim Klinger/Prosecutor's Office Mark Tuley/Burdette Park Vickie McBride/C.O.L.E. Irv Leidolf/BFI Dave Arnold/E. J. Hughes Jack Meeks Janet Meeks Judy Mahoney Ted Ziemer Others (Unidentified) News Media

Carolyn McClintock, President

Don Hunter, Vice President

Richard J. Borries, Member

# Board of Commissioners of the County of Vanderburgh

305 ADMINISTRATION BUILDING CMC CENTER COMPLEX EVANSVILLE, INDIANA 47708



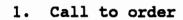


TEL. (812) 426-5241

#### **AGENDA**

#### VANDERBURGH COUNTY COMMISSIONERS

September 23, 1991 4.30 P.M.



- 2. Introduction of staff
- Pledge of allegiance 3.
- Any groups/individuals wishing to address the Commission
  - Action Items:
    - Approval requested to advertise for bids on the following:
      - Construction of Post Frame Building for Sheriff's Department.
      - Asphalt paving of driveways & parking lot areas of the Sheriff's Training Center. 2.
    - Sale of County owned surplus real extate
    - Letter from Cynthia Overfield requesting use of votomatic / C.
    - Letter from Prosecutor Stan Levco- Establishment of Bank Account titled "Petty Cash", Implementation of "Bad Check Collection Service" and Office Credit Card. , d.
      - Letter from Mitchell & Savage of Full Circle Services, Inc.
  - Department Head Reports:
    - Mark Tuley.....Burdette Park / a.
    - / b. Greg Curtis.....Public Works Department
      - Ted Ziemer......County Attorney \_ J. w. lh.T

# Consent Items: 7

- Request to go on Council Call-Community Corrections Roll Requests to travel (5) Health Donnaid b.
- c.
- Requests to travel (5) Health Department Rolpie.

  Claims to be approved for payment Dan G. Hartman \$2,746.50 d.
- Employment Changes ZAIDI e.

#### SUPERIOR COURT/APPOINTMENTS

Sue Metz/Probation Officer 9/9/91

Other Pay

Beverly K. Harris/Public Defender

Other Pay

9/6/91

Gayle Angle/Probation Officer 8/16/91

Other Pay

SHERIFF/RELEASED

Lois Scruggs/Deputy Sheriff 9/20/91

\$29,720.00

#### f. Scheduled Meetings

Tuesday, September 24 - Data Processing Board-8:00 A.M.-Rm 303

" Design Review Committee-8:30 A.M.Rm 307

Wednesday, September 25 - County Council Personnel & Finance3:30 P.M. - Rm 301

Thursday, September 26 - Central Dispatch Board - 1:30 P.M.Rm 301

" 26 - Preservation Commission - 4:00 P.M.Rm 303

Monday, September 30 - Solid Waste Meeting - 5:30 P.M.-Rm 307

Monday, September 30 - Solid Waste Meeting - 5:30 P.M.-Rm 307 Wednesday October 2 - Area Plan Commission - 6:00 P.M. Rm 301 Monday, October 7 - Department Head Meeting - 3:30 P.M.-Rm 303 " - County Commissioners Meeting - 4:30 P.M.-Rm 307

NOTE: THERE WILL BE NO DEPARTMENT HEAD MEETING OR COUNTY
COMMISSIONERS MEETING HELD ON MONDAY, SEPTEMBER 30th.

- 8. Old Business
- 9. New Business
- 10. Meeting Recessed

Drainage Board Meeting to follow

#### MINUTES COUNTY COMMISSIONERS MEETING OCTOBER 7, 1991

The Vanderburgh County Board of Commissioners met in session at 4:30 p.m. on Monday, October 7, 1991, in the Commissioners Hearing Room, with President McClintock presiding. Commissioner Hunter was absent, as he was in San Antonio, TX for the School Corporation.

#### INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

President McClintock called the meeting to order, introduced members of the County Staff, and asked the meeting participants to stand for the Pledge of Allegiance.

Ms. McClintock then asked if there were those present who wished to address the Commission but did not find themselves listed on the agenda. There was no response, and the meeting continued.

#### RE: <u>AUTHORIZATION TO OPEN BIDS</u>

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, County Attorney Jeff Wilhite was authorized to open proposals for Design, Right of Way & Construction Engineering Services on County Bridge #3-C on Ohio Street over Pigeon Creek. So ordered.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the Attorney was also authorized to open bids for Project VC-91-10-01 (Resurfacing of Various County Roads). So ordered.

With regard to the Ohio Street Bridge, Commissioner Borries commented that this particular bridge has long been a source of examination by a lot of different groups. It is probably the oldest bridge in Vanderburgh County (and perhaps Greg Curtis can verify this). He is not sure why it has suddenly come on the fast track for demolition and reconstruction. But for several years we have heard from the State that they intend to drop the bridge over Pennsylvania Street and make us build a new bridge there because of some insufficient design on that bridge. We have known this for some time and he has not seen any on-going dialogue with the City of Evansville as to realigning Ohio Street. He is not sure that where that particular bridge is currently located is the most appropriate place. Before we build a new bridge, it seems to him that somebody should be talking with the City of Evansville and their Engineering Department about where Ohio Street should be relocated. He would ask the County Engineering Department to do just that, because it seems we're missing something in this particular situation.

County Engineer Greg Curtis said that primarily as a result of the City and the EUTS Study, we have gone ahead and received proposals for the design of this project. His feelings are not that from a condition viewpoint that the bridge is necessarily in a condition such that it is a priority from a safety viewpoint that it be replaced, but due to the State's project as well as from the point of view from the City wishing to realign Ohio Street. There has also been talk of possibly preserving the old structure because of its historical value (he thinks this was brought up recently at a Chamber of Commerce meeting). In any event, those options from an Environmental Statement were looked at. They determined the best alternative would be to realign Ohio Street on the north side of the railroad bridge. He thinks at this point in time if the project were to proceed on any alterative other than that, our best

planning option would be to proceed with the project in that vein. He feels it is very unlikely that this replacement project can proceed — the construction work on the Lloyd Expressway. In fact, he thinks it is impossible. Just with the way the projects go with the State, he doesn't see any way we can get that done prior to then. It is very likely that this project will be after that. From a traffic viewpoint, EUTS' studies indicate that it is something that is very needed. Obviously, with two businesses that do a lot of business with each other — one on each side of that bridge— and them using large trucks, he guesses from their viewpoint the bridge might be a safety problem to some degree. But he does not think it is significant.

Commissioner Borries said he concurs. However, his concern is that he has not heard any dialogue. Based on some discussions he has had with the Mayor, he is not certain it has been discussed that thoroughly in the City. Will the design continue to be a two-lane bridge or a four-lane structure?

Mr. Curtis said he is not certain. He is not that familiar with the environmental statement. He thinks it depends in large part on what the traffic projections are for that street. It's basically the same problem we had at USI with the traffic projections. We basically achieved the 20 year projections five years after the projection was made, because the Expressway carried more traffic than we anticipated. He thinks the long term traffic projection on Ohio Street might also change and he thinks that needs to be looked at, as well.

Commissioner Borries suggested that Mr. Curtis contact Rose Zigenfus in EUTS so that someone in their office can make sure that the Commissioners are informed. If there have been ongoing studies of realigning Ohio Street, he would like to know about that as well.

Mr. Curtis said the realignment proposed is from the environmental statement that was done for the bridge. Approximately 500 ft. each side of the bridge would be paid for by the County, because it is part of the bridge. That makes it a much more minor portion of the road that is the City's to fund. His understanding was that the City was behind that. The flip side is that when we discussed Fulton Avenue or 5th Avenue bridge and replacement of it, he knows the City's anticipation was that we would pay for everything that was included by the State in the bridge project — which was about 1,000 ft. on one end — and we aren't able to do that. That may be part of why the City is unaware of it — they may feel it is not anything of their funding.

Commissioner Borries said that, in his opinion, Ohio Street is a pretty vital road and he wants to see that planning take place before the Commission decides what they are going to do on that bridge.

Ms. McClintock said it is her understanding that Evansville Concrete, Bristol-Myers, and the grain operation people have been in contact with Rose Zigenfus of EUTS, because the new design of the State bridge on Lloyd Expressway is going to cut off some of their access from the river north. They are not going to be able to cut through all those locations where they currently commute and that is one of their big concerns.

# RE: PROPOSED IMPROVEMENTS TO SHERIFF'S SUB-STATION

The meeting continued with Sheriff Ray Hamner making a lengthy presentation concerning proposed improvements to the Sheriff's SubStation. The Airport is in the process of expanding and building new buildings. Several of those present have been in on meetings which have taken place over the last 18 months relating to a new sub-station or a potential new sub-station in that very complex.

The Sheriff's Department would like to be a part of that construction of buildings at the Airport. They are in dire need of a new building somewhere. He thinks the Commissioners have all agreed that the Sheriff's Department needs a new building and they are proposing to build a building on the very site where the old sub-station exists.

In giving a brief history of the Sheriff's sub-station, Sheriff Hamner said that back in February of 1980, Post 47 of the Indiana State Police vacated their old Police Post. The former Post consisted of a building and a garage that was adjacent to the Dress Regional Airport. Prior to the move the Indiana State Police had used this post for 27 years. Their new facility is located south of Interstate 64 and U. S. Highway 41. Their reasons for moving were:

- 1) It was an old Post and they were cramped because the facility did not offer enough space or office space.
- 2) The old Post did not offer space for proper police functions.

In November 1980, former Sheriff James DeGroote received approval to lease the former State Police Post (which had been vacant for nine months) as a Sheriff's Sub-station from the Dress Regional Airport. This would free space at the Civic Center and provide security for the Airport as required by the FAA. Sheriff DeGroote moved his Motor Patrol Section (which consisted of 26 officers) and the Reserve Unit to the sub-station facility. By volunteering their time and using donated supplies, the Reserves refurbished the acquired sub-station. During the renovation they installed new carpet, paneling, and donated approximately 400 hours to the sub-station.

As the Sheriff's Department grew in manpower, the detectives moved from the Civic Center headquarters to the sub-station and eventually made the old garage into their offices. Since the acquisition of the sub-station in 1980, the Sheriff's Department has increased the number of officers at that sub-station from 25 to 62. This number of officers represents an increase of 66% additional manpower and it is without any additional square footage at the sub-station. These figures do not include the number of reserve officers who operate out of the facility while assisting the road patrol. In addition to the Sheriff's Department employees and the Reserves utilizing the Sheriff's sub-station are the Darmstadt Town Marshall and the County Work Release officers.

In the past the maintenance and upkeep of the facility was borne entirely by the Sheriff's Department, and the Vanderburgh County Trustees and officers routinely cleaned the interior and exterior of the facility. Any remodeling of the facility, purchase of office equipment and other supplies was accomplished by the Sheriff's Department. Thus, neither the County Council nor the Commissioners have provided any monetary funds or manpower to maintain the facility — even though the County and City visiting constituents use the facility.

The public often forms opinions regarding the performance of law enforcement agencies and other governmental agencies on the physical appearance of the respective employees, uniforms, equipment, vehicle, and facilities. If the appearance is negative, then frequently the public does not believe the agency is providing the necessary services. If an agency or facility is not providing these services, then as a public entity it is required to replace the inadequate area. Thus is the case of the Sheriff's Department sub-station. Studies have shown that the design of a police facility will have a significant impact on staff morale beginning with the exterior appearance and continuing with the interior experience. The facility must not only be attractive to those that

view it, but also to those who work in it. Since morale is a state of mind and since distraction from the task at hand is an officer's worst enemy, every effort should be made to insure against the creation or maintenance of a work place or facility that shows or fails to supply a sense of pride and dedication or a productive environment.

Sheriff Hamner proceeded to show slides of the current conditions at the sub-station for the benefit of those who may not be familiar with same. Cited were the following: Cracked concrete, lack of handicap accessibility, deteriorating window air conditioner units, deteriorating wood around window frames, exposed and rotting wiring -- probably not a safe environment, siding coming off the south end of the building, etc. The storage building for evidence is in a deteriorated state. The water drain for basin that was installed in the garage behind the sub-station (better known as the detective office) drains via an outlet on the outside of the building. There is severe structure damage, including cracked bricks, from top to bottom, and deteriorated window air conditioners. The water fountain also drains to the outside in front of the building. There is an area for housing dogs while officers attempt to conduct interviews and you can hear the barking dogs during interviews. There is damage at the entryway to the sub-station. The data processing room is one of the most critical areas at the substation -- and right in that room is the women's rest room, with hollow doors. You hear everything that is going on inside the rest room. The men's shower room is not fit to use and therefore is not being utilized -- and this is the only shower in the sub-station. People are being interviewed for child and or sexual abuse and the women's rest room is the only rest room available for use and they have to traverse the parking lot to get to the rest room. The ceiling tile is falling out in the roll call room and there is black smut on the ceiling tile as a result of the gas furnace. The water heater configuration is in a room right next to the There is also a supply room and arsenal for women's rest room. housing weapons. The drain in the locker room has sewer gas which escapes in the room.

In pointing out the interview room, Sheriff Hamner said the Sheriff's Department has already been called to task on three occasions by defense attorneys because the area is extremely small and they are contending that it is intimidating to their clients — and he certainly agrees with them.

All evidence storage is accomplished in the detective office because of lack of sufficient room in the sub-station area. The narcotics evidence storage has a window which could easily be knocked out.

Following further comments, Sheriff Hamner again pointed out the inadequacy of the women's rest room facility — due to hollow—fill door and gap underneath the door. It is totally unfair from an adult standpoint to have to walk all the way across the parking lot to go to the restroom and then after they get in there there is no doubt about what they're doing in there, let alone if you have a little child six or seven years old who has been sexually molested and now you're going to put her in there so that everybody outside can hear what she is doing. He thinks that is pretty sad.

Sheriff Hamner said a proposed contract has been drawn up with the Airport's approval and he believes it has been routed to Attorney Ted Ziemer for his recommendations, who has subsequently sent it back to the Airport attorney whereby the agreement appears to be workable with all those involved. He assumes the Commissioners have seen same. He is requesting permission to proceed. The rent is around \$150,000 per year for a 15 year period.

Ms. McClintock said that from a conversation she had with Judge Young last week it is her understanding that we now have a way to

pay for this where we won't have to appropriate tax dollars.

Sheriff Hamner said Judge Young has agreed to earmark \$150,000 to \$160,000 (whatever the amount) from his incentive fund from the Safe House or wherever he gets that money) for the first year's rent for the building. As to whether he will continue to do that year after year, he doesn't know. But in all the meetings he's been to which were attended by the Commissioners and some of the Council members, it was discussed that the prisoners that we house for the State of Indiana in our jail is \$35.00 per day and that generates somewhere in the neighborhood of around \$400,000 per year. He would ask that a portion of that \$400,000 prisoner money be set aside for the monthly and yearly rent on that facility.

Ms. McClintock said it is her understanding that through some changes Sheriff Hamner and the Judge intend to make at the Safe House through some expansion that they hope to increase the number of prisoners they are able to keep for \$35.00 per day -- so this would, in effect, be new income and would not affect other things they are currently are being paid for out of the incentive fund.

Sheriff Hamner confirmed that this is correct.

Ms. McClintock asked that if the Commission would agree to sign the contract and do this, what are Sheriff Hamner's interim plans for that operation during construction -- if the facility is going to be in the same location?

Sheriff Hamner said the new facility will be located either to the side or front of the existing facility.

Ms. McClintock said one of the Council members has expressed concern about the facility being located on U. S. Highway 41. For that kind of money if it were better to construct the facility at another location we could locate it in the northern part of the county — their point being that when the sub-station was initially put out there on Old Highway 41, U. S. 41 was the big artery through town and now we have two new highways and shouldn't we look at alternate locations.

Sheriff Hammer said that for all practical purposes, the County's jurisdiction does not exist in that location east. Our primary concern is basically from the area where we sit now and north to I-64 and to that northwesterly location and the west. So we are in a very good spot on Highway 41 because from a traveler's standpoint on the highway the Sheriff's Department is the only law enforcement agency that is working around the clock so to speak in the County. The Sheriff's Department has a post commander accessible for the public 24 hours per day. At the same time, they are responsible for answering wrecks and all calls in the north and northwesterly direction up to I-64. They do have some territory over into Scott Township east of Highway 41, but primarily they are in a very good location. They have 15 minute response time for the airport and that is ongoing at the present time -- and that is their justification for wanting to be there.

Ms. McClintock said that if within the next fifteen years City and County Government would consolidate, would the Sheriff still see a need for a police station in that location?

Sheriff Hamner said he can see it in that location as well as in any other location. They also have jurisdiction on Highway 57 all the way up to I-164. At the present time this location is as feasible -- if not more so -- than any other location he's aware of.

Commissioner Borries said that if you look at the demographics in this County, certainly the growth outside the City Limits is clearly in the north side and he thinks the proposed location is an

ideal spot. He believes Highway 41 will continue to carry a lot of traffic for years in the future. He also thinks it is important that people understand that Judge Young does not have to do this. This is a very good spirited move on the part of Judge Young, who has offered to step into this. Also, while we call this the substation, this facility is really the center for the Sheriff's operations.

Sheriff Hamner confirmed that the only thing in the Civic Center is the Sheriff's office, the office of the Chief Deputy, Civil Process, the Warrants, and the Jail. Everything else is at the sub-station -- criminal investigations, data processing, motor patrol section, etc. The Reserves also operate out of the substation.

Commissioner Borries moved that the Board approve the contract and bids be developed. Motion seconded and so ordered by Commissioner McClintock.

Ms. McClintock said Mr. Ziemer will bring the contract to next week's meeting for the Board's approval and then the Airport will solicit bids. She asked Sheriff Hamner if the design of the facility has changed since the last draft she saw?

Mr. Bill Brooks of the Airport Authority Board offered brief comments, but they were inaudible since he was not speaking from the podium.

Sheriff Hamner said to his knowledge no changes have taken place. The only thing that could possibly change would be some configuration on the inside and they indicated early on that would not make a difference.

Commissioner Borries requested that a letter of commendation be sent to Judge Young and President McClintock asked that Mr. Wittmer see that said letter is prepared for the Commissioners' signatures.

#### RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

The meeting continued with President McClintock entertaining bids on County-owned surplus real estate which had been advertised for sale. There were no bids.

# RE: ORDINANCE ESTABLISHING SERVICE CHARGE ON UNPAID OR DISHONORED CHECKS (FIRST READING)

Ms. McClintock said the Board has advertised 1st & Final Readings on this Ordinance.

Chief Deputy Prosecutor Tim Klinger said they have two people today before the Commissioners to speak on behalf of the proposed Ordinance. The first is Mr. Larry Spradlin, Chief Investigator for the Vanderburgh County Prosecutor's office. He's had an opportunity to speak to several local merchants concerning the need for such a check deception program. The second person is Mr. Gary Sprinkle, who is the Chief of Loss Prevention for a local business concern (Buehler's Buy-Low) to speak from a businessman's perspective on the need for such a program.

Mr. Spradlin said that during his interviews with various business owners within the County, it has become quite obvious that the dishonored check problem is near epidemic proportion in Vanderburgh County. He will speak in general terms and save identifying specific business places. In very general terms he thinks it is quite evident that the larger grocery facilities in Evansville currently are experiencing approximately \$100,000 plus very easily loss per year in dishonored checks. Some of the local medium-sized stores are in the vicinity of \$50,000 to \$60,000 quite regularly. And interestingly enough, in talking to the local family-owned

businesses (the mom and pop type situations) it was quite surprising to find they don't have that much of a check problem anymore. It's not because the problem is not there, but simply because they cannot afford to accept checks from their patrons and therefore have lost a lot of business. One local merchant who has businesses here in Vanderburgh County and also in Warrick County advises that his Warrick County facility accepts approximately four to five times the number of checks as do those in Vanderburgh County with about one-tenth of the problem that he has in Vanderburgh County — even though he is accepting that many more checks. He feels the main reason for this is that Warrick County currently prosecutes all dishonored checks presented to them. The policy that the Vanderburgh County Sheriff's Department, the Prosecutor's office, and the Evansville Police Department currently have in place does not facilitate our handling all dishonored checks. The Ordinance proposed will not necessarily be a moneymaking proposition or a situation whereby we're going to lose a lot of money. Quite frankly, they're just hoping it will be an assist to sustain the operation and allow us to provide this service to the members of the County.

Ms. McClintock said she had a call today from a party who runs a check collection service as a private company. What they were saying to her was that we're going to have to set this up, hire somebody do it, and if the Judges in Vanderburgh County would impose the existing fines that they can impose (and she doesn't know if this is true or not) that it would not be a problem. What she has been told is that if somebody writes a bad check for \$100 and Joe Blow collection agency fines them and gets them into Court — that our Judges are only fining the people \$100 plus Court costs — but they could be fining them up to two or three times the amount of the check.

Mr. Spradlin said, "Well, that is possible under the Civil statute. Under the criminal statute the problem that we're dealing with is not a matter of what can be done, but what currently is being done here — and that is very little — for the people who have the bad checks and don't know what to do with them. We've been in contact with St. Joe County, Marion County — he's personally been in Bloomington in Monroe County and observed programs that they have basically started from scratch and they have become very, very successful in eliminating the problem. The program is running quite efficiently — all done by computer — or mostly done by computer — which is what we're going to try to do here. He knows we'll probably hear some grumbling so to speak from various collection agencies, etc. The bottom line, at least in his opinion, is that it's a crime in the State of Indiana. And it's a service that the Prosecutor's office should, in fact, provide for the citizens of this county — whether it's merchants or private individuals or whoever it may be. We're certainly not in it to make money off it. The State Law, itself, clearly sets down the guidelines regarding the collection of a service fee or protest fee or whatever you want to call it. And it is designed to help offset the cost of running the particular program involved which, quite frankly, is what we're trying to do here.

Ms. McClintock said that during a meeting several months ago when this was discussed, it was noted we hoped that the fees would offset any cost we'd have in the program -- obviously not initially -- but once the program got going. So the argument that we would be using taxpayers' dollars wouldn't hold water after a certain point. Or, it should be minimum and the reason we would use those would be to provide this service.

Mr. Spradlin said he can say that any numbers he would refer to here today would be a shot in the dark. But he would think that given the success of the Monroe County program and from the people to whom he's spoken in St. Joe and Marion Counties, he doesn't think it is going to be a situation whereby it is going to cost us

a lot of money -- but the initial cost will, of course, come out of tax dollars -- but could very quickly be a self-supporting operation. As to the number of checks at the outset, he doesn't know. He does know it is a problem and needs to be addressed and they want to do it the best way we can. Check deception in the State of Indiana is classified under a Misdemeanor, which is a potential \$5,000 fine and up to one (1) year in jail -- so, yes, it is a crime.

Mr. Gary Sprinkle said he is a retired City policeman after 28-1/2 years and he worked quite a bit of that time in the Criminal Investigation Section. When he and Larry Spradlin discussed this new program that he initiated, with the blessing of the Prosecutor -- and he would like to thank Prosecutor Stan Levco for even considering this, because he did not realize that this was a problem of such magnitude right now until he entered into private industry and the private business sector. He concurs very strongly with Larry that this is not a bad debt. A bad check is a crime. It's a theft. A lot of people he contacts over these checks think it is a bad debt -- but it is not. If you take it to Small Claims Court and go through the civil process, that is a civil matter. That turns into a promissory note. That isn't what a bad check is. "When I give you a piece of paper you're saying that is cash money, because you don't want to carry the cash around. So this is what these grocery stores are doing and it is in astronomical figures. He did not realize this until he got into this program. He talked to Mr. Dave Buehler; he talked to his boss, Mr. Jerry Striker; and they are very strongly supporting this program. He talked to the Prosecutor in Dubois County (Mr. Bill Weigert) and they have this program in Dubois County and it is self-supporting. He doesn't know that Mr. Weigert would want the figures to be made public. Nonetheless, he hires a lady that does his work for him four days a week. But it is a self-supporting program. He obtained a copy of their Ordinance and gave it to Larry Spradlin to help the Prosecutor's office draw up what they felt would be suitable for Vanderburgh County. In any event, he wanted to show up here today in support of this program and he and Buehler's Buy-Low will do anything that the Prosecutor would ask them to do to support this program and get if off the ground. He appreciates the Commissioners' time in letting him speak to this matter in behalf of the outside business sector. Prosecutor Levco should be commended for even considering this program, because it will help the business people of Vanderburgh County.

There being no further comments a motion was entertained.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the Ordinance was approved on First Reading. So ordered.

#### RE: APPOINTMENT TO LOCAL EMERGENCY MANAGEMENT AGENCY

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, Mr. Allen R. Frederick, Vice President of Environmental Services at Donan Engineering Co., was appointed to serve on the Local Emergency Management Agency Board. He replaces Mr. Henry Rust of RuVan Plastics, who is no longer able to participate. So ordered.

# RE: RENEWAL OF SERVICE AGREEMENT-INSURANCE AUDIT & INSPECTION CO.

President McClintock said she has a letter from the Indiana Audit & Inspection Company indicating to us for budgetary purposes for next year that they expect the price to go to \$5,700.00 beginning October 1992 thru September 1993.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock the \$5,700 cost was approved. So ordered.

# RE: DATA PROCESSING - EQUIPMENT RFP

Mr. Roger Elliott of SCT said we're at a point in the computer network where we're finding that we're underpowered. They've put together a study that reviews the computer needs of the County and City to the end of 1992 and are fairly comfortable that their computations are accurate and appropriate, given what they know of the desires and needs of both governmental entities. He is requesting approval to advertise an RFP to the tune of \$1.3 million worth of equipment. This would be split from 1991 fiscal funding and 1992 fiscal funding. Approximately \$1.2 million comes out of next year and \$90,000 out of this year. This has already been discussed with the State Board and they have said it can, in fact, be advertised. It is not illegal as long as the contracts are not signed prior to the time that the State Board of Accounts approves the budgets for next year. The RFP has been reviewed by both the City and County attorneys and it is his understanding there are no objections or problems with the document at this point in time. The Data Board has reviewed the RFP and recommends the document for Commission approval today.

In response to query from County Auditor Sam Humphrey, Mr. Elliott said the \$1.3 million figure quoted is Digital's book value figure today. He knows of equipment discounts available to us and price reductions available to us that will be occurring within the next couple of months. He expects a vendor to be able to quote us a 10% to 15% discount or larger on this size order. This is virtually any piece of computer equipment we can think of -- that we have a legitimate need for and we have the funding for between now and the end of the next fiscal year. He has a notice of 200 vendors and their addresses and additionally he is requesting permission from the Commissioners to run a legal advertisement in the Indianapolis Star. This will be an additional charge of \$280 above and beyond what is normally expended for each time the ad runs -- but it gains us additional exposure. It allows other firms that normally would not respond -- or that we don't know about -- the opportunity to respond.

Auditor Humphrey said, "When we first discussed this it was my understanding (and his notes will reflect this) that we were talking about something between \$700,000 and \$750,000 magnitude. Now we're at \$1,290,000."

Mr. Elliott responded that we're at \$1,290,000 because he's quoted the total figure of the RFP as opposed to the County portion or the City portion. The County portion will be about \$700,000 to \$750,000.

Mr. Borries asked if this takes us through 1992 only, or does Mr. Elliott see this as part of a long range plan that will extend our capability beyond 1992?

Mr. Elliott said that realistically this should extend our capability beyond 1992 -- but he is reluctant to stand in front of the Commission and say that for a fact it will because of many variables, one of which is the increased need. That is why Judge Knight is with him this afternoon. He can attest to the success of our plans at this point. As the Sheriff said earlier today, our success has been the death of us. We've had such a good program that everybody wants on. Consequently, we have swamped the machine. This could occur to us in the future.

Judge Knight said, "I'm actually here on behalf of the Data Board, as a member of the Data Board, because Art Gann had to be out of town. I am also here on behalf of the Court system, in general, the entity I represent on the Data Board. I'm primarily here to attest to what I would consider a crisis need for immediate expansion of the capacity of the current data system that we have. It is slowing and slowing and slowing to a crawl. I tried to think

of an example that would be appropriate. I couldn't come up with a perfect example, but I was mindful of the fact that if you opened the refrigerator and had to wait 45 seconds to three minutes and sometimes up to 25 minutes for the light to come on -- it would be frustrating. It would also be true that if you could only supply yourself in that refrigerator with no more than one day's food supply -- it would be equally frustrating. We have, in effect, many, many more users on the system than we contemplated. It's the kind of thing that you simply can't guess accurately. But in that report lies the success of the whole system, because more and more users are seeing that using the system saves them time. There are work savings, there are conveniences that weren't available before and which now shorten their tasks and eliminate duplication of work in the Clerk's office and the Court's office. Where before people were typing the same things twice, they are now typing them once. There is no question but that we need this upgrade. I cannot stand here and say that we do have a solution beyond 1992. I think what we can say is that we're trying to purchase equipment that is economically expandable. We're not buying the kind of equipment that in its entirety would need to be replaced in a year -- but, hopefully, buying the kind of equipment that you can still use but expand. We still do not have on the system Small Claims Court, Misdemeanor Traffic Court, many of the financials, Probation and Child Support. There may be more that are not on the system. I don't think either of those entities could be put on the system without it completely crashing; there just is not enough room -not enough power. Small Claims Court is going to account for approximately 6,000 to 8,000 cases per year (and these are ball park figures) and Misdemeanor Traffic around 18,000 to 20,000 cases per year. This does not include already pending cases. When we add case information about that many simply new cases. cases it can be anybody's guess as to exactly how that kind of data will impact the system. Over the last several months they have adjusted, balanced, pulled, done everything they can -- gone to seminars and brought in other personnel from Digital Equipment -somebody from Harvard or Yale who works on their systems -- and they have really squeezed the last drop of juice from the orange that we're dealing with now."

Mr. Elliott said the time schedule is such that if the contracts can be signed on January 6th, the equipment starts to arrive approximately February 8th, we could have the parts installed possibly by March 8th and theoretically the Honeywells can be moved out the door around April 15th.

Mr. Humphrey said there is no way we can get on April 15th and get the tax bills out.

Ms. McClintock asked if Mr. Elliott can prepare a time schedule on one sheet for the Commission's information.

Following further brief comments, upon motion made by Commissioner Borries and seconded by Commissioner McClintock, permission was granted to advertise the RFP. So ordered.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, permission was also granted to advertise in the Indianapolis Star. So ordered. (Commissioner Borries did state that he would like to use local vendors wherever possible.)

Judge Knight said he agrees, but this is a pretty large project and will require some highly sophisticated response. He would hazard a guess that we may have no local interest in the project.

Mr. Elliott said that of the 60 computer firms in town, there is only one that has the capability to respond to the RFP.

RE: PUBLIC WORKS DEPARTMENT - GREG CURTIS

Green River Rd.: Mr. Curtis said it is going to cost approximately \$200,000 additional that will likely be borne entirely by local government agency (being us in combination with the City) if we are to enlarge the storm sewer capacity of Green River Rd. At the present time our project is designed, which is all that the Federal Highway will participate in, to take in the water between the right-of-way lines. And, in addition to that, the water that is presently going underneath Green River Rd. -- and that is all the water the project can be designed to take and the Federal Government participate in the funding for that. We have a 48" pipe that runs from the right-of-way line to Pigeon Creek at the present To increase the capacity of our storm sewer system to equal the capacity of that 48" pipe will cost approximately \$200,000 and his own opinion is that with the problems that we've encountered with drainage on the east side of Evansville in various locations, this would be money well spent. As far as developments and their potential for dumping water into the project storm sewers we will, of course, look at retention facilities, but we need to look into developmental impact fees on the part of the developers if they so choose to dump water that is not presently going through that 48" pipe to eventually go through that 48" pipe for paying for the enlargement of the storm water facilities in that area. He needs from the Commission some kind of indication as to whether they want to include that in the project. If we include it in the project e most likely will remain on the October letting. At the worst, we might end up on the November letting. If we were to try and enlarge further both the 48" pipe that runs approximately from the Sugar Mill apartments to Pigeon Creek from the west side of the road, we would at least be into February, which would require us to lose our Federal funding which is out of our minimum allocation money. They can't deny us the ability to use that -- but we're not sure what funds would be available if we wanted until February or March. He recommends against trying to enlarge the system more than the storm sewer pipe that runs from the right-of-way to Pigeon Creek. It is his recommendation that we ask United Consulting to go ahead and make the modifications necessary to addend the contract. That way we also will get a better price. If we wait and do it after the bid letting, then we will be at the contractor's mercy, rather than having everyone bid on it the same and getting a better price for that. And we might get Federal funding for it -- we don't know. We have to sell our case to the Federal Highway and there is not sufficient time to do that before a decision has to be made.

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

<u>USI Interchange Update:</u> Mr. Curtis said that Keith Lochmueller and David Isley are here to provide the Board with an update on the USI Interchange.

Mr. Lochmueller said he wants to make sure they are following the right directions and policies that the Commission would like to have take place on the Eickhoff-Koressel and the USI project. He would mention that on July 3, 1989, Bernardin-Lochmueller & Associates began the design of the USI Interchange. At that point in time -- normally when you're hiring an engineering firm for design you have already gone through the environmental process and now all you're having to do is go straight into design. Everything is set out in front of you and you have nothing to do but design. But that is not what has transpired during these past two years. We've had numerous problems which have been a surprise to the Commissioners and a surprise to them.

Mr. Lochmueller proceeded to read through the Eickhoff-Koressel Road Progress Chart (copy attached hereto as part of the formal minutes, as well as his letter of September 30, 1991.) In conclusion, Mr. Lochmueller said BLA is working as quickly as possible to see that all the environmental regulations are met.

They hope to have approval on the environmental assessment addendum in December, 1991. The Section 106 documentation approval will be March 1992. March approval will only happen if everyone involved will make sure that we get quick review by local agencies, State agencies, etc. Section 4-F is the same thing -- and he'd like to see the 4-F approved in April. They are continuing on the design and, hopefully, the design will be approved by June 30th. Hopefully, land acquisition beyond right-of-way plans will be completed by December 1992. Construction letting would be January or March 1993.

In response to query from Commissioner McClintock, Mr. Lochmueller said he talked with Dr. Rice today and told him he would be providing him with a copy of the aforementioned letter. He would want the Commission's comment that BLA is doing the right thing in proceeding with the design with local funds.

Commissioner Borries said one individual he knows of did not want this project to go through and we've danced to so many different tunes here that you couldn't check out your partners from time to time — it's ridiculous. This County bonded for the money in a very unusual fashion because there were two critical transportation projects that needed to go forward quickly. One is going forward and the other one is not and he still finds that unacceptable. He would want to assure President Rice and the students at USI that if there is any way we can move this project up — we have the money in place. We're going to need every Federal dollar for Lynch Rd. Lynch Rd. still must be the top priority. Lynch Rd. has an enormous impact for this county — economic development wise and for the future. We've moved on this USI project in good faith and he will be glad to assist in every way to get this project going.

Ms. McClintock said that both she and Mr. Borries have been up to Indianapolis and it has been a very frustrating situation. She wants to be clear that this is as quickly as we can get this done using local funds. We're not even thinking about using Federal funds and she agrees that Lynch Rd. has to be the priority. Nothing is happening now to slow this project down with the exception of what was started by a dear friend. There has been implication that we haven't moved as quickly for some reason or the other.

Mr. Borries said the railroad has been very cooperative with regard to the Union Township Overpass and we've had tremendous success in getting that project going. We knew maybe there was a small problem on the USI project, but not like what has happened. Is there any way we can fast track this project?

Mr. Lochmueller said they are going to go ahead and design it — they need no approval other than the State's approval with regard to the design. That is one alternative — if we're not going to Federal funds on the other two sections. But if we're going after Federal funds for the other two sections, what he would really like to see done — he thinks we're going to have to work together — he'd like to appear every month at this microphone to give an update so the public knows — because he thinks it very important that the Commission gets the knowledge out there that this is a top priority. The State and Federal Highway read the papers, too — and they hear the phone calls.

Mr. Lochmueller said we need the approval on the Section 106 and the 4-F. Their office will put the manpower to the project to get the design out. But as we're going after these approvals, perhaps calls and letters from the Commissioners will help.

Mr. Borries suggested we get the Senators and Congressmen involved; this is a local commitment -- it's not going to cost the Federal Highway anything and he doesn't understand why we can't move this project forward.

Ms. McClintock said she would suggest that perhaps Mr. Borries' connections with the State and the Congressman's office are a bit better than hers. And her connections with the Senators might be a bit better. She will be happy to write letters to the State, but Mr. Borries can make personal phone calls to the State and get through up there. When Mr. Lochmueller needs something from the Federal government, he needs to let both she and Mr. Borries know. She advised Mr. Wittmer that when she and Mr. Borries call and need to get a letter out, it's top priority.

Mr. Lochmueller said he will keep the Commission informed every step of the way, because it's very necessary. He will provide the Board with a progress report the first Monday of each month

Mr. Borries said it has been four years and he would like to see a construction letting by June 30, 1992.

Lynch Rd.: Mr. Curtis said he has provided the Commissioners with a copy of September 9, 1991 letter from Bernardin-Lochmueller indicating they are predicting enough settlement in the Lynch Rd. project that it is felt it can best be served economically to the County, as well as the State, in relation to funding the project — if we split it into two projects: one to be the grading and setting the fills in place and a second contract at a later date for the paving. The people who have the expertise in the individual areas will be the bidders on each area. He wold concur with BLA's recommendation that the project be set up in two separate contracts. If that meets with the Commission's approval, he also has Supplemental Agreement No. 3 with BLA for preparation of separate contracts rather than one contract. In addition to the original plans, this will be \$14,100 for a set of grading plans.

Motion to approve the Supplemental agreement in the amount of \$14,100 was made by Commissioner Borries, with a second from Commissioner McClintock. So ordered.

Leave of Absence/Eric Acker: Mr. Curtis said he would also request a 30 day leave of absence for Eric Acker (a laborer on the bridge crew) who was involved in an accident this past weekend. He has something between a chipped vertebrae and a broken neck. They are not sure how long he will be off work. It is possible he may be back in two weeks and it may be six months. His available leave time is zero. In order for him not to be accumulating lost days that are considered a disciplinary action, he is requesting a 30 day leave of absence. If he needs additional time, it is anticipated that he will know before the 30 day period has expired.

Motion to approve the 30 day leave of absence was made by Commissioner Borries, with a second from Commissioner McClintock. So ordered.

Notice of Request for Qualifications: Mr. Curtis requested permission to advertise with regard to Corrective Action Plan for the clean-up of ground contamination at the Maintenance Services Facility at the Vanderburgh County Public Works Department. He has spoken with Jeff Dodson at length and we're requesting that firms interested in drafting a corrective action plan respond. We're asking that statements be received prior to 6:00 p.m. on October 21, 1991. He would like to receive the qualification statements and narrow it down to four (4) firms; interview those firms, and then come back in and make a selection on either November 18, 1991 or whenever IDEM approves our final results from our soil boring and well analysis -- whichever is later. Once IDEM approves that, we will only have ninety (90) days to get the corrective action plan back to them.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, permission was given to advertise and send

information out to those parties we know who are interested. So ordered

Request for Executive Session: Mr. Curtis said that following a discussion with Jeff Dodson, they are requesting an Executive Session on October 21st to discuss the lawsuit IDEM has pending against the County prior to receiving qualification statements.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, an Executive Session was scheduled on Monday, October 21, 1991 at 4:30 p.m. So ordered.

Request to Waive Sidewalks in Acorn Trail Subdivision: Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the request was granted. So ordered.

Acceptance of Street Improvements in Brookview Heights Subdivision Section III: Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the request for acceptance was approved. So ordered. (See attached acceptance letter)

Request to Waive Sidewalks in Audubon Estates Section "D": The last time he brought this to the Commission he requested that sidewalks be installed in some areas where they had already been waived. The request is that what is marked in red be the areas where sidewalks are installed and the rest of the sidewalks in the subdivision be waived.

The only thing that will not have sidewalks are the two cul-de-sacs and the stub of Ridgeway Avenue. Plaza Drive goes out to Covert Avenue and there are sidewalks on Plaza Drive.

Motion to approve the waiver, as requested, was made by Commissioner Borries, with a second from Commissioner McClintock. So ordered.

Acceptance of Street Improvements in Lincoln Point Subdivision, Section I: Upon motion made by Commissioner Borries and seconded by Commissioner McClintock the request was approved, as submitted. So ordered. (Copy of acceptance letter attached herewith.)

<u>Claims:</u> Mr. Curtis submitted a number of claims for approval (see attached copy of Public Works Department Agenda) and upon motion made by Commissioner Borries and seconded by Commissioner McClintock the claims were approved for payment. So ordered.

#### RE: COUNTY ATTORNEY - JEFF WILHITE

Attorney Wilhite said that due to family emergency he appreciates the Board's letting him bring his young guest, his daughter Lynn, who seems to be doing a fine job of listening to testimony.

In reporting on the Prosecutor's request for Credit Cards and a Petty Cash Fund, Mr. Wilhite said he has researched this matter and also conferred with the State Board of Accounts (as has the Prosecutor and the County Auditor) and Credit Cards would be allowed. We would need a Home rule Ordinance to allow them. The State Board cautioned, however that we would not want to give the Prosecutor permission to buy items where we already have contracts with some specific supplier. These exceptions can be covered in the Ordinance. (In response to query from Commissioner McClintock, Attorney Wilhite confirmed the use can be restricted to travel.) Insofar as the Petty Cash Fund, I.C.36-1-82 provides for Petty Cash Funds for such offices. The Statute requires that the Fiscal Body (Council) establish that fund, but the Commission can certainly send their direction to Council that they think it is a good idea.

Commissioner Borries said he would not want to see the County incur any type of carrying charges for the credit cards.

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Attorney Wilhite said he could build this into the Ordinance, whereby the user of the card would be liable for any interest or carrying charges.

Mr. Wilhite is to draft the Ordinance with regard to credit cards.

### RE: READING OF BIDS FOR ROAD RESURFACING PROJECT

The meeting continued with Attorney Wilhite reading the bids received on the road resurfacing project, as follows:

|                 | Sam Oxley | <u>Koester</u> | J.H. Rudolph      |
|-----------------|-----------|----------------|-------------------|
| Mobilization    | \$ 5,291  | \$ 4,900       | \$ 6,000          |
| County Line Rd. | 49,579.10 | 376,936        | <b>39,767.</b> 80 |
| Elmridge Drive  | 17,121.40 | 19,826         | 17,308.20         |
| Charles Drive   | 14,560    | 12,300         | 12,150.50         |
| Folz Lane       | 11,260    | 10,330         | 10,140            |
| Schmitt Lane    | 28,037.50 | 30,255         | 28,350            |
| Oak Grove       | 47,607    | 45,245         | 41,216            |

#### Total Bids

| J. H. Rudolph       | \$ 154,932 |
|---------------------|------------|
| Koester Contracting | 160,792    |
| Sam Oxley & Co.     | 173,456    |

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the bids were referred to County Engineer Greg Curtis for his recommendation at the next meeting. So ordered.

#### RE: PROPOSALS RE BRIDGE #3C/OHIO STREET BRIDGE

Attorney Wilhite said responses to our Request for Proposals were received from the following:

| Hazelet & Erdal, Inc.       | Jeffersonville, IN |
|-----------------------------|--------------------|
| MSE Corp.                   | Indianapolis, IN   |
| Floyd Burroughs & Assoc.    | Indianapolis, IN   |
| Bernardin, Lochmueller      |                    |
| Fink, Roberts & Petrie      | Indianapolis, IN   |
| Craig & McKneight           | Indianapolis, IN   |
| Morley & Associates, Inc.   | -                  |
| United Consulting Engineers |                    |
| Three I Engineering         |                    |
| Warren T. Hobson Assoc.     | Indianapolis, IN   |
| Warrick Engineering         | -                  |
| R. W. Armstrong & Assoc.    | Indianapolis, IN   |
| _                           | - '                |

The proposals were referred to Mr. Curtis for his review and recommendation.

#### RE: AUDITORIUM

Ms. McClintock noted that Jack Kirwer is not present today.

#### RE: CONSENT AGENDA

Following amendment in Item "h" with regard to \$21,574.00 salary of Deborah Ransom in Drug & Alcohol Deferral Service which should be a "Release" and not an "Appointment", upon motion made by Commissioner Borries and seconded by Commissioner McClintock the Consent Agenda was approved. So ordered.

## RE: OLD BUSINESS

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

#### RE: NEW BUSINESS

President McClintock said she has requested Lou Wittmer to write a letter of commendation to Judge Young re funding for the Sheriff Sub-Station, as per Mr. Borries' request earlier in the meeting.

Health Department: It was noted by Commissioner McClintock that a letter from the Indiana State Board of Health advises that the Vanderburgh County Health Department has been nominated as a candidate for the "Excellence in Public Health Award". This prestigious award recognizes the overall excellence of the local health department and the staff should be congratulated as a candidate for said award. Ms. McClintock requested that Mr. Wittmer write a letter to the Health Department Staff for the Commissioners' signatures.

Road Salt Bid: Ms. McClintock said the Board needs to award the contract for the road salt at next week's meeting.

Stamps for Election Office: Ms. McClintock said the Election Office had to buy stamps to mail the absentee ballots. How much was that?

Mr. Wittmer said he is not sure. However, it is on the Consent Agenda and Ms. McClintock said she simply missed it. Therefore, it has already been approved.

#### RE: AWARDING OF CONTRACT FOR ROAD RESURFACING

Mr. Curtis said that due to the time of year and the nature of the work we're doing on widening most of the roads being more than just paving — he would request that the Commission go ahead and award the contract for Project VC-91-10-01 to J. H. Rudolph & Co., the low bidder, for a total bid price of \$154,932.00. He knows we normally review these for a week, but he has spent a significant amount of time personally preparing that contract. In looking at their bid he finds their bid to be in order. If, for some reason, in totaling up the other two bids there is a gross error that causes J. H. Rudolph not to be the low bidder — which is the only other thing he couldn't check in the amount of time he had this evening — he would not give J. H. Rudolph "Notice to Proceed" and bring the matter back to next week's meeting. But this time of year every day could make a big difference in the contract. At this point however, J. H. Rudolph is the low bidder by some \$6,000.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the contract was awarded to J. H. Rudolph in the amount of \$154,932. So ordered.

There being no further business to come before the Board at this time, President McClintock declared the meeting recessed at 6:50 p.m.

# PRESENT:

Carolyn McClintock, President
Richard J. Borries, Member
Don Hunter, Vice President (Absent)
Jeff Wilhite, County Attorney
Sam Humphrey, County Auditor
Lou Wittmer, Supt./County Bldgs.
Greg Curtis/Public Works Dept.

COMMISSIONERS MEETING October 7, 1991

Gary Kercher, Public Works Dept.
Judge Knight
Roger Elliott/SCT
Ray Hamner, Sheriff
Bill Brooks, Airport Authority Board
Bob Working, Airport Manager
Tim Klinger, Prosecutor's Office
Larry Spradlin, Prosecutor's Office
Gary Sprinkle, Detective/Private Segment
Jack Waldroup, Jr.
Others (Unidentified)
News Media

Secretary: Joanne A. Matthews

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Carolyn McClintock, President

Don Hunter, Vice President

Richard J. Borries, Member

# MINUTES COMMISSIONERS MEETING OCTOBER 14, 1991

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# MINUTES COUNTY COMMISSIONERS MEETING OCTOBER 14, 1991

The Vanderburgh County Board of Commissioners met in session at 4:30 p.m. on Monday October 14, 1991 in the Commissioners Hearing room, with President McClintock presiding.

#### RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

President McClintock called the meeting to order, welcomed the attendees, and introduced members of the County Staff. Ms. McClintock noted that Attorney Gary Price is in attendance today in lieu of Attorney Ted Ziemer. The latter had to be hospitalized last evening. (He is at St. Mary's Medical Center.) She then asked the meeting participants to stand for the Pledge of Allegiance.

Ms. McClintock asked if there is anyone in the audience wishing to address the Commission today who does not find themselves listed on the agenda? There was no response.

# RE: COMMUNITY CORRECTIONS/ADVISORY BOARD & INSURANCE

Ms. McClintock noted that Judge Richard Young was able to take a much needed afternoon off today after a trial last week and requested that the Commission defer the question on the insurance for the County Corrections facility until at least next week. We have to draw up an agreement with the Judges regarding that --prior to discussion on the insurance.

They have requested, however, that the Commission make two appointments to the Community Corrections Advisory Board. One of those appointments must be a County Councilman. Betty Hermann has indicated her willingness to serve in that position to replace Bob Lutz. The other individual is a lay person. Dave Davies has indicated that, if appointed, he would be willing to serve in that position

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries both appointments were confirmed. So ordered.

Ms. McClintock said a number of individuals serve on this Board by virtue of their positions in the community and according to State Statute, as follows. Stan Levco, the Prosecutor; Ray Hamner, the Sheriff; Beverly Harris, the Public Defender; Harris Howerton; Judge Richard Young; Judge William Miller; and John Buckman. One other appointment was made last year by the Commission and that is Ken Jones.

## RE: <u>AUTHORIZATION TO OPEN BIDS</u>

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, Attorney Price was authorized to open bids received for Post Frame Building Construction.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, Attorney Price was authorized to open bids received on Asphalt Paving at the Sheriff's Training Center. So

ordered.

#### RE: POLLING PLACES FOR GENERAL ELECTION

President McClintock said each Commissioner should have in his packet a list of the Polling Places for the November 5 General Election. With the exception of 5-25, which was the Diamond Valley Party House -- which this Commission moved to that location last spring at the request of Jack Corn -- and those individuals associated with that location indicate they do not want to have us use that as a polling place again this year -- we're recommending we go back to the Church of the Nazarene at 919 Meyer Avenue, which was the polling place previous to last spring's Primary Election.

Mr. Borries queried Ms. McClintock concerning the 4th Ward.

Ms. McClintock said there are no changes in any of the other polling places whatsoever.

Motion to approve the list of polling places as submitted, with the inclusion of the change noted in 5-25, was made by Commissioner Hunter.

Mr. Borries said he still has questions about the propriety of the one precinct in the 4th Ward that is located out of the precinct --particularly when there is a suitable place. Therefore, he will object to that for the record. In order not to hold up this process, however, he will -- with the addition of the change in 5-25 -- second the motion. So ordered.

#### RE: DATA PROCESSING

Ms. McClintock recognized Mr. Roger Elliott of SCT.

Mr. Elliott said he is present today to request the Commissioners' signatures on a document that will provide semi-annual maintenance on the air-conditioning equipment in the computer room. The cost is going to be \$180.00 per year. This agreement is for a one year period only -- not a multi-year agreement.

Ms. McClintock said she thinks she can safely say that this is the least expensive item the Board has ever approved with regard to Data Processing.

Mr. Elliott said that probably is true.

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

# RE: ORDINANCE ESTABLISHING SERVICE CHARGE ON UNPAID OR DISHONORED CHECKS (FINAL READING)

Ms. McClintock asked if anyone wishes to speak to this Ordinance -- or are there any questions concerning the Ordinance.

Commissioner Hunter raised questions concerning the fee, asking if they can charge up to three times the face value of the check?

Ms. McClintock requested that Mr. Larry Spradlin go through this one more time.

Mr. Spradlin said what we are speaking to in this Ordinance is the criminal statute in the State of Indiana. The criminal statute under Indiana Code provides for a service fee of \$20.00 per dishonored check or 5% of the face value of the check up to a maximum of \$250.00. The "times 3" situation to which Mr. Hunter is referring falls under the civil statute -- not under the criminal statute. This is under the criminal statute of the State of

Indiana which, once again, is an "A" Misdemeanor, punishable by up to one (1) year in jail and a \$5,000 fine. But the service of protest fee is a set fee of \$20.00 or 5% of the face value of the check up to \$250.00, whichever is greater.

Ms. McClintock asked if the Prosecutor's Office has determined what they are going to charge -- \$20.00 or the 25%?

Mr. Spradlin said that if we get this all in place it will all be done automatically by computer -- either \$20.00 or 25% of the face value of the check up to \$250, just as the statute reads.

Ms. McClintock asked, "Whichever is greater?"

Mr. Spradlin confirmed, "Whichever is greater."

There being no further comments a motion was entertained.

Mr. Hunter moved the Ordinance be approved, with a second from Commissioner Borries.

Commissioner McClintock then asked for a roll call vote: Commissioner Borries, yes; Commissioner Hunter, yes; and Commissioner McClintock, yes. So ordered.

In response to query from Ms. McClintock, Mr. Spradlin said we do have a few hurdles to clear prior to getting this in place. They have a meeting with the Data Processing Board and computer people set up for the latter part of this month. They have to receive approval for purchase of the hardware to run the program. They believe they have a computer program in place and access to the software they will need to run this entire program off of without having to purchase anything else. He would like to point out there was one mis-statement he made last week. This is not going to cost the taxpayers of Vanderburgh County any tax dollars per se. The Prosecutor's Office is picking up the cost of the initial program and they hope the program will subsequently be a self-supporting type operation. He believes that realistically we are looking at the first part of next year before this program can be in operation. They have quite a few other things they need to do first.

Commissioner Borries asked if this particular Ordinance will be displayed in places such as grocery stores and large department stores, etc.?

Mr. Spradlin said they plan a rather extensive public relations program prior to putting the system into operation. They will have meetings with the Businessmen's Association, the Grocer's Association and various merchant groups.

#### RE: AWARDING OF SALT BIDS

Ms. McClintock said that this year the State received two (2) bids, as follows:

North American Salt Co. \$25.00 per ton AKZO Salt, Inc. \$28.93 per ton

The City-County Purchasing Department is recommending that we award the 1991-1992 Salt Bid to the low bidder -- North American Salt Co. at \$25.00 per ton.

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

#### RE: CLAIM/GLENN DEIG

Ms. McClintock said that at last week's meeting the Commissioners

approved a claim to Glenn Deig in the amount of \$680.25. She has voided that claim and has a new claim that includes a corrected total, which is \$750.25.

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

#### RE: READING OF BIDS

#### Post Frame Building Construction:

Attorney Gary Price read the following bids with regard to the Post Frame Building Construction project:

| Cissel Construction Co.           | \$14,337.00 |
|-----------------------------------|-------------|
| Randall Johnston Construction Co. | \$18,000.00 |
| Crane Construction & Excavating   | \$20,366.00 |

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the bids are to be taken under advisement for one (1) week and said bids were given to Deputy Tucker for review and a recommendation. So ordered.

#### Asphalt Paving Project at Sheriff's Station:

Attorney Price read the following bids:

| Sam Oxley & Co.           | \$19,573.00 |
|---------------------------|-------------|
| Koester Contracting Co.   | \$22,528.55 |
| J. H. Rudolph & Co., Inc. | \$22,324.00 |

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the bids are to be taken under advisement for one (1) week and said bids were given to Deputy Tucker for review and a recommendation. So ordered.

#### RE: COUNTY ATTORNEY - GARY PRICE

Attorney Gary Price said no action needs to be taken with regard to items Mr. Ziemer's office has dealt with in the last few weeks. He then submitted a written report, directing the Board's attention to Item #11 regarding the Lease Agreement for the Sheriff's Department sub-station. That will be brought to the Board next week.

Ms. McClintock said a meeting is scheduled at 2:30 p.m. tomorrow with regard to the financing of this project.

#### RE: <u>PUBLIC WORKS DEPARTMENT - GREG CURTIS</u>

Mr. Curtis said he had not advised Nancy Corey that he is on the Commission Agenda weekly unless he tells her otherwise -- and she was waiting for his call to include him on today's agenda and thus he was excluded.

#### Montgomery Rd./ Bridge #6:

Mr. Curtis said that in reviewing some 1974 Commission minutes they noticed that in 1974 we vacated Montgomery Rd. (which runs north and south between old Owensville Rd. and Bixler Rd.) between Mann Rd. and I-64. We have \$80,000 in the budget to replace Bridge #6 on that road this year. From time to time we have spent some money on that road. They could find nothing in the minutes to indicate we ever re-accepted that road for maintenance but we did vacate it for maintenance. Therefore, he would like to refer this matter to

the Attorney to ascertain whether we should, want to, or whatever the case may be -- replace that bridge on Montgomery Rd. It is in a condition such that something needs to be done or else it needs to be closed. Even if it is closed there is still access north and south from Frontage Rd. over from Mann Rd.

Mr. Hunter asked if there was any indication as to why the road was vacated?

Mr. Curtis said he thinks the primary reason was that it serves some farm fields in the area and was of no general use to the traveling public other than for purposes of access to that property. He is not asking that we keep it vacated or that we reaccept it. He just needs some sort of clarification so we can proceed one way or the other. The \$80,000 figure for the bridge was simply an estimate before any survey work or anything else was done. Again, the minutes indicate we vacated that road in 1974. Possibly the maintenance crews were never notified. Discussion took place several times concerning that bridge. It is in our inventory book. We were going to start working on that about the time we were investigating the Laubscher Rd. bridge and what had happened with that and we found this information and the matter needs to be clarified before we go out there and spend the money.

In response to query from Commissioner Borries, Mr. Hunter cited the following excerpt from the 1974 Commission minutes:

"Mr. Willner asked about abandoning Montgomery Rd. for maintenance from Mann Rd. to I-64. He said it is a gravel road and no one lives on it -- that the only thing it is used for is farmers coming in to farm the land. Mr. Ossenberg moved that Montgomery Rd. be abandoned for maintenance. Mr. Willner seconded the motion. So ordered."

Again, in response to query from Commissioner Borries, Mr. Curtis said we are not being paid mileage for the road. He doesn't know for sure, but apparently at some point in time either we have or the State has said we weren't maintaining it sufficiently and thus we're not being paid on that road. We also have other roads where that is the situation -- where the State won't recognize the road because of a problem with right-of-way or something like that.

He does not believe the bridge is over a legal drain. However, it dumps into Big Creek, which is a legal drain. It's just a tributary to Big Creek. Mr. Hunter said it could be considered to be a part of Big Creek, a legal drain. Mr. Curtis said he is not aware of it being a part of the legal drain system as far as what they maintain. Ms. McClintock requested that this matter be researched.

Request to Hire Savage Engineering on As-Needed Basis: Mr. Curtis said in looking at the budget and the monies we had allocated in different line items for replacing bridges and constructing bridges this year -- we had not really that optimistic bridge program scheduled for this year. However, it was based upon the Union Township Project being supervised by new personnel -- particularly in Gary's case and the Assistant Engineer's case, his original intentions were for him not to be the one who actually was the Project Engineer on the project. Because he has been on that project and Council, for reasons they deemed necessary, chose not to fund that particular position, they are falling behind insofar as getting the design work done to get the projects under contract by the end of the year. While they could ask for the money next year -- and that definitely is an alternative -- two of the projects that we have money for (Bridge #2 on Nesbit Station Rd.) and another one combining some large culverts on Volkman Rd., both of those projects need to be done as soon as possible. Bridge #75

on Old Petersburg Rd. also is in very poor condition and we';re going to try to do that before the end of the year. With all that in mind, we've interviewed almost all the consultants in town -however small or large they be -- who would be competent for doing this kind of work. Not necessarily entire on their own, but doing parts of this work to supplement where we are short of time which is, for the large part, creating the drawing of what is existing out there. He's talked to a number of consultants ranging from Dave Savage to Bernardin, Three I, Morley & Associates, etc., and would request that we employ someone at this particular time. His recommendation would be Mr. Savage of Dave Savage Engineering in an arrangement similar to that which he has with the City and Traffic Engineering -- that it be somewhat on an as-needed basis on Bridge #2 on Nesbit Station Rd., which is over Big Creek -- a legal drain. For that project to get done it has to be coordinated with the Surveyor's office or the Drainage Board, whichever way you look at it -- as well as Big Creek Drainage Assn., etc. That project needs to get going -- and the Union Township project isn't going to slow down enough for his office to get that work done anytime soon. The other projects aren't going to require that much coordination and his office can likely get this work done if they can get the survey work done, But on that particular structure he would request permission to negotiate with Mr. Savage to come up with some sort of an agreement for him to supplement our design for that project. Or, if it's the Commission's preference, to have him do the entire project. Mr. Curtis said that he, personally, has no strong objections to that. But his office is getting backlogged and we also have a number of bridges in next year's budget and the bridge work needs to be done. The money is there and we need to get this done -- not because we have the money appropriated, but because the bridges need to be replaced. The primary concern would be if we have a very early winter. They then would be freed up and be able to finish the bridge. He would like to set up with Mr. Savage that in certain stages of the project we can take the project over if we so choose -- simply because the survey work, Drainage Board approval, getting the plan and profile sheets of what is there now - there's a lot of time involved in that -- and his office is not going to have time to do that and get the project done before the end of the year.

There being no further questions, a motion was entertained.

Motion was made by Commissioner Hunter to approve the request to negotiate with Mr. Savage. Mr. Borries stated he is familiar with Mr. Savage's work in the area of traffic -- but not so much on bridges. He will, however, second the motion. So ordered.

### RE: CONSENT AGENDA

Travel Request/Veteran's Service: Ms. McClintock said an addition to the Consent Agenda is a request from Veteran's Service Officer to attend the Indiana Dept. of Veteran's Affairs Training Conference at the V.A. Hospital in Indianapolis on October 22, 1991. Since it begins at 8:00 a.m., they will need to leave on October 21st -- so there will be one night's lodging and meals. This would be for two (2) people -- Mike Robbins and Ron Brown.

<u>Claim/Pat Tuley:</u> Ms. McClintock said a claim to Pat Tuley, County Treasurer, will also be presented to the Commissioners in the amount of \$72.00 for three days per diem for the Association of Indiana Counties Conference.

Acceptance of Check: Mr. Borries said he also has a refund check from Helfrich Insurance Agency in the amount of \$10,643.60. Apparently there has been some change in the insurance configuration of one aspect of this county's insurance. In response to query from Commissioner Borries, Auditor Humphrey

stated this refund check needs to be deposited into the County General Fund -- not the insurance fund.

Scheduled Meetings: Ms. McClintock advised that tomorrow afternoon at 5:00 p.m there is a Solid Waste Citizen's Advisory Committee Meeting in Room 307. The Auditorium Advisory Board will also be meeting at 5:00 p.m. tomorrow in Room 303. The latter has invited Ogden Management and Given, Spindler & Aiken to discuss with them their proposals for private management.

There being no further additions or questions concerning the Consent Agenda, a motion was entertained.

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

#### RE: OLD BUSINESS

Ms. McClintock entertained matters of Old Business for discussion. There were none.

#### RE: <u>NEW BUSINESS</u>

Mr. Borries said he knows he received in the mail -- and it was brought up in County Council -- what he feels was a misuse of County funds in relation to an invitation to a private event on County stationery. He would also express concern -- and the matter was brought up -- in relation to what seems to becoming a growing use and one which we need to curb here and look very carefully at responding to -- the mailing of various "Draft" agendas to whomever is concerned. He would like to propose that this be stopped. He would like to see a "Draft" agenda published and placed in the County Council Office for review by all County Council members. And, of course, he would believe that the media, if necessary, could be called to highlight various action items which Ms.

McClintock has placed on the agenda. At this time he does not feel McClintock has placed on the agenda. At this time he does not feel it is necessary to continue to mail out a "Draft" agenda containing items that almost always will change -- and that is just due to the nature of this Board more than anything else. A case in point is when Cletus Muensterman was fired. He (Borries) received a "Draft" agenda and that item was not included. It was not even included on the "Final" agenda -- it was brought up under Old Business or New So he would propose that the "Draft" Business or something. agenda (particularly since it is weighty and costs as much as 47 cents in certain areas) be discontinued and the media be notified of those action items on the day of the meetings and that County Council receive a copy to be posted or circulated in their particular office -- but, again, not to be mailed to the homes of the Council members in a "draft" form, which is frequently not the final form.

In response, Ms. McClintock said that back in January one of her concerns as a Commissioner was that individuals who would have interest in Commission business — because agendas were not available until just half an hour prior to the meeting (including minority members of the Commission) there was not an opportunity for individuals interested in the business of this body to properly prepare. She would agree that items beyond the "Action" items, including employment changes, etc., need to be mailed out to the media or members of the Council. But they could, indeed, have a draft agenda in the Council Chambers and also the Commission Chambers. But she does not believe it is fair to the public to ask that members of the media be forced again to call the office on an as-can basis the morning of the meeting to determine what is going on to plan their schedules. And it is just not for their benefit, but also so the public can be properly informed. She would entertain a motion to mail the portion of the agenda that deals with Action Items which, basically, would be one sheet — which

would always be within the 29 cent postage rate. She knows there were complaints about last week's agenda -- and when Ella Johnson called her following the County Council meeting - that was an extreme case. The majority of the Burdette Park employment releases were on that agenda. We hire them once a year and release them at another time of year. So 99% of the time the mailing of the agenda is only costing 29 cents.

Mr. Borries again stated that there are changes which are going to occur -- even in action items. The point is that the media could easily be notified by calls in the morning.

Ms. McClintock said that if Mr. Borries would like to have a real discussion about this, she had two calls from representatives of the Society of Professional Journalists following the County Council meeting who indicated that if we considered a change of policy they would like to have an opportunity to address this Board to address that specific issue. If Mr. Borries would like to have this item on the agenda and invite those members of the media to address this Board prior to a vote -- she'd be happy to do that. In the meantime, she will be happy to say that we won't mail employment changes, scheduled meetings, etc. Although she would think that people are probably in scheduled meetings, as well.

Mr. Borries said they definitely can see those as they are posted in this public building. Again, he has some real concerns about the growing cost of what we are doing and would urge the Board's restraint in this particular matter.

Commissioner Hunter said he rather likes having the agenda available at home on the weekends so he can review same. He would think the media probably would have the same feeling about it. He does agree wholeheartedly with Rick that he sees no need to include the employment changes on the draft -- and that would cut down on the postage.

Ms. McClintock entertained other comments.

#### RE: TAX SALE

Auditor Sam Humphrey reported that 383 parcels were offered at the Tax Sale today. Ninety-eight (98) parcels were sold for a total of \$127,520.68 -- an average of \$1,301.23 each.

There being no further business to come before the Board, President McClintock declared the meeting recessed at 5:17 p.m.

#### PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
Richard J. Borries, Member
Sam Humphrey, County Auditor
Gary Price, Acting County Attorney
Greg Curtis, County Engineer
Larry Spradlin, Prosecutor's Office
Don Gibbs, Sam Oxley & Co.
Terry Simmons, Wesselman's Foods
Mike Holder, Wesselman's Foods
Brian Bush, Wesselman's Foods
Lou Wittmer, Supt./County Bldgs.
Others (Unidentified)
News Media

**SECRETARY:** Joanne A. Matthews

Carolyn McClintock, President

Don Hunter, Vice President

Richard J. Borries, Member

# Board of Commissioners

County of Vanderburgh
305 ADMINISTRATION BUILDING
CMC CENTER COMPLEX
EVANSVILLE, INDIANA 47708





#### **AGENDA**

#### VANDERBURGH COUNTY COMMISSIONERS

October 14, 1991 4:30

- 1. Call to order
- 2. Introduction
- 3. Pledge of Allegiance
- 4. Any groups/individuals wishing to address the Commission
- 5. Action Items:
  - a. Judge Richard Young-Community Corrections Advisory Board.....
    Appointments & Insurance.
  - b. Award highway salt bid.
  - c. Open bids: Post Frame Building Construction.
  - d. Open bids: Asphalt Paving at Sheriffs Training Center
  - e. Approve polling places.
  - f. Roger Elliott-Data Processing-Signature for Air-condition Maintenance Agreement.
  - g. Second Reading, Third Reading and Public Hearing-Ordinance establishing service charge on unpaid or dishonored checks
  - h. Recede Action-\$680.25-Glenn Dieg Claim to be approved-\$750.25-Glenn Dieg
- 6. Department Head Reports
  - a. Ted Ziemer......County Attorney

#### 7. Consent Items:

- a. Monthly Report-Clerk of the Circuit Court
- b. Requests to travel (3) Vanderburgh County Assessor
- c. Requests to travel (3) Knight County Assessor

- Claims to be approved for payment Jonathon Parkhurst Pauper Funds - 341.13 Mileage---- 30.50 Claims to be approved for payment-Mark Tuley Balance for services performed-Ad Craft
- Check received from St. Mary's Med Center Duplicate Payment For Terry Jameson, account # 81204322

#### Employment Changes f.

| BURDETTE | DADE | /ADDO | THEMPHILE |
|----------|------|-------|-----------|
| BURDETTE | PARK | APPU  | INTMENTS  |

| BURDETTE PARK/APPOINTMENTS              |           |
|-----------------------------------------|-----------|
| Shauntrece Crider/Rink Guard<br>9/25/91 | 5.00      |
| BURDETTE PARK/RELEASED                  |           |
| Helene' Hunter/Sr.Counsler<br>9/16/91   | 5.00      |
| Jeffrey Ludwig/Lifeguard<br>9/3/91      | 4.75      |
| Lori Fuhriman/Head Guard<br>9/15/91     | 42.00 day |
| Shauntrece Crider/Rink Guard<br>9/25/91 | 5.00      |
| CIRCUIT COURT/APPOINTMENTS              |           |
|                                         |           |

| Anthony Scarpa/Pt-Time Corrections Officer 10/6/91 | 7.00 |
|----------------------------------------------------|------|
| Marilyn West/Pt-Time Corrections Officer 9/27/91   | 5.00 |
| Kimberly Thimling/Pt-Time Corrections Officer      | 7.00 |
| 9/28/91 DeDe Surber/Intern                         | 4.25 |
| 9/28/91<br>Jason Davis/Intern                      | 4.25 |
| 9/28/91<br>Donald Ridley/Intern                    | 4.25 |
| 9/28/91 Regina Hunt/Intern                         | 4.25 |
| 9/28/91 Julie Friend/Intern                        | 4.25 |
| 9/28/91<br>Lee Vandeveer/Intern                    | 6.00 |
| 9/28/91<br>Rebecca Springer/Typist                 | 5.25 |
| 9/28/91<br>Jason Stowers/Intern<br>9/28/91         | 4.25 |
|                                                    |      |

## CIRCUIT COURT/RELEASED

| Kimberly Thimling/Pt-Time Corrections Officer | 7.00 |
|-----------------------------------------------|------|
| 9/28/91<br>Jason Stowers/Intern               | 4.25 |
| 9/27/91                                       | 4 25 |
| DeDe Surber/Intern 9/27/91                    | 4.25 |
| Jason Stowers/Intern 9/27/91                  | 4.25 |

| Donald Ridley/Intern<br>9/27/91                | 4.25      |
|------------------------------------------------|-----------|
| Amy Austin/Typist<br>9/27/91                   | 5.00      |
| Julie Friend/Intern<br>9/27/91                 | 4.25      |
| Rebecca Springer/Intern<br>9/27/91             | 5.25      |
| AREA PLAN COMMISSION/APPOINTMENTS              |           |
| Rebecca Jewell/Sec.<br>10/7/91                 | 17,275.00 |
| AREA PLAN COMMISSION/RELEASED                  |           |
| Rebecca Jewell/Sec.<br>10/7/91                 | 16,452.00 |
| PIGEON ASSESSOR/APPOINTMENTS                   |           |
| Ronald Johnson/Chief Dep. 10/1/91              | 20,128.00 |
| PIGEON ASSESSOR/RELEASED                       |           |
| Ronald Johnson/Chief Dep.<br>10/1/91           | 19,170.00 |
| COUNTY HWY/RELEASED                            |           |
| Gary Joseph Bray/Laborer<br>10/8/91            | 9.92      |
| CUMULATIVE BRIDGE/APPOINTMENTS                 |           |
| Gary Joseph Bray/Laborer<br>10/8/91            | 9.99      |
| CUMULATIVE BRIDGE/RELEASED                     |           |
| Paul Anslinger/Laborer<br>10/8/91              | 9.99      |
| HEALTH/RELEASED                                |           |
| Dinah Kramer/Public Health Nurse<br>10/26/91   | 24,174.00 |
| HEALTH-WIC/RELEASED                            |           |
| Yvonne Standiford/Pt-Time Nutritionist 9/20/91 | 11.43     |

## f. Scheduled Meetings

Tuesday, Oct.15-E.P.A.-8:15-Rm303
Thursday, Oct.17-Board of Zoning Appeal-4:00 P.M.-Rm-301
Monday, Oct.21-Executive Sessions 4:30 P.M.-Rm-307
Monday, Oct.21-County Commissioners-6:00 P.M.-Rm-307
City Council-7:30 P.M.-Rm 301

- 8. Old Business
- 9. New Business
- 10. Meeting recessed

## MINUTES COUNTY COMMISSIONERS MEETING OCTOBER 21, 1991

## INDEX

| Subject                                                                     | Page  | No. |
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| Meeting Opened @ 6:30 p.m                                                   | •••   | 1   |
| Introduction of Staff & Pledge of Allegiance                                | •••   | 1   |
| Discussion re Bids Received for Asphalt Paving at Sheriff's Training Center | •••   | 1   |
| Bids re Construction of Post Frame Building (To be re-advertised)           | •••   | 1   |
| Rescinding of Previous Action re Checks                                     | • • • | 1   |
| Change in Polling Places                                                    | • • • | 3   |
| Authorization to Open Proposals re Clean-up at County Highway garage        | •••   | 3   |
| County Attorney - Jeff Wilhite                                              | •••   | 4   |
| County Engineer - Greg Curtis                                               |       | 4   |
| Consent Agenda                                                              | • • • | 8   |
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| New Business                                                                | •••   | 8   |
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| Meeting Recessed at 8:16 p.m                                                |       | 16  |

#### MINUTES COUNTY COMMISSIONERS MEETING OCTOBER 21, 1991

The Vanderburgh County Board of Commissioners met in session at 6:30 p.m. on Monday, October 21, 1991 in the Commissioners Hearing Room, with President Carolyn McClintock presiding. The meeting took place half an hour later than usual because the Commissioners had an Executive Session at 4:30 p.m.

#### RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

Commissioner McClintock introduced members of the County Staff who were present and asked the meeting participants to stand for the Pledge of Allegiance.

Ms. McClintock then asked if there is anyone who wishes to address the Commission who does not find themselves on today's agenda. There was no response from the audience.

# RE: <u>DISCUSSION RE BIDS RECEIVED FOR ASPHALT PAVING AT SHERIFF'S TRAINING CENTER</u>

Ms. Susan Jeffries of the Purchasing Department noted that at last week's meeting three (3) bids were received for the asphalt paving at the Sheriff's Training Center. However, none of the bids were in compliance with the bid specifications. The bid submitted by Sam Oxley & Co. did not include a Financial Statement, as required by Bid Form 96. The bid from J. H. Rudolph & Co. also did not include a Financial Statement. And Koester Contracting Co. did not provide Certification by the Indiana Department of Transportation. Since no valid bids were received, it is their recommendation that we re-bid this item. They would like to re-advertise on October 14 and 31 and have the bid opening at the November 11 Commission meeting.

A motion was entertained. Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the recommendation of the Purchasing Department was approved, as presented. So ordered.

Mr. Don Gibbs of Sam Oxley & Co. was recognized and requested permission to speak. Mr. Gibbs said they were the low bidder on the project and he understands the Commission has to do what the law requires them to do. However, he believes what Ms. Jeffries is referring to is Form 96-A.

Ms. Jeffries said the State Form was revised in either 1987 or 1988 to just Form 96. Form 96-A was eliminated. State Form 96 specifically calls for the attachment of a Financial Statement under Section 3.

Mr. Gibbs said one of their competitors also did not provide the same form and perhaps he is second guessing — but this was not under the list of required documents. He does not know whether State Form 96 supersedes the required documents under instructions to bidders on this particular project. Their Financial Statement is a matter of record with both the City and the County from previous bids. He doesn't know whether there would be a possibility of examining whether this would satisfy the requirements — or whether it would have to be with this particular bid. Further, when these bids were opened last week it was not brought out at that time. They are opened in the meeting and reviewed and it is a little bit of a surprise to him that this

would come up. He realizes this has already been voted on and the Commission has to rely on Counsel. But he is wondering if we have some other options here.

Attorney Wilhite said he had spoken with Susan Jeffries earlier and he looked at the case on interpreting the statute requiring awarding of the bid to the lowest and responsive bidder. As a technical matter, when the Financial Statement is not submitted with the bid it is technically not responsive. To be quite honest with the Commissioners, he did not find a case specifically addressing whether Financial Statements on file with another bid would suffice. He can see where that argument would be made — but he sees no support for it in either of the cases and the more conservative interpretation to be safe is that it did not satisfy the bid requirements to have it submitted and, therefore, the bid was not responsive — which is why he technically thinks the Commission needs to reject those bids.

Mr. Gibbs said part of the bid package does state that the City of Evansville and Vanderburgh County reserve the right to reject any or all proposals and the awarding Board further reserves the right to waive formalities and technicalities insofar as it is authorized to do so, where it deems it advisable in protection of the best interest of the City and/or the County. In that interest I am trying to make a case for the time frame involved here -- the time of the year and weather conditions, trying to get this thing to go -- if you want it to go.

Attorney Wilhite said, "On that issue my reading of the law is you need to decide whether this omission is material or not. And if you would deem an omission not to be material, then you can ignore that. But the question is, is submitting a Financial Statement material? Is that an important kind of thing? Even though as a practical matter we know you have Financial Statements with past bids, it seems to me that is a material condition of the bid — to know that the bidder is strong financially. But if this Board were to decide that is not a material condition, then you could waive it."

Ms. McClintock entertained questions or comments from the Commissioners, asking who prepared the specs?

Deputy Jim Tucker advised he prepared the specs and turned them over to Susan Jeffries in Purchasing to include all the legal ramifications, etc. Attorney Gary Price reviewed the bids last week and apparently he did not note that the Financial Statements were not included. He met with Attorney Wilhite and Ms. Jeffries all week on this. Personnel in the Sheriff's Department went out and did some investigating to obtain quotes, etc., because they knew how much money they had to spend on both of these projects. Both of the low bidders (on the asphalt and the pole barn) came in at what they consider to be proper figures. However, upon the advice of Attorney Wilhite, the bids of both low bidders will have to be rejected due to the lack of Financial Statements. They didn't learn this until late Friday, as Ms. Jeffries had been ill. As far as the Sheriff's Department is concerned, they are satisfied with the low bidders — if they meet the Commissioners' requirements for awarding the bids. He has no problems with the bidders. He's been advised both companies do excellent work and that they've worked with the County and the City previously. However, with regard to the pole barn, there is a substantial money difference between the low bid and the second lowest bid — money which they really don't have to spend, based on their estimates — and it seems like a waste to exceed that amount.

Ms. McClintock said the Board has already voted on this issue unless someone would like to make a motion to the contrary. There was no other comment.

#### RE: BIDS RE CONSTRUCTION OF POST FRAME BUILDING

Ms. Jeffries said we received three bids on this project and the low bidder, Cissel Construction, also failed to include their Financial Statement along with Bid Form 96. The low bid was \$13,987.00. The second low bid is \$18,032, which is a significant difference. Based on conversations with the Sheriff's Department and the Attorney, it would be the recommendation of the Purchasing Department that we reject all of these bids and re-bid it, as well, at the same time (On October 24 and 31, with bid opening scheduled November 11th).

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, this project will be re-bid. So ordered.

## RE: RESCINDING OF ACTION

The meeting continued with Ms. McClintock noting that the Commission had approved checks to Jonathan Parkhurst as "claims" on last week's Consent Agenda (Item d). There was a communications breakdown and the checks belong to Jonathan Parkhurst in the Prosecutor's Office. Therefore, a motion is needed to rescind last week's motion to accept the checks and deposit same into the County General Fund.

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

#### RE: CHANGE IN POLLING PLACES

Ms. McClintock said that since the Commissioners approved the list of Polling Places for the 1991 General Election last week, we've had two changes: We were informed that the Shepherd of the Hills Lutheran Church at 3600 Oak Hill Rd. (3-5) is no longer interested in serving as a Polling Place for Vanderburgh County. We've talked with the Library System and they are willing to allow us to return to Oaklyn Branch Library at 3820 Oak Hill Rd.

Ms. McClintock then queried Lou Wittmer concerning the change from Reitz High School (6-9) to Hose House #7, asking who called in that change and why is it changed? Mr. Wittmer said he does not know anything about it. In response to query from Commissioner McClintock, Messrs. Hunter and Borries stated they were not aware of the change.

Joanne Matthews asked permission to respond to the question and Ms. McClintock asked her to do so. Ms. Matthews said it is her understanding that Mary Ann Eickhoff called Donetta in the Commission Office with the change. It is her understanding that with the renovation project currently taking place at Reitz High School the sidewalks are torn up, etc., and the parking situation means that voters might have to walk as far as five blocks in order to get to the polling place to vote. Hence the change to Hose House #7 at 1050 S. Barker Avenue. In response to query from Commissioner McClintock, Ms. Matthews said that both of the foregoing changes were incorporated in the legal ad which is scheduled to appear tomorrow in The Courier and The Press.

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

# RE: <u>AUTHORIZATION TO OPEN PROPOSALS RE CLEAN-UP AT</u> <u>COUNTY HIGHWAY GARAGE</u>

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, Attorney Wilhite was authorized to open the two (2) proposals received re clean-up at the County Highway Garage. So ordered.

#### RE: <u>COUNTY ATTORNEY - JEFF WILHITE</u>

Attorney Wilhite said the Commissioners have his written report in front of them. One item he needs action on concerns the widening of North Green River Rd. The County owns some of that property and our Consultant (United Consulting Engineering) thinks we need to sign away our own right-of-way rights to ourselves to clean that up. It's a close call as to whether we need to do this -- but there is no harm in doing it. He has prepared a Resolution dedicating right-of-way and property we own (three parcels) to the County.

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

Ms. McClintock entertained questions concerning Mr. Wilhite's written report. There were none.

#### RE: COUNTY ENGINEER - GREG CURTIS

Street Acceptance/Audubon Estates/Section D-1: Mr. Curtis advised we've inspected the streets and find them acceptable to County standards. It is his recommendation we accept the streets for maintenance.

Motion to this effect was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered. (Copy of acceptance letter attached hereto.)

Extension of Kembell Drive: Mr. Curtis said he has a very small subdivision to request street plan approval on. It's an extension of Kembell Drive along one parcel that subdivided their parcel. The plans are more than in order. They are building a 24 ft. wide street that is going to serve two (2) houses and it is in accordance with County standards. They plan to put in a bituminous pavement.

Motion to approve the plans for street construction was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

Appraisals re J. Michael & Brenda Risley Parcel & Georgiana Tepool Property: Mr. Curtis said that on the Risley parcel the appraisal is \$75,000 (\$19,5090 land; land improvements \$4,000; and improvements \$51,500). A review appraisal has been done in accordance with the State's guidelines, etc. He is not personally qualified to render an opinion as to whether or not this a good appraisal. On the Georgiana Tepool property the appraisal is \$65,000 (\$17,000 land; \$3,500 land improvements; and the home is \$44,500). On both of these he would request authorization ASAP (if not this evening) for Bernardin, Lochmueller & Associates and their buyer to make offers to these people in these amounts.

Ms. McClintock said she is sure the Commission has been in contact -- particularly with the Risleys. They do have some very real time constraints as a result of an illness on the part of Michael Risley. Her preference would be to go ahead and authorize Bernardin, Lochmueller to proceed with making these offers. This matter has been dragging on for some weeks, because the appraisers have been back and forth and it has been a difficult situation. The Risleys are very anxious for a resolution concerning this situation.

In continuing, Mr. Curtis pointed out that when we purchased the D. Agnew parcel the cost was \$140,000. The reason for the significant difference was that parcel had three acres. The Risley property only has .65 acres and both purchases were based on

\$30,000 per acre land value.

Mr. Borries asked what further parcels will we need to purchase in the Green River Rd. area?

Mr. Curtis said these parcels are in connection with the Lynch Rd. project. The Carol Lant and Betty Davis unimproved property on the east side of Green River Rd. There are some other parcels that have improvements on them; but at this time they are not eager for us to begin the purchasing process. He doesn't think there are more than two or three more that have any significant improvements. The remainder are basically just land.

Mr. Borries said he would like to know where those parcels are and Mr. Curtis said he will provide this information. They are in the process now of doing an evaluation of the property to determine what kind of appraising needs to be done. On these two we'd had specific frequent requests to do early acquisition. We have more than enough available funding for both of these parcels.

Sue & Mike Risley's daughter, Kelly Keller, was recognized and said she spoke with Commissioner McClintock on the phone on Friday. She wants to express a great thank you to Commissioners Hunter and McClintock for the kindness both have shown on the phone during the last couple of weeks. "I'm not here to complain; I'm not here to fuss about anything. I personally feel there is a discrepancy in the appraisals insofar as what was given for the Agnew property and what is being given for Mom and Dad's property. My parents are in no position time wise or health wise to argue the situation. They will accept and go on with it. But I felt that something needed to be brought out. Both of these properties were home residences. My parents found out about this project six months after they purchased this house. They've lived there for six or seven years knowing about this -- knowing that they couldn't go anywhere -- knowing they couldn't sell it. I'm sorry, but they've been treated very rudely by the County Engineer's office and a few other people that they've talked to, which has no bearing on this fact right now. My biggest point here is that if these two properties were put on the market to sell, the property of Mrs. Agnew was, in places, structurally unsound. It would not have had that type of value on the market -- by no means. I understand the difference in the lot sizes. It would make a difference in the prices on the market -- I understand this. But basically what I'm getting at is that the \$140,000 that was given to Mrs. Agnew on her property was probably more than it would have been appraised at or sold for on the market. The \$75,000 that my parents are being offered is basically somewhere close to what they could put it on the market and sell it for outright if this project was not coming through. I'm not saying that the \$75,000 is not fair. But I think there is a discrepancy there between that and the other property purchased. As I said, I am not here to complain. They're not going to protest; they are not going to go against this. I am sure they will accept it and go on with it and be able to get on with their lives. But I did feel that it needed to be brought up, especially after what was said about the difference in the property sizes. They understand that. But I felt it needed to be brought out that I -- and various other people -- think there is a big difference here other than just the size of the property. Their house has been kept up and maintained. Mrs. Agnew's property was not maintained. The pool had been cracked and was unusable and had been that way for years. The roof was bad. The deck was bad. There are just things like that which I felt the Board should be Thank you, I appreciate the time." aware of.

Ms. McClintock asked Mr. Curtis to explain how the process works and who the people are who do this appraising.

Mr. Curtis said in this case it is Bernardin, Lochmueller

Associates who is doing the right-of-way management and we hired them and they hired the appraisers on Green River Rd. We had a need to go ahead (I believe it was the Carol Lant-Betty Davis parcel). We hadn't yet signed an agreement with United Consulting Engineers. In fact, we hadn't even talked to them yet about rightof-way management and we had to go ahead and appoint appraisers, etc. -- so the County directly employed the appraisers and review appraiser and buyer for Green River Rd. In any event, those people are hired. They have to be certified by the State and people who the State has approved both for appraising and review appraising. For a buyer, they have to be an approved buyer or it has to be the local government agency doing the buying and it is very open insofar as qualifications. He does know that as far as the rightof-way and when that can be done, we can purchase right-of-way at any point in the project that the road plans have been approved. In this case it is design approval which we received on Lynch Rd. To buy it prior to that time you have to have special permission. Basically you have to send in a request for that.

Ms. McClintock asked if the appraisers and review appraisers on the Agnew property were the same as on these two parcels of property?

Mr. Curtis said Mr. Matthews is the appraiser and Mr. Reed the review appraiser. On Ms. Agnew's property, Mr. Bartlett was the appraiser and Mr. Matthews was the review appraiser. So Mr. Matthews was involved in both of them, but in a completely different role. In this case, rather than checking the appraisal Mr. Matthews did the appraisal.

Ms. McClintock said then that Mr. Matthews, as a licensed appraiser, was familiar with what the Agnew property appraised for.

Mr. Curtis said he would assume so.

Ms. McClintock asked if in a case like this the appraisers base the primary value on the property itself and not the improvements to the property?

Mr. Curtis said they value each portion -- the land improvements, the structures or the house and the land. In this appraisal they did that as three separate things. On the Agnew property, because of the pool, there may have been four things -- he doesn't remember. He is not extremely familiar with the intricate details and that is why we hired bernardin, Lochmueller to do the right-of-way management.

Ms. McClintock asked if we made an adjustment on what we offered and paid to the Agnews over and above what the appraiser said it was worth?

Mr. Curtis said he doesn't recall that we did. He knows that we have to pay the relocation costs, the moving -- all sorts of associated costs that we have to pay in this process. He believes that \$140,000 was the appraisal value on the Agnew property and then there were a number of things we paid in addition to that. We would have the same things to pay on this parcel in addition to the appraised value.

Ms. McClintock then said that in addition to the \$75,000 and \$65,000 appraised value for the Risley and Tepool properties, then these families would be paid relocation expenses?

Attorney Wilhite confirmed this is correct -- relocation expense, moving expense. He is not familiar with the Agnew appraisal and while he cannot explain the disparity today, he does know that Mr. Matthews has some of the highest qualifications in the city in terms of appraising. As he and Greg just learned in a condemnation trial this week, those are qualified experts -- and he would also

include Mr. Bill Bartlett in that (who did the Agnew parcel). Yet, they have very differing opinions at times. That is not a good answer, except to say that of all the possibilities in town -- he does know from all his condemnation experience and teaching on Statewide Seminars, including one he just taught in Indianapolis -- we've got the best. While he can't explain the disparity, he thinks the Commission should feel confident that they have hired, in both cases, the very best appraisers around. There is a very detailed analysis that they go through in arriving at fair market value, etc., and he knows that both Messrs. Matthews and Bartlett adhere to those national standards.

In response to query from Commissioner Hunter, Mr. Curtis again stated that the price offered per acre in both cases was \$30,000 per acre times the acreage. The Agnew property was something like three point something acres or 2.9 acres and the Risley's was .65 acres.

Commissioner McClintock said she needs a motion to approve both appraisals so Bernardin, Lochmueller can make an offer to these two families, in order to move this process along.

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

Bridge #214/Darmstadt Rd.: Mr. Curtis said that with regard to the bridge rehabilitation projects which we sent out RFP's for, the bridge on Darmstadt Rd. (which is over the railroad) we have the funds in this year's budget for doing that rehabilitation. He would like to go ahead and do that project and not wait on Federal Aid. It looks as though we possibly won't be able to do any of the three of those rehabs on Federal Aid. Therefore, he would request that we hire Three I Engineering (one of the firms that responded). We've not dealt with that firm, but he feels this is a good project to go with someone new on if we're going to do this project. They have the experience and the knowledge and have done some similar projects in other counties. He recommends we hire them for that project. (On the other two projects -- Stringtown Rd. bridge and Oak Hill Rd. bridge -- we do not have the funds in this year's budget to do those and he will make a recommendation on them at a later date.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, approval was given to hire Three I Engineering to do Bridge #214 on Darmstadt Rd. So ordered.

Hiring of Dave Savage:/Bridge Work: Mr. Curtis said he spoke with the Commission last week with regard to employing Savage Engineering for purposes of getting some of the local bridge work that is backed up out of the way. He spoke to Mr. Savage a number of times this past week and he has a copy of a proposed agreement. He sent this to Mr. Ziemer's office instead of Mr. Wilhite's office, so Mr. Curtis has not yet had an opportunity to talk to the Counsel that reviewed the agreement. The proposed fee is \$15,040.00 for Nesbit Station Rd. Bridge. Approximately a 80 ft. to 90 ft. bridge will be put back in there. We will need approval from the Drainage Board for the structure, because it is over a legal drain. The agreement is set up for him to work directly with the Public Works office, as well provides that if the County chooses at any point to discontinue this agreement and have Mr. Curtis' office complete the project, then that is understood. There are four phases (field survey, hydraulic study, plat of survey, and design and final plans). There is a breakdown of cost on each phase. If the county wishes to sever the agreement at the end of one of those four phases, the agreement is set up for us to do that for whatever reason. Mr. Savage wants to go ahead and risk doing the survey this week, because he wants to get started and we want to try to get the bridge under contract before the end of the

year. Mr. Curtis would like the Commission to approve the selection of Mr. Savage, pending the finalization of a negotiated agreement.

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

RE: CONSENT AGENDA

Ms. McClintock entertained questions concerning items on the Consent Agenda. There being none, a motion was entertained.

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

RE: PROPOSALS RE CLEAN-UP AT COUNTY HIGHWAY GARAGE

Attorney Wilhite advised two proposals were received: One from Donan Engineering and one from Heritage Remediation Engineering.

Ms. McClintock said both proposals will be referred to the County Engineer for purposes of scheduling interviews during the week of November 11-15.

RE: NEW BUSINESS

Ms. McClintock said she would like to inform the Commissioners that we've had twelve (12) applicants for Margie Meeks' position in the Commission office. Either seven or eight of those individuals have been tested and, based upon the applications and, based upon the high scores on the typing tests, she would like to schedule three (3) individuals for interviews later this week. The other two Commissioners will be contacted as to the time and place of those interviews so if they can participate they will have an opportunity to do so.

<u>Pigeon Creek Greenbelt Committee:</u> Commissioner McClintock said that a Pigeon Creek Greenbelt Committee Meeting is scheduled for 4:00 p.m. on Thursday at Marina Point. They hope to be able to go out on the river. She has petition forms available, which were drawn up by Bob Brenner, if anyone is interested in taking a petition form to get it signed.

There being no further regular business to come before the Board at this time, Commissioner McClintock declared the meeting recessed at 7:20 p.m., noting the Commission will reconvene at 7:30 p.m. to hear the Rezoning Petitions.

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### REZONING PETITIONS

VC-7-91 (3RD READING)

The Board of Commissioners reconvened at 7:30 p.m., with President McClintock calling the meeting to order and explaining that the normal process is that the Board would first like to hear from the Petitioner for approximately 10 minutes. Then, if there is a representative for the remonstrators -- for the same amount of time.

Attorney Tom Kimpel approached the podium and said the property in question tonight is commonly known as 5750 Scoops Lane. The Legeays purchased that property several years ago and it remained vacant until about a year ago when a Steve Seiffert agreed to lease that property. He resides at that property and operates a small business known as Rail & Grain Service. The business, through the use of computers and telephones, tracks grain rail cars. Mr. Seiffert's business does employ some computer and telephone

operators and, therefore, the current use is contrary to the agriculture zone that that particular property is. In order to come into compliance would require a CO-1 zoning. A CO-1 is the lowest commercial zoning in our County code. Co-1 is intended for commercial businesses that are compatible with residential neighborhoods. It replaces what we used to have as the RO-1; it is now CO-1. On a CO-1 rezoning, any building cannot be larger than 3,000 sq. ft. and the uses are limited to business and professional offices. This is the zoning classification that the Legeays are requesting tonight. Because the property in question is immediately north and touches the Mulzer property wherein the Mulzers operate Evansville Crushed Stone, it was difficult for the Legeays to find someone who was purely interested in a residential use of that property. By allowing a small business office at that property, the property can continue to be utilized by Mr. Seiffert and occupied. The CO-1 zoning at that property will provide an excellent transition from the heavy industrial use currently being utilized at Mulzer's location and provide a nice transition from that commercial use to the residential use to the north.

Mr. Kimpel continued by submitting photographs of the structure -or showing the house being discussed. He also submitted photos taken looking towards the Mulzer property and from Old Henderson Rd. showing how this property is immediately adjacent to the Mulzer property. Continuing, he said, "Unfortunately, when we filed that petition and when we attended the Area Plan meeting there were some remonstrators and there will be remonstrators here tonight, I am We were advised by the persons who lived immediately north of this property that they were concerned about the delivery trucks that were coming down on Scoops Lane. And, in particular, Mr. Seiffert's business received deliveries from Federal Express or UPS -- business type letters and mailing. Scoops Lane is a private gravel road. The land is actually owned by each of the lot owners and each adjacent lot owner has access across that 30 ft. to have ingress/egress to Old Henderson Rd. Therefore, the maintenance and repair of Scoops Lane falls on the property owners. The County is not going to come in and repave and fix that road. So they have a legitimate concern about Scoops Lane and what is going to happen to it. Mr. Legeay is already familiar with that. Shortly after buying his property on Scoops Lane he was approached by the property owners. They needed some money to help re-work the road and he gladly and freely paid his share for the regrading of Scoops

Since the APC meeting in August, Mr. Legeay has taken steps to stop the traffic on Scoops Lane, as we stated. First of all Mr. Legeay met with Mr. Seiffert and he prepared on his stationery letters and delivered them to each delivery service that came to his property, advising that the delivery trucks should no longer utilize Scoops Lane for deliveries. Mr. Kimpel then handed the Commissioners a copy of the designated letter. Prior to that letter being handed out the Legeays were able to secure access across the Mulzer property for all deliveries and parties coming for business use of the address at 5750 Scoops Lane. The Mulzers gave a very short, sweet letter to the Legeays advising that they do have the right to utilize the Mulzer property for ingress/egress purposes. He then submitted the original of that letter to the Commissioners for their perusal. Thirdly, as stated at the APC meeting, Mr. Legeay put up a barricade across Scoops Lane immediately to the north of the property that is being requested to be rezoned here tonight so that no delivery trucks could enter 5750 Scoops Lane and would have to go around and come in from the south. Mr. Kimpel then submitted photos showing Evansville Crushed Stone and showing the access road that comes on to the property and also a photo of the barricade that has been placed there to prevent traffic from coming in. While he is passing photos around, he will also give each of the Commissioners a location map. This is the Site Plan, but it clearly identifies the property that we're seeking to rezone.

Immediately to the north of the lots we're seeking to rezone is the location of the barrier, as well as the existing structure that Mr. Seiffert occupies, where he operates his business. To the south is the Mulzer property and the access road that comes in from the south that is now being utilized. In response to query from south that is now being utilized. In response to query from Commissioner McClintock, Mr. Kimpel said the two adjacent properties to the north are also owned by the Legeays. That is not being rezoned -- that is agricultural. That is a residential use. There is an existing residence there and they' re not asking for that to be rezoned. That will remain residential/agricultural. We wanted to make that clear. It is not like the Legeays are requesting that all the parcels owned by them be rezoned. It is just the property that sits immediately south and to the end of Scoops Lane. They feel that since the APC meeting in August they have taken affirmative steps to answer all of the neighbors' fears about traffic and Scoops Lane. He thinks it is fair to say that there are some other rumors that have been circulated as to why the Legeays are seeking this rezoning. In particular, they have heard from some of the residents that the Legeays are seeking this rezoning so they can install a coal loading facility at that location. Attorney Ed Johnson (representing the remonstrators) sent a letter the other week to the APC suggesting that possibly the Legeays were behind the coal off-loading activity on Mulzer's property and suggesting that may have something to do with this rezoning, in order to perpetuate this rumor that maybe we're really here for some ulterior motive -- not to seek a rezoning for just a small office -- but a coal off-loading loading facility. Let me simply state for the record that the Legeays do not control, influence, or have any say whatsoever as to what the Mulzers do or don't do with regard to their business or their property. The Legeays have no ownership interest in the Mulzer business, nor do they have any intention of working with them in concert to develop or enlarge any facility that the Mulzers already have -- and have had -- for a number of years. Simply stated, the Legeays are not had -- for a number of years. Simply stated, the Legeays are not working with the Mulzers. That's on the record. We will say it as many times as we have to. Secondly, the Legeays have no intention, no purpose, nor reason to place a coal loading facility on approximately 160 ft. of property on the Ohio River. First of all, to put a coal loading facility there we would have to be asking for a waterfront industrial zone. As stated earlier, a CO-1 zone is your lowest commercial zone. It is a professional/business office. You can't load or off-load coal at a CO-1 zone. Secondly, Mr. Legeau is the owner of a business in Evansyille. In that has a coal Legeay is the owner of a business in Evansville, IN that has a coal loading facility. He also is the owner of a business in Henderson, KY -- at the Henderson Port -- that has a coal loading facility. Simply stated, he has two coal loading facilities -- one in Kentucky and one in Indiana. He doesn't need a third. There is no reason for it -- there is no use for it. Again, I will state on the record -- and anyone and everyone can have access to these minutes after tonight and can quote me -- can hold these minutes up -- the Legeays have no intention, no purpose, no reason, no desire to put a coal loading facility at 5750 Scoops Lane.

Another reason (as you will see from the diagram) the Legeays will continue to own this property to the north that is agricultural. There is a structure there. When he purchased it, it was a rundown vacant cottage. He has just spent the summer and spent much money fixing that up. Mr. Kimpel then passed photos showing what the Legeay's property immediately to the north looks like -- so the Commissioners could see what his house looks like and what he has done. The cottage has a new roof, new windows, new siding, freshly painted, etc. There is a front deck and a rear deck and a poured concrete pad in the aback. The basement is completely cleaned out. Just last week he went down and got his building permit to now redo the interior. To a man who is going to put a coal loading facility next to a house he has just painted white and intends to use for residential -- that doesn't make sense. He is going to be there. He is going to utilize that himself. He is not going to

live there full time, but is going to use it for weekends and for other uses.

At the APC meeting in August there were a couple of other points that came up with respect to the Legeays complying with all State and Federal regulations relating to the use of that property. At that time we stated we would comply and work with the State and Federal governments and anyone else in making sure we are in compliance with all of our uses. He's happy to state that as of today the U. S. Army Corps of Engineers has granted Mr. Legeay's permit for placing rip-rap on the bank of the river at his property. This is needed in order to restore the river bank, which has a serious erosion problem. Mr. Kimpel then proceeded to pass photos to the Commissioners showing the river bank on Mr. Legeay's property, stating some of the river bank already has rip-rap. He now has a permit to continue it across all his property. Also, he has installed at 5750 Scoops Lane a sanitary sewage system. This is an above-ground system that has received and complies with all Federal standards. It is above ground because that is flood plain there and it is designed so that no pollutants or discharge will leak into the waters of the Ohio River. Mr. Kimpel then passed along photographs of the sewage system, stating that it is installed and functioning. Tonight Mr. Legeay would like to encourage his neighbors to the north to likewise clean up the river bank on Scoops Lane. Take steps to see that the erosion will not take away all of that land and to come into compliance with the discharge of sanitary waste and sewage there. He and his client think that is nice area there and it should be preserved.

In conclusion, Mr. Kimpel said the Legeays have tried to do everything they can to satisfy the neighbors. They've complied and done everything they said they would do back in August at the APC meeting. They're still going to have remonstrators. They can't satisfy everybody. They've tried like heck — and they hope the Commissioners will take that into consideration when they listen to the remonstrators tonight. In conclusion, this only simply makes sense. It allows property immediately adjacent and touching a very industrial use to be a small commercial business/professional office that will provide a nice buffer and transition into residential property, which begins with the Legeay's property; and then the other property is to the north. Based on all of the foregoing reasons, they ask that the Commissioners give their request for the rezoning every favorable consideration.

Attorney Ed Johnson approached the podium and said that before he begins his presentation he would ask the remonstrators who are present tonight to stand. (Approximately 25-30 individuals stood.) Continuing, Mr. Johnson said, "This matter was defeated soundly at the APC meeting. And when you and I talk through the reasons why this zoning doesn't make any sense at all, I think you will understand why the APC voted not quite unanimously -- but almost unanimously, with the exception of two or three votes -- to reject this zoning.

Let's start with the most obvious. This is **spot zoning**. This is zoning that is asking for commercial zoning in a sea of agricultural and/or residential zoning. The only thing as you go south on Old Henderson Rd. that is not at all **residential** relates to residential use -- and that is the Dog Town boat ramp and the tavern/restaurant. Those are adjunct residential uses. There is nothing like commercial. Now, Mr. Kimpel will tell you that there is a heavy use right south of this property and because of that heavy use you need a buffer. The truth of the matter is (and Barbara Cunningham will correct me I'm sure if I mis-state this) -- that is zoned agricultural. The use that Mulzer is attempting to make is illegal -- or it appears to me to be illegal. I have a letter from the APC directed to Mulzer, telling them they think it is a violation of that property. There is no reason to have any

buffer between the Mulzer property to the south and the Legeay property, because the Mulzer property is zoned agricultural. If they are stopped and the laws are complied with (as I am sure they will be) that property will be used for agricultural and/or residential use. We won't have to worry about any kind of use that is illegal to the south of the Legeay property. It is spot zoning. There is no other commercial area out there that is close to that. The property in question along Scoops Lane is residential. are nice homes. The people are here tonight who own those homes. This is their only home. Now, you can look at it like it might be a summer home because it faces the Ohio River and it's a very beautiful view; it's very nice property out there. But those aren't two-home families. We're not talking about people who live somewhere else in the summer on Scoops Lane. They live there 365 days a year -- except when the river rises. Now, we've got a problem not only with the spot zoning and the people who come in to work at that office, but we also have a problem with the traffic along Scoops Lane. It's almost a tale of two roads. Two problems -- Scoops Lane and Old Henderson Road -- and I want to address them separately. Let me start with Scoops Lane. Mr. Kimpel is right. When we were at the APC meeting there was testimony that Scoops Lane (which is a small gravel road serving senior residents) was subject to delivery trucks. Specifically mentioned were Federal Express and related-type delivery trucks. Apparently the business they are in requires several deliveries a day. And it was a problem. What was the Legeay answer between the APC meeting and now? It was to put up a barrier. Attorney Johnson then submitted a photo showing the barrier and said, "I submit to you that if you look at the barrier that was placed -- that barrier is totally out of line in a residential neighborhood. Just to the north of the barrier are homes where people live. Until these folks began to use this structure as an office, this was a nice quiet looking residential neighborhood. It was a residential neighborhood. they either have to live with the delivery trucks coming in and out or they have to live with this barrier. Who would want that in their neighborhood. Who would want to go out to their mailbox and see this every day? So they have a real dichotomy. The problem is Scoops Lane is a small, narrow gravel road that services homes. It is not meant to service a business. That is why business ought to be located in a properly zoned area in Evansville and not spot zoned down off Old Henderson Rd. We have a second problem -- Old Henderson Rd. Because of the deliveries, because of the additional people who are going to be working at the location that is being used as an office, we've got increased traffic on Old Henderson Rd. It's no picnic driving out there. It is obviously a hard-surfaced road -- but it's a very narrow County road. It is not meant to have increased traffic of delivery trucks. That is why we don't want to have land use for an office off Old Henderson Rd. Evansville, Indiana there are plenty of vacant offices. If you read the Evansville Courier yesterday and the Sunday Courier and looked at the offices for space, I'm sure you saw plenty of commercial buildings available for lease in Evansville. You can walk down the walkway and see all the vacant places. We don't need to create another commercial area -- another commercial lot, if you will -- off Old Henderson Rd. in the middle of a residential neighborhood. It does nothing for the County. It does nothing for any of us to have an office down there and we've got problems -- it doesn't make sense. Mr. Kimpel says this zoning makes sense. I submit to you that it doesn't make any sense. It doesn't make any sense to pervert the residential nature of the neighborhood. doesn't make any sense to increase the traffic not only on Scoops Lane, but also on Old Henderson Rd. It doesn't make any sense to create a commercial area which had been a residential area. This is a prime **residential** area. It overlooks the river. It gives the people who live there an opportunity to utilize the view of the Ohio River -- something we don't do a lot of in this community. And what they get now is this (the barricade). They have to look at this (the barricade) or the extra traffic on Scoops Lane. Now,

it should be noted that when this property began to be used as an office — it was never zoned. The reason we are here tonight is because of an APC lawsuit (and correct me, if I am wrong). Legal action was taken. (Mrs. Barbara Cunningham of the APC confirmed a lawsuit was filed against the petitioners because they were operating it illegally on a agriculturally zoned piece of property). "We submit to you that if you look at it and all the arguments pros and cons — what you find on the pro side is chance for them to utilize their property, to lease it to a business as opposed to using it as a single-family residential structure — or leasing it as a residential structure. The opposite of that — what you have on the down side — is that it perverts the residential nature of the neighborhood; it increases traffic along Old Henderson Rd. — and the kind of traffic we don't need on Old Henderson Rd. It doesn't do anything for the community, because we have office space going to waste now. And, in general, it just really is unnecessary and it is going to pervert the residential character of the property and the use of the property by the neighbors who live here. For all those reasons, he would ask the Commissioners to consider all the pros and cons and agree — as he has — if you look at it logically — why do we need an office down there? Why do we want to increase the traffic? And why do we want to reward a petitioner who is only here tonight because he got caught? He wanted to try to sneak this one in. There are others here tonight who wish to speak — neighbors who want to cover some points I haven't covered — and I would like to yield at this point the remaining time to the neighbors.

Mrs. Mary Steele approached the podium, identified herself, and said she resides at 5610 Scoops Lane -- and has lived there for 22 years. "I'm speaking not only for myself and my husband, but for all the neighbors. We had a meeting back in May because we were concerned about all the traffic going by our houses. As stated, it is a gravel road -- so all the traffic going by stirred up a lot of dust and made holes in the road, etc. -- and we pay for the upkeep of the road. I had a copy of our deed (which I delivered to the Area Plan Commission) which sets out the fact that the neighbors are required to share equally in the maintenance of the road. When we had our meeting we decided the fair thing to do would be to advise Mr. Legeay of our feelings about it. Most of us who live there have lived there for a number of years. I don't think anyone who lives there presently has lived there for less than ten years. We also furnished a copy of our agreement to the APC in which we agreed that we have no objections to Mr. Legeay renting the property or living on the property -- as he chooses -- but we felt it was not proper for us to endure all the commercial trucks, etc., going by there. I don't know if you've been on Scoops Lane, but it is on the Ohio River. We have a grand view of the river. We can see the skyline of Evansville. We often catch a view of the Delta Queen on the way down river, as well as the Mississippi Queen. There are people, I guess, who would give their eye teeth to have the location we have. When you drive along the new park down here there are always people parked, looking at the river. We are lucky. We look at that river every day. And every day, for me, it's a real pleasure. We can see the changes of the seasons and there's always so much to see. Tonight there is a full moon and there will be a big, bold band cross the river. It's just a wonderful view. The other thing I will point out is that there are only nine houses on Scoop's Lane and Mr. Legeay does own two of them. The rest of the residents remain, as Mr. Johnson said, there all year -- even during the flooding. When we had the flooding this past winter the river crested at 44.6 ft. When it gets to 44.6 ft. it will be in Mr. Legeay's home. It will also be in the new basement that he's just finished. I can assure him of that -because we live further on down and when the river got to 44.6 ft. we had some water in our family room this past year. We have lived there 22 years and we don't mind it; we're used to it. We love it down there. Again, our homes are not leased -- or the ground on

which our homes are situated is not leased ground. Most of the summer camps are on leased ground -- but ours are permanent.

Mr. Legeay is a business man and I really feel he has no concern for the beauty of the river as do those of us those who presently live there. He already has a number of barges tied up in the river -- so, for him, this is his living. For us, this is our retirement years and we feel that we should he able to enjoy the view that we were able to purchase with some hard work on our part.

The other thing is that it definitely is in the flood plain. Those of us who live there year round, when the river comes up and we're cut off, there is water between us and Dog Town and us and the boat ramp. We normally will park our car at Dog Town and then we'll put on hip boots (some of the neighbors can attest to this, as they did it this year) to walk through the water and down the railroad tracks in order for some of them to get to work. So we're willing to do all that because we cherish the fact that this is our little domain, I guess you might say.

My question is, why is it so important for Mr. Legeay to go to so much trouble and expense to rezone the property, when there are going to be times when even the employees that are working in the office are not going to be able to get to work? The only way they can get there is by boat. I assure you that is so. Since the APC meeting, truly Mr. Legeay has built a barricade. This does nothing at all to enhance the area and is very definitely an eyesore. As a matter of fact, we often have electric power cuts on Scoops Lane. On September 15th our electricity was out from 9:00 a.m. until 2:00 p.m. SIGECO trucks had to come down to Scoops Lane, go around the barrier into the farmer's field in order to get down to the pole to check to see if that is where the problem was. So we were without electricity there for six or seven hours. I might also state that there is a right-of-way grant to SIGECO which permits them the use to trim the leaves and trees and to remove any obstructions. I would consider a barricade an obstruction. I have a copy of the easement that SIGECO has if you'd like to see it. I also have brought with me pictures of the area as it is when it is flooded, as I thought you might like to see those."

Ms. McClintock thanked Mrs. Steele and proceeded to address Attorney Ed Johnson, asking if he has anyone else who would like to speak very, very briefly.

Mr. Lee Smith of 5620 S. Scoops Lane said they went through a great of trouble to select this neighborhood and a private road and the neighbors he has there. Over the last 15 to 20 years he has watched his neighbors and himself landscape and remodel homes toward retirement. "Now we have a case of somebody in business wanting to encroach upon our freedom and our hope to have a place to retire in." He feels it is unjust -- they all feel it is unjust to let commercial encroach upon them in this manner -- by spot zoning.

Attorney Kimpel requested permission to see the letter from the APC.

In response to query from Commissioner McClintock, Attorney Johnson indicated that all of the property owners who live on Scoops Lane - the seven in addition to Mr. Legeay -- are here this evening.

Attorney Kimpel said he has to respond to a few things here. Obviously, Mr. Johnson gets much quicker action out of the APC than he does. He talked to the APC on Friday with regard as to whether there was any merit or substance in Mr. Johnson's letter and he was assured no action was going to be taken on that. Yet, here is the letter. He responded to the APC with regards to Mr. Johnson's letter and he wasn't privileged with a copy of this letter. This

letter, he thinks, if you read it clearly, says nothing. It states that loading of coal is <u>not</u> authorized in an agricultural zone. So what? The Mulzer's crushed stone facility was there long before the zoning was. It's a legal, non-conforming use. This letter talks about a potential problem and let's effectuate a remedy. This doesn't stand for what Mr. Johnson stated -- that there is illegal conduct or activity going on there.

Secondly, it is very distressful to hear of all the residential uses -- if that is all that is going on down there. Back in July of 1991 I write a letter to APC complaining about a commercial use on Scoops Lane by Mr. Smith, who was the last speaker up here. He owns a house there. He also owns an outbuilding that he rents out to Mr. Elbrick, who operates his business in that. He runs the boat ramps. And, oh yes, someone drove down. It didn't appear to be a violation and nothing was done. No letter like this was sent to Mr. Smith -- no, it wasn't. No letter was sent to Mr. Smith. I supplied them with the telephone listing of Mr. Elbrick's business, showing it clearly at 5620 Scoops Lane -- and nothing was done. The point is, Mr. Smith (the last speaker) is leasing an outbuilding there to a man who is running a business.

Ms. McClintock asked Mr. Smith if he leases a piece of property on his property?

Mr. Smith responded, "I rent a home. It is their home. They have two vehicles. There is no traffic generated."

Ms. McClintock continued, "Are they operating their business? Do they have another office to operate their business?"

Mr. Smith responded, "It's in the home."

Attorney Kimpel continued, "Also, the residential character of this area and the complaints that Mr. Legeay (who spends thousands of dollars to improve his structures, to improve the river bank) doesn't care about the residential quality? I think that's incorrect. Here are photographs of some of the homes on Scoops Lane. That's the residential quality. He doesn't know if that is just the individual's accumulation — or if he's operating a Thrift store. "I challenge all of those residents to care as much about their property as the Legeays do. I challenge all of those residents to care as much about the river as Mr. Legeay does. He earns his living from the river. He has great respect for the river. He doesn't want to discharge sanitary waste into the river. These people who live here full time year around, walking around in hip boots — they don't have septic systems. You can't put a septic system underground without it permeating. It is in violation of every standard and code to put a septic system under a flood plain — because they leak. We just challenge and resent the fact we don't care about the quality of the land there, the quality of the river, and the use. And, I'm sorry that letter doesn't stand for an illegal use by Mulzer. And this does make sense when you have heavy industrial. I've got photographs of piles of coal, piles of rock — that come right up to his property. And to allow a simple resident to operate a business there — it does make sense. That's all. Thank you."

Ms. McClintock thanked Mr. Kimpel for his comments and then again recognized Attorney Johnson.

Mr. Johnson said that before he begins his rebuttal, his clients have asked that photographs of their homes be circulated. They're very proud of their homes. He didn't see the photos circulated by Attorney Kimpel, but when he personally went out and looked at each of the seven houses, they are nice middle class homes, and are being well maintained -- and he believes these people really care about their neighborhood. As for the letter about Mulzer, he knows

Mr. Kimpel says it doesn't stand for what he (Johnson) says it does -- well, it stands for the fact it is agriculturally zoned, because that is what the APC said to Mulzer Stone. Secondly, it is a violation letter. Thirdly, that is in no way, shape, or form a legal non-conforming use. Somebody (apparently Mulzer) recently started piling coal on there, which is really a gross violation of the use of that. Hopefully, the Legeays are not going to have to worry about what is to the south of them, because with the help of the APC that property will go back to agricultural use -- the way it is zoned. This still remains **spot zoning** -- anyway you cut it. If you look at the area around it, this would be a **spot** in the middle of that agricultural zoning and, again, for what? It gets the County and the citizens nothing.

Let me make this point, too -- because I think Mr. Kimpel was getting off the issue of land use -- instead, he wants to talk about whether or not another business is being operated on Scoops Lane. We categorically deny that there is a business being operated on Scoops Lane. There is a residence on Scoops Lane, where the gentleman owns/operates the boat ramp -- but he doesn't run a business out of that house in any, shape, or form. That is probably why the APC didn't do anything else except drive out there and investigate it. And, again, the issue of the sewage and whether this should be a septic system or something else -- what has that got to do with land use on Scoops Lane? We think if you will look at the real issues -- "Is it good land use? Is it bad land use? Is it beneficial to the community? Or, is it detrimental to the community?" I think what you're going to find and agree with me is that this property ought to stay residential. Mr. & Mrs. Legeay ought to be able to use that property as single-family residence either to live there, sell, or lease -- who knows what -- but it was always a residential area and it ought to stay a residential area. Thank you."

President McClintock thanked Mr. Johnson for his remarks and entertained a motion.

Motion was made by Commissioner Borries to approve VC-7-91, with a second from Commissioner Hunter.

Commissioner McClintock then asked for a roll call vote: Commissioner Borries, yes; Commissioner Hunter, no; and Commissioner McClintock, yes. Petition was declared approved by a 2-1 roll call vote. So ordered.

There being no further business to come before the Board, President McClintock declared the meeting recessed at 8:16 p.m.

#### PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
Richard J. Borries, Member
Sam Humphrey, Auditor
Jeff Wilhite, County Attorney
Greg Curtis, County Engineer
Susan Jeffries, Purchasing
Don Gibbs/Sam Oxley & Co.
Deputy Jim Tucker/Sheriff's Dept.
Tom Kimpel/Attorney
Ed Johnson/Attorney
Lou Wittmer/Commission Office
Allen Frederick/Donan Engineering Co., Inc.
Sam Roach/Enviro-Group, Inc.
James Black, Sr.
Kelly Keller
Paul Legeay III

Paul Legeay Robyn Legeay George & Betty Murray Stephen & Melissa Williams Martie Woodall Amber Worman Bradley Hicks Mr. & Mrs. Lee Smith Rhonda Wilson Terry & Andrea Newton Tony Gibson LaVerne Smith Marilyn Dunn C. W. Sims Bill Houghland Herbert Blackburn Mary D. Steele Harry DeKemper David Ellison Darrell Roe Others (Unidentified) News Media

SECRETARY: Joanne A. Matthews

Carolyn McClintock, President

Richard J. Borries, Member

# Board of Commissioners of the County of Vanderburgh

305 ADMINISTRATION BUILDING CIMC CENTER COMPLEX EVANSVILLE, INDIANA 47708







#### **AGENDA**

#### VANDERBURGH COUNTY COMMISSIONERS

October 21, 1991 6:00 P.M.

- Call to order 1.
- 2. Introduction
- з. Pledge to allegiance
- Any groups/individuals wishing to address the Commission
- 5. Action Items:
  - U- advertisin Award: Asphalt Paving at Sheriffs Training Center -Ray Hamner
  - Award: Post Frame Building Construction Ray Hamner ∕6.
  - Rescind The approval on the Checks for Jonathon Parkhurst Claims on consent item d. - Oct. 14, 1991 Agenda.
  - Request Proposals Corrective Action Pland. Re: Cleanup at County Hwy Garage
  - Polling Place Change Ward 3 Precinct 5 Shepard of The Hills Church -3600 Oak Hill Rd. -To- Oaklyn Library 3820 Oak e. Hill Road. Polling Place Change - Ward 6 - Precinct 9 Reitz High School-350 Drier Blvd. - To - Hose House #7 - 1050 S. Barker.
- Department Heads Reports:
  - Jeff Wilhite......County Attorney
  - Greg Curtis.....County Engineer b.
- 7. Consent Items:
  - Request to travel (2) Pigeon Township Assessor Request to travel (1) Scott Township Assessor Request to travel (2) Vanderburgh County Assessor
  - b. Scheduled Meetings

Mon.-Oct.21-Co.Commissioners Executive Sessions-4:30 P.M.-

Rm.-307

Mon.-Oct.21-City Council-7:30 P.M.-Rm.-301

Wed.-Oct.23-Board of Public Works-9:00A.M.-Rm.-301

Thur.-Oct.24-Central Dispatch Board-11:00 A.M.-Rm.-301 Mon.-Oct.28-County Dept. Head Meetiong-3:30 P.M.-Rm.-303 Mon.-Oct.28-County Commissioners-4:30 P.M.-Rm.-307

c. Claims to be approved for payment-(Election Board)-Carl Heldt, Attorney--\$1,695.00.

Claims to be approved for payment-(Inmate in Institutions-per-diem care cnarges)-Marion County Auditor-\$4,575.00.

Claims to be approved for payment-(Services Rendered)-Bowers, Harrison, Kent & Miller, Attorney - \$635.98

d. Check-Hillcrest Washington Youth Home-\$146,217.11

Check-Welborn Clinic-\$25.00

Check-AT&T-85.21

Check-received-Farm Bureau to Vand. County Sheriff-\$493.75-subrogated claim.

#### e. Employment Changes SHERIFF/APPOINTMENTS

| David L. Wedding/Sergeant                       | 31,088.00+ <i>4193</i> |
|-------------------------------------------------|------------------------|
| 10/7/91<br>Stephen Bequette/Sergeant            | 31,653.00 42177        |
| 10/7/91<br>Marvin G. Cooper/Sergeant<br>10/7/91 | 31,088.00 +4193        |

#### SHERIFF/RELEASED

| David L. Wedding/Patrolman            | 26,895.00 |
|---------------------------------------|-----------|
| 10/6/91<br>Stephen Bequette/Corporal  | 29,476.00 |
| 10/6/91<br>Marvin G. Cooper/Patrolman | 26,895.00 |
| 10/6/91                               | 20,00000  |

#### SHERIFF/JAIL/APPOINTMENTS

| Edward Fodrea/Paramedic | 19,393.00 |
|-------------------------|-----------|
| 10/7/91                 |           |

#### SHERIFF/JAIL/RELEASED

| Hurbert Rasure/EMT | 17, | 649.00 |
|--------------------|-----|--------|
| 10/11/91           |     |        |

#### COUNTY CLERK/ APPOINTMENTS

| Terri Pace                  | 14.88     |
|-----------------------------|-----------|
| 10/18/91<br>Amy Mabrey      | 14,364.00 |
| 10/7/91<br>Barbara Schwartz | 13,680.00 |
| 10/7/91                     | 22,00000  |

#### COUNTY CLERK/RELEASED

| Terri | Pace | 580 | .32 | 2 |
|-------|------|-----|-----|---|
|       |      |     |     |   |

| ,                                             |                 |
|-----------------------------------------------|-----------------|
| 11/1/91<br>Amy Mabrey                         | 13,680.00       |
| 10/4/91<br>Tina Clouse                        | 14,363.00       |
| 10/4/91                                       | 14,303.00       |
| SUPERIOR COURT/APPOINTMENTS                   |                 |
| Elizabeth Porter/Pt-time Intern 10/8/91       | 5.00            |
| Matthew Page/Pt-time Intern<br>10/8/91        | 5.00            |
| COUNTY SURVEYOR/APPOINTMENTS                  |                 |
| Dan Gossman/Party Chief<br>10/14/91           | 17,050.00       |
| COUNTY SURVEYOR/RELEASED                      |                 |
| William Jeffers .<br>10/14/91                 | 23,619.00       |
| COUNTY PUBLIC WORKS/RELEASED                  |                 |
| Douglas E. Whitson/Pttime summer crew 10/4/91 | 5.00            |
| ELECTION OFFICE/APPOINTMENTS                  |                 |
| Cathy Stone/Clerk<br>10/14/91                 | 5.00            |
| Doris Cato/Clerk<br>10/14/91                  | 5.00            |
| PIGEON TOWNSHIP TRUSTEE/RELEASED              |                 |
| Mary Lancaster/Investigator 10/4/91           | 18,628.00       |
| HEALTH/LEAD/APPOINTMENTS                      |                 |
| Gail Robb/Lead Nurse<br>10/1/91               | 11.57           |
| HEALTH/WIC/APPOINTMENTS                       |                 |
| Vickie Benningfield/Intake Clerk 10/1/91      | Maternity Leave |
| Diane Bissonnette/Nurse P/T<br>10/1/91        | 11.57           |
| HEALTH/WIC/RELEASED                           |                 |
| Vickie Benningfield/Intake Clerk<br>9/30/91   | 13,738.00       |
| Diane Bissonnette/Nurse 9.30/91               | 24,174.00       |
|                                               |                 |

New Business Tested 8 app. for Mary huch. To piterem top 3

- 10. Rezoning Petitions:
  Third Readings VC-7-91 Petitioners-Paul & Rita Legeay
  " " VC-8-91 Continued till Nov.-Petitioners
  Steven & Marcia Yurks.
- 11. Meeting Recessed

# DEDICATION OF RIGHT OF WAY FOR GREEN RIVER ROAD CONSTRUCTION PROJECT

WHEREAS, Vanderburgh County, through its Board of County Commissioners, currently holds title to several parcels of land which will be affected by the Green River Road construction project (hereinafter the "Project") and,

WHEREAS, in the interests of maintaining and protecting the Project, the Project engineer has requested formal dedication of right of ways over such portions of the county held property as are necessary to construction of the Project.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Vanderburgh County, Indiana that the County hereby dedicates permanent and perpetual Right of Ways over portions of the properties designated as Parcel 48, Parcel 49, and Parcel 49A. The legal descriptions of the portions dedicated are attached hereto as Exhibit "A" and incorporated herein by reference. Such Right of Ways shall be for the purposes of construction and maintenance of the Green River Road Construction Project, Project M-E340(6), and all other activities undertaken in order to complete the Project.

This Resolution shall become final, binding and in full force and effect immediately upon its passage and upon the execution hereof by the members of the Board of Commissioners of Vanderburgh County, or a majority of them.

BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY

BY: <u>Carolyn McClintock</u>, President

4.11

Richard J. Borries, Member

# Parcel 48 Vanderburgh County Indiana Project M-E340(6) Section "B"

A part of Lots 14 and 15 in Green Manor, a Subdivision of part of the East One-half of the Northeast Quarter of Section 11, Township 6 South, Range 10 West, in Vanderburgh County, Indiana, as per plat thereof, recorded in Plat Book I, page 269, in the Office of the Recorder of Vanderburgh County, Indiana, described as follows: Beginning at the southeast corner of Lot 14, thence North 6 degrees 17 minutes 40 seconds West 148.00 feet; thence North 10 degrees 49 minutes 57 seconds East 76.49 feet to the east line of Lot 15; thence South 0 degrees 28 minutes 39 seconds East 222.24 feet along the east line of said Lots15 and 14 to the point of beginning and containing 1,667 square feet, more or less.

EXHIBIT "A" Page 1 of 3

# Parcel 49 The Board of County Commissioners of Vanderburgh County, Indiana Project M-E340(6) Section "B"

A part of the East Half of the Northeast Quarter of Section 11, Township 6 South, Range 10 West, Vanderburgh County, Indiana, described as follows: Commencing at the northeast corner of said quarter section; thence South 0 degrees 28 minutes 39 seconds East 160.00 feet along the east line of said quarter section to a northeast corner of the owners' land; thence South 89 degrees 31 minutes 21 seconds West 40.00 feet along a north line of the owners' land to the west boundary of Green River Road and the point of beginning of this description: thence South 0 degrees 28 minutes 39 seconds East 59.33 feet along the boundary of said Green River Road; thence North 7 degrees 12 minutes 59 seconds West 59.74 feet to a north line of the owners' land; thence North 89 degrees 31 minutes 21 seconds East 7.01 feet to the point of beginning and containing 0.005 acres, more or less.

EXHIBIT "A" Page 2 of 3

# Parcel 49A The Board of County Commissioners of Vanderburgh County, Indiana Project M-E340(6) Section "B"

A part of the Southeast Quarter of the Southeast Quarter of Section 2, Township 6 South, Range 10 West, Vanderburgh County, Indiana, described as follows: Commencing at the southeast corner of said quarter-quarter section; thence North 0 degrees 10 minutes 15 seconds East 535.86 feet along the east line of said quarter-quarter to a northeast corner of the owners' land; thence South 89 degrees 10 minutes 02 seconds West 36.98 feet along a north line of the owners' land to the west boundary of Green River Road and the point of beginning of this description: thence South 0 degrees 34 minutes 33 seconds East 256.49 feet along the boundary of said Green River Road; thence South 0 degrees 27 minutes 18 seconds West 254.36 feet along said boundary to the north boundary of Bergdolt Road as per plat thereof recorded in Plat Book "I", page 269 in the Office of the Recorder of Vanderburgh County, Indiana; thence North 89 degrees 10 minutes 02 seconds West 54.83 feet along the boundary of said Bergdolt Road; thence North 36 degrees 47 minutes 42 seconds West 8.68 feet; thence North 34 degrees 57 minutes 16 seconds East 61.24 feet; thence North 0 degrees 10 minutes 15 seconds East 425.00 feet; thence North 11 degrees 08 minutes 21 seconds West 29.61 feet to a north line of the owners' land; thence North 89 degrees 10 minutes 02 seconds East 28.83 feet along said north line to the point of beginning and containing 0.323 acres, more or less.

EXHIBIT "A" Page 3 of 3

LAW OFFICES

HARRY P. DEES
ARTHUR R. DONOVAN
ALAN N. SHOVERS
THOMAS O. MAGAN
LARRY R. DOWNS
WH. MICHAEL SCHIFF
ROBERT H. BROWN
JON D. GOLDMAN
MARILYN R. RATLIFF
BRIAN P. WILLIAMS
G. MICHAEL SCHOPMEYER
DAVID L. CLARK
JEFFREY A. WILHITE
JOHN E. HEGEMAN
JEFFREY W. AHLERS
MARY LEE FRANKE
D. BRYAN WEESE
MARJORIE J. SCHARPF

#### KAHN, DEES, DONOVAN & KAHN

305 UNION FEDERAL BUILDING

P. O. BOX 3646

EVANSVILLE, INDIANA 47735-3646

TELEPHONE (812) 423-3183
TELECOPIER (812) 423-3841

ISIDOR KAHN (1887-1963) ROBERT KAHN (RETIRED FROM PRACTICE 1965)

OF COUNSEL

DIANE L. BENDER GAYLON L. CLARK

October 21, 1991

Ms. Carol McClintock
President, Vanderburgh County
Commissioners
Civic Center Complex, Room 305
Evansville, IN 47708

Re: County Attorney Report

Dear Ms. McClintock:

Please let me report on the status of the various legal matters as County Attorney:

- 1. The County owns some of the property along the North Green River project. Even though the easements would be from ourselves to ourselves, the technically proper thing to do is to execute Rights of Way to ourselves for the project. I am submitting a Resolution to that effect for your approval tonight.
- 2. You had agreed to amend the Agreement with the City, School Corporation and Building Authority, to reflect the School Corporation's need for certain land just outside their building. The School Corporation has sent me a proposed Amendment to the Agreement reflecting that change in the legal description of the area to revert back to the School Corporation. The proposed Amendment meets with my approval and at some point it will come back before the Board for your signature.
- 3. I represented the County in a trial this week as part of the Green River Road project. We had filed a Complaint to condemn property owned by American Wholesalers, which sits at Green River Road and Spring Valley Road. American Wholesalers filed Objections, arguing there was no need for the property we proposed taking along Spring Valley Road, that a sufficient offer to purchase was not made, and some

-

Ms. Carol McClintock October 21, 1991 Page 2

other arguments. I expect a ruling from the Judge soon.

Very truly yours,

KAHN, DEES, DONOYAN & KAHN

Jeffrey A. Wilhite

JAW/jes

cc: Don Hunter Richard Borries

VANDERBURGH COUNTY PUBLIC WORKS
715A Locust Street
Evansville, IN 47708

| DATE: OCTOBER 21, 1991                                                                                                                   | •                                           | rel.                 | (812)                          | 424-9603                  |
|------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|----------------------|--------------------------------|---------------------------|
| Vanderburgh County Board of Commi<br>Rm. 305 Civic Center Complex<br>Evansville, IN 47708                                                | issioners                                   |                      |                                |                           |
| Audubon                                                                                                                                  | Street Improvement<br>Estates<br>D-1        |                      |                                |                           |
| Dear Commissioners                                                                                                                       |                                             |                      |                                |                           |
| The undersigned have made an Improvements on October 11, 1991 constructed/finished on/by Septe constructed with Concrete approved plans. | These Street  mber 15, 1991  in accordan    | Impr<br>All<br>nce w | covement<br>street<br>with the | nts were<br>ts were<br>he |
| The following is a summary of feet wide streets in the subject                                                                           |                                             | e com                | breced                         | 1 29.0                    |
| Dove Lane (Stub)                                                                                                                         |                                             |                      | 200                            | LFT                       |
| Ridgeway Avenue                                                                                                                          |                                             |                      | 1100                           | LFT                       |
|                                                                                                                                          |                                             |                      |                                | LFT                       |
|                                                                                                                                          | · · · · · · · · · · · · · · · · · · ·       |                      |                                | LFT                       |
|                                                                                                                                          |                                             |                      |                                | LFT                       |
|                                                                                                                                          | TOTAL:                                      |                      | 1300                           | LFT                       |
|                                                                                                                                          |                                             |                      |                                |                           |
| It is recommended that these ACCEPTED XXXX REJECTED                                                                                      | _                                           |                      | 1:                             |                           |
| If you have any questions pl                                                                                                             | lease call the Engi                         | neer′                | s Offi                         | ice.                      |
| Respectfully, Public Works Director                                                                                                      | Accepted for Management Board of Country S. | Mc                   | Clana<br>Clana                 | ioners                    |
| Scott a. Davi                                                                                                                            | () Pres                                     | ident                | •                              |                           |
| Highway Services Manager                                                                                                                 | acry Hu                                     |                      | <u> </u>                       |                           |
| CC: Developer                                                                                                                            | Vice-P:                                     | resid                |                                |                           |
| Design Engineer                                                                                                                          | _ scharce                                   | <u> </u>             | 10                             | nies                      |
| APC                                                                                                                                      | Mei                                         | mber                 |                                |                           |

JOHNSON, CARROLL AND GRIFFITH

EDWIN W. JOHNSON
JOHN L. CARROLL
CHARLES C. GRIFFITH
EDWARD W. JOHNSON
BRIAN K. CARROLL

PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
2230 WEST FRANKLIN ST. P.O. BOX 6016
EVANSVILLE, INDIANA 47719-0016

TELECOPIER (812) 425-4466 TELECOPIER (812) 425-4233

October 9, 1991

OCT 1 0 1991

AREA PLAN COMMISSION

Barbara L. Cunningham
Janet Davis
Area Plan Commission
Civic Center Complex, Room 312
Evansville, Indiana 47708

Re: Real estate contiguous to Scoops Lane

Dear Barbara and Janet:

On behalf of all the residents along Scoops Lane (with exception of LeJays, who we do not represent) we want to bring to your attention what appears to us to be a gross and flagrant zoning violation of the property immediately south of the LeJay property attempting to be rezoned at the October County Commissioners meeting. Just south of the property is a piece of undeveloped property, probably owned by Mulzer Crushed Stone, Inc., and was at one time leased to Traylor Brothers. That property is now being used to dump coal from a barge on Ohio River and then the coal is loaded into huge coal trucks which then go out on Old Henderson Road and from there go who knows where.

When I looked at the zoning maps in connection with my remonstrance of the LeJay rezoning, I thought for sure that property, on which coal is now being dumped, was zoned Agricultural. Could you please check to see if I was looking at the right map? Is this property zoning Agricultural or not? If it is Agricultural, the zoning code I was looking at does not appear to permit a barge to come up daily and dump great quantities of coal to be loaded on huge trucks and hauled away. In other words, am I missing something or is this as gross a zoning violation as I think it is?

We do not know who is perpetrating what appears to be a flagrant zoning violation. It may or may not have anything to do with the LeJay rezoning now pending before the County Commissioners. It may only be a coincidence. In fact, it may be Mulzer that is dumping Barbara L. Cunningham Janet Davis October 9, 1991 Page 2

coal on the property and hauling it away. We know the identity of the tug boat that comes in and dumps the coal on the property, it is The Naomi M., but before I initiate legal proceedings to determine the ownership of Naomi M., I need to know from either of you whether or not this is zoning violation and what action you office can take if it is a zoning violation.

We will be glad to work with your attorney or your office to stop what appears to be a major zoning violation of this real estate just south of Scoops Lane.

Thank you for your kind and prompt attention to this matter.

Very truly yours,

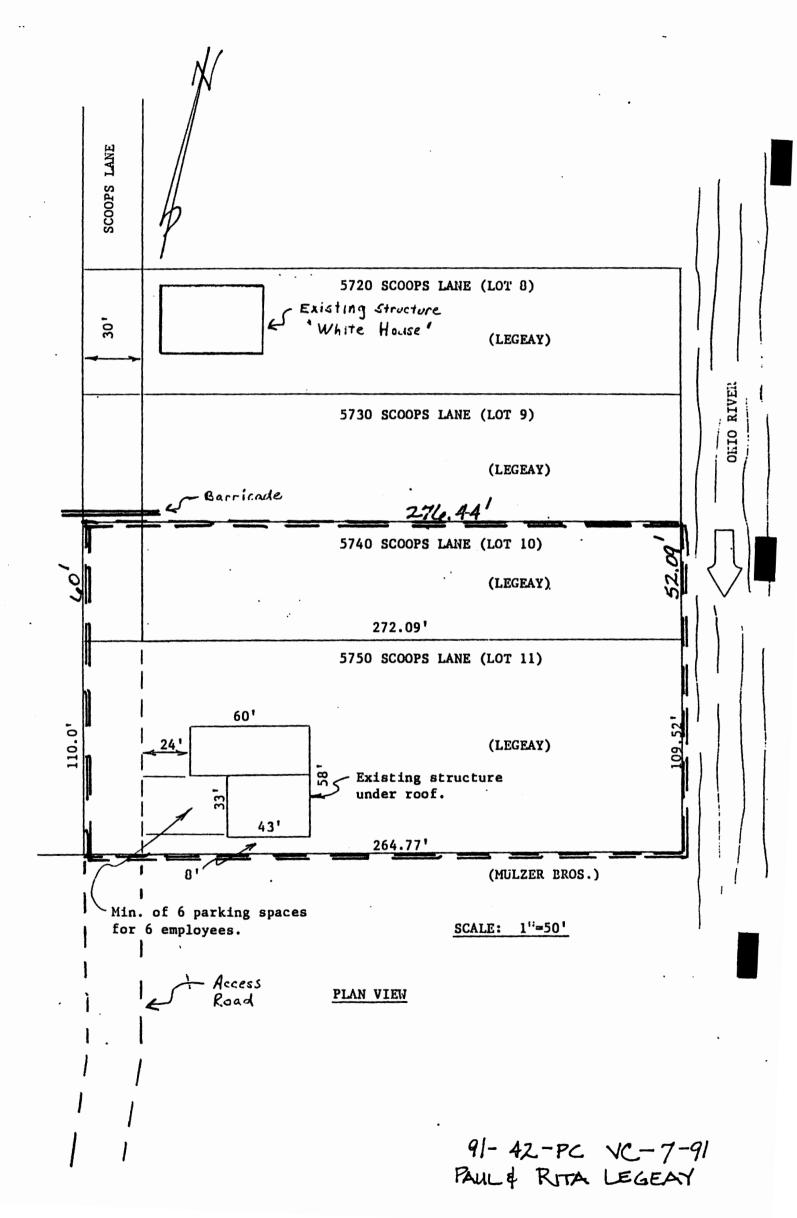
JOHNSON CARROLL AND GRIFFITH Professional Corporation

Edward W. Johnson

EJ/dmh

cc: Mary Deig

Thomas Kimpel Mary Steele



## NOTICE OF VOTING PLACES FOR NOVEMBER 5, 1991 GENERAL ELECTION

NOTICE IS HEREBY GIVEN by the Board of Commissioners of Vanderburgh County, pursuant to Indiana Code 3-11-8-3.2 that the places of voting in the precincts of Vanderburgh County, Indiana, for the November 5, 1991 General Election are as follows, to wit:

\* \* \* \* \* \* \* \* \* \*

PUBLICATION DATE: Tuesday - October 22, 1991

PUBLICATIONS: THE EVANSVILLE COURIER & THE EVANSVILLE PRESS

- 1-1 EASTERN HEIGHTS BAPTIST CHURCH (Located in 1-1) 6300 Washington Avenue
- 1-2 PEACE LUTHERAN CHURCH 200 South Boeke Road
- 1-3 LIFE IN ABUNDANCE CHRISTIAN CENTER (Located in 2-15) 2323 S. Walnut Lane
- 1-4 DUCK INN STAMPEDE ROOM 4100 Pollack Avenue
- 1-5 PEACE LUTHERAN CHURCH (Located in 1-2) 200 South Boeke Road
- 1-6 FAIRLAWN UNITED METHODIST CHURCH (Located in 2-20)- 2001 Parker Drive
- 1-7 FAIRLAWN UNITED METHODIST CHURCH (Located in 2-20)- 2001 Parker Drive
- 1-8 HARRISON HIGH SCHOOL (Located in 1-11) 211 Fielding Road
- 1-9 PLAZA PARK SCHOOL (Located in 1-10 7301 Lincoln Avenue
- 1-10 PLAZA PARK SCHOOL 7301 Lincoln Avenue
- 1-11 ALDERSGATE UNITED METHODIST CHURCH 5130 Lincoln Avenue
- 1-12 HARPER SCHOOL (Located in 1-2) 21 South Alvord Blud.
- 1-13 McGARY SCHOOL (Located in 1-17) 1535 South Joyce Avenue
- 1-14 HOSE HOUSE NO. 16 2801 Washington Evenue
- 1-15 DEXTER SCHOOL 917 South Dexter Avenue
- 1-16 DEXTER SCHOOL (Located in 1-15) 917 South Dexter Avenue
- 1-17 McGARY SCHOOL 1535 South Joyce Avenue
- 1-18 HORIZON HOMES RECREATION CENTER 1450 Luther Square
- 1-19 McCULLOUGH LIBRARY 5115 Washington Avenue
- 1-20 CAZE SCHOOL (Green River Road Entrance) 2013 South Green River Road
- 1-21 HOSE HOUSE NO. 6 6521 Washington Avenue
- 1-22 GREENBRIAR PARTY HOUSE 1700 Hoosier Avenue
- 1-23 HEBRON SCHOOL 4400 Bellemeade Avenue
- 1-24 CULLEN AVENUE CHRISTIAN CHURCH (Corner of Bellemeade & Cullen) 621 S. Cullen Ave.
- 1-25 EASTERN HEIGHTS BAPTIST CHURCH [Located in 1-1] 6300 Washington Avenue
- 1-26 EASTERN HEIGHTS BAPTIST CHURCH (Located in 1-1) 6300 Washington Avenue
- 1-27 ST. JOHNS UNITED CHURCH OF CHRIST 7000 Lincoln Avenue
- 1-28 ST. JOHNS UNITED CHURCH OF CHRIST (Located in 1-27) 7000 Lincoln Avenue
- 1-29 FIRST CHURCH OF THE NAZARINE \$100 Newburgh Road

#### WARD TWO - POLLING PLACES

- 2-1 VILLAGE GREEN APARTMENTS (PARTY HOUSE) 4700 E. Riverside Drive
- 2-2 BOSSE HIGH SCHOOL 1300 Washington Avenue
- 2-3 EAST SIDE BAPTIST CHURCH 1014 South Harlan Avenue
- 2-4 WASHINGTON MIDDLE SCHOOL (Located in 2-5) 1801 Washington Avenue
- 2-5 WASHINGTON MIDDLE SCHOOL AUDITORIUM 1801 Washington Avenue
- 2-6 BOSSE HIGH SCHOOL (Located in 2-2) 1300 Washington Avenue
- 2-7 EAST SIDE CHRISTIAN CHURCH (Located in 2-9) 2001 Bayard Park Drive
- 2-8 METHODIST TEMPLE 2109 Lincoln Avenue
- 2-9 EAST SIDE CHRISTIAN CHURCH 2002 Bayard Park Drive
- 2-10 WASHINGTON MIDDLE SCHOOL (Located in 2-5) 1801 Washington Avenue
- 2-11 ST. MARKS LUTHERAN CHURCH (Located in 2-9) 2300 Washington Avenue
- 2-12 ST. BENEDICTS AUDITORIUM 530 South Harlan Avenue
- 2-13 NATIONAL GUARD ARMORY 201 South Rotherwood Avenue
- 2-14 NATIONAL GUARD ARMORY (Located in 2-13) 201 South Rotherwood Avenue
- 2-15 LIFE IN ABUNDANCE CHRISTIAN CENTER 2323 South Walnut Lane
- 2-16 LODGE SCHOOL (Located in 2-18) 2000 Lodge Avenue
- 2-17 LIFE IN ABUNDANCE CHRISTIAN CENTER (Located in 2-15) 2323 South Walnut Lar
- 2-18 HOSE HOUSE NO. 15 1711 South Weinbach Avenue
- 2-19 SALVATION ARMY 2212 Lodge Avenue
- 2-20 FAIRLAWN SCHOOL AUDITORIUM 2121 South Alvord Blvd.
- 2-21 FAIRLAWN SCHOOL AUDITORIUM (Located in 2-20) 2021 South Alvord Blvd.
- 2-22 VETERANS OF FOREIGN WARS (Located in 2-18) 1800 Pollack Avenue

#### WARD THREE - POLLING PLACES

- 3-1 HOSE HOUSE NO. 10 (Located in 5-5) 120 East Columbia Street
- 3-2 ST. JOSEPH SCHOOL GYM North Garvin & East Iowa Streets
- 3-3 DELAWARE SCHOOL ROOM 302 (Located in 3-2) 700 North Garvin Street
- 3-4 NORTH HIGH SCHOOL (Wedeking Ave. Entrance) 2319 Stringtown Road
- 3-5 OAKLYN BRANCH LIBRARY 3820 Oak Hill Rd.
- 3-6 NORTH HIGH SCHOOL ANNEX 1900 Stringtown Road
- 3-7 HEBRON SCHOOL 4400 Bellemeade Avenue
- 3-8 HOWARD ROOSA SCHOOL 1216 East Illinois Street
- 3-9 FENDRICH GOLF COURSE CLUB HOUSE (Located in 5-26) 1550 Diamond Avenue
- 3-10 HOSE HOUSE NO. 9 2020 Keystone Road
- 3-11 NORTHEAST PARK BAPTIST CHURCH 1215 North Boeke Road
- 3-12 NORTHEAST PARK BAPTIST CHURCH (Located in 3-11) 1215 North Boeke Road
- 3-13 OLD VOGEL SCHOOL 1116 N. Weinbach Avenue
- 3-14 HOSE HOUSE NO. 4 (Located in 3-16) 1200 Oak Hill Road
- 3-15 HARTKE POOL (Located in 3-11) 120 North Boeke Road
- 3-16 VOGEL SCHOOL 1500 Oak Hill Road
- 3-17 VOGEL SCHOOL (Located in 3-16) 1500 Oak Hill Road
- 3-18 GARVINWOOD GENERAL BAPTIST CHURCH 1611 East Indiana Street
- 3-19 HOWARD ROOSA SCHOOL (Located in 3-8) 1216 East Illinois Street
- 3-20 DELAWARE SCHOOL (Located in 3-2) 700 North Garvin Street
- 3-21 STOCKWELL SCHOOL 2501 North Stockwell Road
- 3-22 BETHEL UNITED CHURCH OF CHRIST (Located in K-2) 3029 North Green River Ro
- 3-23 BETHEL UNITED CHURCH OF CHRIST (Located in K-2) 3029 North Green River Ro
  - 3-24 CARRIAGE DRIVE COMMUNITY BUILDING 5300 Carriage Drive

- 4-1 VANDERBURGH AUDITORIUM 715 Locust Street
- 4-2 BUCKNER TOWERS 117 Cherry Street
- 4-3 KENNEDY TOWERS 31: Southeast Seventh Street
- 4-4 CARVER-RIDLEY ROLLERDROME (Located in 4-5) 700 Bellemeade Avenue
- 4-5 LINCOLN SCHOOL 635 Lincoln Avenue
- 4-6 EAST SIDE LIBRARY 840 East Chandler Avenue
- 4-7 CARVER-RIDLEY ROLLERDROME (Located in 4-5) 700 Bellemeade Avenue
- 4-8 EAST SIDE LIBRARY (Located in 4-6) 840 East Chandler Avenue
- 4-9 TEPE PARK CLUBHOUSE 1212 South Garvin Street
- 4-10 TEPE PARK CLUBHOUSE (Located in 4-9) 1212 South Garvin Street
- · 4-11 UNA PIZZA 967 South Kentucky Avenue
- 4-12 GLENWOOD SCHOOL (Located in 4-13) 901 Sweetser Avenue
- 4-13 GLENWOOD SCHOOL 901. Sweetser Avenue
- 4-14 SWEETSER RECREATIONAL CENTER 1928 South Garvin Street
- 4-15 CULVER SCHOOL (Located in 4-16) 1301 Judson Street
- 4-16 CULVER SCHOOL 1301 Judson Street
- 4-17 BOY SCOUT HEADQUARTERS 1050 Bayard Park Drive
- 4-18 ST. JAMES UNITED METHODIST CHURCH 1041 Washington Avenue
- 4-19 LODGE SCHOOL (Located in 2-18) 2000 Lodge Avenue
- 4-20 GLENWOOD SCHOOL (Located in 4-13) 901 Sweetser Avenue
- 4-21 FIRST PRESBYTERIAN CHURCH 602 Southeast Second Street
- 4-22 HOSE HOUSE NO. 1 850 South Eighth Street

- 5-1 BETHANY CHRISTIAN CHURCH 601 East Mill Road
- 5-2 HOSE HOUSE #2 3601 Maxx Road
- 5-3 AMERICAN POSTAL WORKERS UNION 121 West Franklin Street
- 5-4 INDEPENDENCE SQUARE LOBBY 201 West Delaware Street
- 5-5 HOSE HOUSE NO. 10 120 East Columbia Street
- 5-6 BOYS CLUB 716 West Illinois Street
- 5-7 UNION HALL UFCW-LOCAL 451 1304 Read Street
- 5-8 ST. ANTHONY CENTER FOR FAMILY LIFE Second Avenue & West Columbia Street
- 5-9 GRESHAM HOME 2 Wedeking Avenue
- 5-10 CONCORDIA LUTHERAN CHURCH 2451 Stringtown Road
- 5-11 STRINGTOWN SCHOOL (Located in 5-22) 4720 Stringtown Road
- 5-12 IVY TECH SOUTHWEST (Located in 5-13)- 3501 First Avenue
- 5-13 IVY TECH SOUTHWEST 3501 First Avenue
- 5-14 OLD NORTH UNITED METHODIST CHURCH 4201 Stringtown Road
- 5-15 LOCUST HILL CEMETERY 3800 Kratzville Road
- 5-16 CENTRAL HIGH SCHOOL ROOM 29 5400 First Avenue
- 5-17 THOMPKINS SCHOOL 1300 West Mill Road
- 5-18 CHRIST LUTHERAN CHURCH 200 West Mill Road
- 5-19 SALEM UNITED METHODIST CHURCH 6311 Kratzville Road
- 5-20 EVANS SCHOOL 837 Tulip Avenue
- 5-21 ALBRIGHT U.M. CHURCH 606 Van Dusen Avenue
- 5-22 HOSE HOUSE NO. 17 425 West Mill Road
- 5-23 NORTH PARK LIBRARY 750 North Park Drive
- 5-24 HARWOOD ELEMENTARY SCHOOL 3013 First Avenue
- 5-25 CHURCH OF THE NAZARENE 919 Meyer Avenue
- 5-26 HOSE HOUSE NO. 8 (Located in 3-9) 2003 North Kentucky Avenue

- 6-1 CEDAR HALL SCHOOL 2100 North Fulton Avenue
- 6-2 FULTON SQUARE TERRACE GARDEN 1328 Dresden Street
- 6-3 IMMANUEL PRESBYTERIAN CHURCH 1230 Fountain Avenue
- 6-4 HOSE HOUSE NO. 3 310 North Fourth Avenue
- 6-5 ST. BONIFACE SCHOOL GYM 2031 West Michigan Street
- 6-6 SCHNUTE TOWERS 1030 West Franklin Street
- 6-7 HOSE HOUSE NO. 5 2413 West Maryland Street
- 6-8 CEDAR HALL SCHOOL (Located in 6-1) 2100 North Fulton Avenue
- 6-9 HOSE HOUSE No. 7 1050 S. Barker Avenue
- 6-10 HOWELL SHELTER HOUSE (Located in 6-12) 901 South Barker Avenue
- 6-11 HOWELL UNITED METHODIST CHURCH (Located in 6-12) 1408 Stinson Avenue
- 6-12 HOWELL UNITED METHODIST CHURCH (AT BROADWAY) 1408 Stinson Avenu
- 6-13 INDIANA HIGHWAY STATE GARAGE Addison Avenue
- 6-14 DANIEL WERTZ SCHOOL 1701 South Red Bank Road
- 6-15 TEKOPPEL SCHOOL GYM, TEKOPPEL ENTRANCE 111 North Tekoppel Avenue
- 6-16 TEKOPPEL SCHOOL (Located in 6-15) 111 North Tekoppel Avenue
- 6-17 WESTMINSTER PRESBYTERIAN CHURCH 3027 Mt. Vernon Avenue
- 6-18 ST. BONIFACE SCHOOL GYM (Located in 6-5) 2031 West Michigan Street
- 6-19 HELFRICH GOLF COURSE CLUBHOUSE (Located in P-4) 1550 Mesker Park Drive
- 6-20 TEKOPPEL SCHOOL WILLS ST. ENTRANCE (Located in 6-15) 111 N. Tekoppel Av
- 6-21 INDIANA STATE HIGHWAY GARAGE (Located in 6-13) Addison Avenue
- 6-22 NEW BETHEL YOUTH CENTER 4301 Broadway Avenue

#### DATED this 14th day of October 1991.

BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY, INDIANA

Carolyn McClintock, President Don Hunter, Vice President Richard J. Borries, Member

ATTEST:

Sam Humphrey County Auditor

APPROVED:

Ted Ziemer, Jr. County Attorney

## MINUTES COUNTY COMMISSIONERS MEETING OCTOBER 28, 1991

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## MINUTES COUNTY COMMISSIONERS MEETING OCTOBER 28, 1991

The Vanderburgh County Board of Commissioners met in session at 4:30 p.m. on Monday, October 28, 1991 in the Commissioners Hearing Room, with President McClintock presiding.

#### RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

The meeting was called to order by President McClintock, who subsequently introduced members of the County Staff (Wittmer, Price, Hunter, Borries, Mayo, Matthews, Curtis, Kirwer) and asked the meeting participants to stand for the Pledge of Allegiance.

Ms. McClintock then asked if there are individuals or groups who wish to address the Commission who do not find themselves listed on the agenda. There was no response and the meeting continued.

#### RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

Bids were entertained on the County-Owned Surplus Real Estate which had been advertised for sale.

Mary Eckert of 120 Jefferson (Tax Code: 11-110-22-13-19) bid \$5.00 for the property located at 124 Jefferson, saying that lot is right next to her house.

Ms. McClintock entertained further bids on this parcel. There were none and a motion was entertained to sell the property at 124 Jefferson to Ms. Eckert for the sum of \$5.00.

Motion to this effect was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered. Ms. McClintock then instructed Ms. Eckert to go to the Auditor's office to pay for the property.

Ralph Byrley of 1903 S. Evans bid \$10.00 for the property located at 810 N. Fourth Avenue (Tax Code: 11-530-28-02-12).

Ms. McClintock entertained further bids and there being none, upon motion made by Commissioner Hunter and seconded by Commissioner Borries the property was sold to Mr. Byrley.

Mr. Byrley said he is also interested in a lot that adjoins his property at 310 N. Sherman. The house burned and was razed last year. If he remembers correctly, it was turned over to the City.

The Commissioners noted this parcel is not on the County-Owned Surplus Real Estate list advertised. Perhaps it is on the Treasurer's tax sale list.

(A check by Joanne Matthews subsequent to the meeting determined 310 N. Sherman was included on the list of properties offered by the County Treasurer's Tax Sale this year. It will be offered again at the 1992 Tax Sale conducted by the Treasurer. If it is not purchased at that time, it will then be deeded to the County and subsequently offered for sale as County-owned surplus real estate by the Commissioners in the spring of 1992.)

Dan Steward of 1226 Parrett Street said he is interested in the property at 906 S. E. Eighth Street and asked if there is a home on

#### that property?

Ms. McClintock said she is not certain, bur rather assumes that from the appraised value that there must be some kind of structure on that piece of property; it is appraised at \$4,200.

Mr. Steward then bid \$1.00 for the subject property. He said if there are any other properties that the County owns that do have homes on those properties, he'd like to enter a bid of \$1.00 on each of those that do have some kind of structure on the lot.

Commissioner McClintock said the Board first needs to act with regard to the property at 906 S. E. Eighth Street (Tax Code: 11-100-21-81-3) and his bid of \$1.00. She then entertained further bids. There being no further bids a motion was entertained.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the property at 906 S. E. Eighth Street was sold to Mr. Steward for the amount of \$1.00 So ordered.

President McClintock said that in order for the Board to determine what other parcels of property might have structures on them, research would be required, as that information is not included on the list.

Mr. Steward said there is another property listed at 24 E. Blackford. He saw the property earlier today. This has a fence around it, but the fence is also around the structure next door at 22 E. Blackford, he believes. Both parcels are enclosed by the same fence. Mr. Steward then expressed confusion concerning the legal descriptions on the property list.

Ms. McClintock explained that the property at 24 E. Blackford is Block 1 and includes 1/2 of Lot 9 and 1/2 of Lot 10. Her preference would be **not** to sell that parcel to Mr. Steward today without determine exactly what he is getting and also give the Board an op[portunity to look at some of the other parcels to determine if they have structures. The Board could have Mr. Wittmer call him this week and provide him with that information.

Chief Deputy Auditor Cindy Mayo said most of these are in Pigeon Township. Mr. Steward might also want to go to the Pgieon Assessor's office on the 2nd Floor. When he gives them the property location, they can look that up and tell him if it is a lot or if there are any types of structures on that lot. They can pull the card on those properties and he can look at each of them. Their office is open from 8:00 a.m. - 5:00 daily.

With regard to the property at 906 S. E. Eighth Street which he just purchased, what is the current disposition of that right now? Does that property hve any liens on it? The ad didn't say whether there were any liens or mortgages against it or whatever.

Ms. Mayo said there are no taxes due on the property. There could be liens against the property. The County doesn't know about that.

Ms. McClintock asked Mr. Steward if he is going to go check these other properties at the Pigeon Assessor's office, and he responded affirmatively.

#### RE: DUMPING ORDINANCE

Ms. McClintock said the need for a dumping Ordinance came to our attention back in January of this year. The Ordinance was prepared by Ted Ziemer's office for our consideration. Once it was prepared by Mr. Ziemer's office, it was sent to the West Side Improvement Association, who had a Committee that studied it and made some additional recommendations. What the Commissioners have in front

of them today are the efforts of the County Attorney and the West Side Improvement Association. It is being brought to the Commission today to introduce the Ordinance and we would need schedule First and Final Readings and advertise same. She then asked Mrs. Shirley James of West Side Improvement Association if she wishes to address the Ordinance.

Mrs. James introduced herself and said the Association is happy to see this happening. They've been wanting this for a long time. They do have a few questions, but want to address them to their Committee first and then come back. Would that be appropriate?

Ms. McClintock said the Board's preference would be to make any changes prior to introduction of the Ordinance. Otherwise, we have to go to the expense to readvertise. She hasn't had an opportunity to study the proposed Ordinance thoroughly and she doesn't believe either Mr. Borries or Mr. Hunter have had an opportunity to study it. Perhaps Ms. James and the Commissioners could review the proposed Ordinance, then schedule it on a future agenda for discussion, prior to advertising same.

Mrs. James said they do have a question concerning enforcement. The Ordinance states the Board of Commissioners shall designate the enforcement agency for the Ordinance. They were just wondering whether this should be more clearly defined as to which agency that would be.

Ms. McClintock said she is assuming the Commissioners will need to meet with Ray Hamner and the Sheriff's Department would be the governmental agency to enforce this Ordinance. So the Sheriff will need to look at it to determine whether he has any concerns about the enforceability of it before we pass it.

Mrs. James said her question arises because in a junk car ordinance for the County the Building Commissioner is the enforcer. Frankly, she thinks it belongs in the realm of the Sheriff -- and they don't care who does the enforcing -- just as long as the enforcing gets done. But she would want to have the comments of Mr. Lueke, who was in charge of the Committee for the Association -- and he was unable to be here today.

President McClintock said she will schedule this on the agenda again in two weeks at 4:30 p.m., which would provide ample time for review by all parties concerned prior to discussing the Ordinance further.

#### RE: DATA PROCESSING/MAINTENANCE AGREEMENT/COMPUTERISTICS, INC.

Mr. Roger Elliott of SCT submitted a long term maintenance agreement for the software for all pieces of the financial systems (fund accounting, accounts receivable, payable, purchasing, and fixed assets). It is a four year agreement (\$20,000 for the 1st year; \$21,000 for the 2nd year; \$22,050 for the 3rd year; and \$23,151.50 for the 4th year). That is the total cost of the agreement that will be split appropriately as the percentage split stands in those particular year. This year, for example, it is a 74.75% split for the County and a 25.25% split as far as the City is concerned. Next year it is a 21% City and 79% County split. There is a funding out clause in this for each year contingent both the City and the County appropriating the funds for the particular year. So there is a way out of the agreement in case the funding is not there. We had budgeted approximately \$25,000 for this year insofar as funding was concerned. The City managed to negotiate a cost less than that which was budgeted -- so we saved some money this year.

Upon motion made by Commissioner Hunter and seconded by

Commissioner Borries the greement was approved. So ordered.

#### RE: BURDETTE PARK/REQUEST FOR WAIVER OF CATERING FEES

Ms. McClintock said the next item concerns a request from Mark Tuley for waiver of catering fees for PB&S Chemical and the Freedom Festival. Basically, PB&S Chemical was not informed in their original quote about a catering fee. They spent \$3,025 with Burdette, not including the food and are requesting a wiver of \$366.00. They would like to come back next year and understand they would have to pay the fee next year.

The Freedom Festival is requesting a waiver of their catering fee for the thank-you dinner held at the park.

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

#### RE: OVERTIME FOR ELECTION OFFICE

President McClintock said Betty Knight Smith came to see her this afternoon concerning overtime for the Election Office. Both she and Mrs. Smith understood that the Commission had approved for the last election the payment of overtime at the time and a half rate for the individuals working in the Election Office at the rate of \$5.00 per hour. Last week one employee worked 84 hours and one 91 hours and they anticipate overtime this week. She and Ms. Smith both thought the Commission had given blanket approval last spring for the election office for these part time employees to make \$5.00 per hour. The Auditor's office didn't remember it quite that way and Ms. McClintock agreed to bring this back to the Board. There was discussion at the time that this is such seasonal work that it was easier to get these people to work a total of twenty or thirty hours overtime than attempt to hire other people. These people know what they are doing and it is a bipartisan office, etc. In response to query from Commissioner Borries, Ms. McClintock said they had three individuals who worked overtime last week and there might be four this week and next week. There is money budgeted and that is the way the money was budgeted by Council.

Ms. Mayo said the only problem the Auditor's office had with this was that they had been told that when people needed overtime pay they would have to come before the Commissioners each time there was a request for overtime payment. They just wanted it to be a matter of record and in the minutes that this is a blanket approval for them to do that. The Auditor's office just simply wanted a little clarification on this.

Ms. McClintock said that was her understanding. And Ms. Smith didn't think they should have to come back for every election. Should there be a significant change in the number of people involved, etc., then the matter could be brought back to the Commissison.

Commissioner Borries moved that the request be granted, with the provision that a report be submitted as to how many hours and individuals are affected with this overtime payment. A second was made by Commissioner Hunter. So ordered. Ms. McClintock indicated that Ms. Betty Knight Smith can prepare the report subsequent to the election.

#### RE: COUNTY ATTORNEY - GARY PRICE

<u>Quitclaim Deed/Redevelopment Commission:</u> Attorney Gary Price submitted a Quitclaim Deed to the Department of Redevelopment for property at 701 E. Olive Street.

Upon motion made by Commissioner Hunter and seconded by

Commissioner Borries the Deed was accepted, signed, and given to the secretary to be recorded and forwarded to the Redevelopment Commission. So ordered.

#### RE: PUBLIC WORKS DEPARTMENT/GREG CURTIS

Corrective Action Plan/Clean-up at County Garage: Mr. Curtis said that last week we received two proposals concerning the foregoing -- one from Donan Engineering of Jasper, IN and Evansville, IN and one from Heritage Remediation (with whom we've been dealing throughout this process). We were supposed to select at least four firms to interview. Since we only received two responses, he would recommend we interview the two firms who did submit proposals. Those interviews will be conducted during the week of November 11 thru 15.

<u>Performance Bond/Certificate of Insurance:</u> Mr. Curtis submitted the foregoing from J. H. Rudolph & Co.

Shady Hills/Plat 5: Mr. Curtis said he had a request from some property owners in Shady Hills Plat 5. There is presently an easement on each side of a ditch that runs through their property that is 65 ft. wide. It is for public utility and drainage easement. The request just came back from his office. One lot is totally unusable, once you use your building set-back lines, etc. They asked him to review it as they wish to record a corrected Plat. At some point in time someone has required that 65 ft. In looking at it, he cannot ascertain necessarily as to why it was required to be that wide on both sides. Possibly you would have it that wide on one side for purposes of maintaining the ditch -- but his office doesn't see the need for the requirement to have that width on both sides. He felt since it was very likely that the requirement was made either by the Board of Commissioners or the Drainage Board that it would be appropriate for the Commissioners to be the governmental body to relax the requirement -- if it is to be relaxed. They are requesting that it be relaxed to a 40 ft. easement line, which would still leave a significant easement for drainage purposes. There are presently no utilities on that side of the creek. If the Commission wishes to relax that, he sees no reason for not doing so. In checking the Drainge Board minutes for 1979 when that was approved he could find no minutes for a meeting, where the drainage approval is on the plat.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the relaxation of easement to 40 ft. on Shady Hills Plat 5 was approved. So ordered.

Locust Hill Industrial Park/Acceptance of Streets: Mr. Curtis recommended acceptance of streets in Locust Hill Industrial Park for County maintenance.

Motion to so approve was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered. (Copy of formal acceptance letter attached hereto.)

<u>Country Trace Section II/Acceptance of Streets:</u> Mr. Curtis also recommended acceptance of streets in Country Trace Section II for County miantenance.

Motion to so approve was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered. (Copy of formal acceptance letter attached hereto.)

Willow Creek/Section II/Street Plans: It was noted by Mr. Curtis that they've already done one phase in Willow Creek and had some problems out there with drainage and those have been addressed. He has found all of the street construction plans to be in accordance with County standards and is recommending approval of same.

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

Request to Go on Council Call: Mr. Curtis said he requesting to go on Council call for transfer of \$23,000 from Bituminous materials in the 201 Account; \$8,500 from retirement; and \$12,000 from insurance, as follows: \$29,000 into Contractual Services and \$14,000 into stone and gravel. We have been putting a lot of gravel down on the site of our roads we've been paving. With the spring we were having this year we didn't realize how far behind we were on rock. As far as Contractual Services, with the barrels we've been trying to dispose of and getting rid of anything that might have an environmental liability to it in the future at the garage we've either been trying to take care of that situation prooperly or if we don't seem to be able to do that, getting rid of those materials. That, along with the corrective action plan we are planning to select someone to do -- approximately \$10,000 would be going toward that. Even though we're past the 15th of the month deadline, he's hoping Council will hear the request at this month's meeting.

Commissioner Borries asked if this will leave other accounts short?

Mr. Curtis responded in the negative, saying those are surpluses in those accounts. He is not sure why that is the case, but based on the monthly charges paid through the year and checking with DoLores Gugin in the Auditor's office to make sure those are correct and we've not been paying the wrong amounts out of the insurance account -- those are surplus funds that will be in those accounts at the end of the year. We didn't transfer everything out of thosd accounts, just in case the December bill would be a bit more or something.

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

Nesbit Station Rd. Bridge Over Big Creek: This matter was discussed last week and Mr. Savage of Savage Engineering has been in contact this week with a number of the farmers in the area. Just as in the case of the Bridge #34 on Darmstadt Rd. (or Mosquito Rd.) they have said they would like for us to construct a bridge that would span a ditch with a 12 ft. bottom and 3:1 slopes, which will greatly ioncrease the length of this bridge -- which will require it to go from a single span to a 3-span bridge. He doesn't really have a problem with that if it is what the Commission wishes to do. It will be more costly going with a 3-span structure, particularly with that increase in length. While he doesn't yet hve a cost breakdown, he would estimate there would be \$25,000 difference -- possibly even more. As was the case with Bridge #34, they want us to build the bridge such that if they want to expand the ditch at a future date they want the bridge to be able to handle that. That is a consideration. He doesn't know that the Surveyor's Office or Big Creek Drainage have taken an official stand, but the farmers have indicated on a preliminary basis that they would like to do the same thing on this bridge as was done on the other -- put in flattened slope bridge and make a longer bridge that will carry more water underneath it if they expand the ditch. If we put in a bridge that spans the ditch now, if they expand the ditch the bridge will constrict that water and it won't carry it.

Mr. Hunter said if he recalls, in the case of Bridge #34 the wishes of the local farmers were not necessarily the wishes of the legal drain group.

Mr. Curtis said his original intent was to bring an agreement so we could proceed with that bridge. If the Commissioners sign that agreement it is very likely that we will drastically change the scope of what this agreement says. He didn't know whether the

Commissioners would prefer that agreement be run through, or whether they would prefer he bring another agreement back next week with an either/or situation; or whether the Board prefers to wait until a decision is made and then bring the agreement.

Commissioner Hunter said he would prefer that we go back to the Big Creek Drainge Association and they support and submit to the Board exactly what they want and support before the Commission makes a decision.

Commissioner Borries said he doesn't have any problem with that. He does know that the whole thrust of widening small structure in that area has been so that it would improve water run-off, because water in those drains goes to the Wabash and that has been a long time goal. So he is not too sure that he wants to deviate from that. He doesn't have a problem if it's just going to be that amount of money for the difference. If it's going to be a lot more money, then he does have a problem. Therefore, he'd like to have a little more feedback on that.

Mr. Curtis said he will get that information, as well.

First Avenue Bridge/Settlement on Approach: Mr. Curtis said we had some settlement on the approach on the First Avenue Bridge this week that was significant compared to the amount of settlement we've had over a considerable period of time in the past. At the present time we are working on stabilizing those approaches and have a portion of the road closed and an excavator out there excavating some material. There is a large quantity of cinder material that basically has liquified and was flowing out from underneath the approach. We're replacing that with a more stable fill. We have a track excavator we're renting by the hour and the fill material is coming from an area in the Union Township Project that practically costs us more nothing more than the transport. He doesn't think there will be any problems with it staying below \$25,000 for the repair. But he felt it was going to become a big safety problem if we didn't take care of it immediately.

Report on Meetings w/Garage Personnel: Commissioner Borries said he understands Commissioner McClintock has held meetings this week with some of the personnel at the County Highway Garage. Would Ms. McClintock care to report on that -- what the nature of these prticular meetings were and why they are being held?

Ms. McClintock said she'd be happy to. Greg, Carol Davis, and herself met informally with groups of County employees simply to get some feedback from them as to how they felt things were going at the Garage; what kinds of things they felt we could do to improve the work situation at the Garage; what we could do to improve productivity. They spent about 2-1/2 hours out there Thursday morning. Bill Morphew was the 4th Group Leader. The four of them met again today to go through what the employees had to say and they're going to be meeting with them again on a weekly basis to develop some of these proposals they are proposing and that we feel would improve the situation at the County Garage. This Thursday they are going to be talking about the work order system and the assignment of work and how we can do that more efficiently, so we can increase our productivity at the Garage. Those meeting will be continued as long as we feel they are productive and the employees feel they are appropriate.

Commisioner Borries said there is indeed some turmoil out there -so it is obvious, he supposes, as to why she had to call the
meetings. He's had -- and has continually spoken about what he
considers the grave lack leadership problem because, in his
opinion, there are not clear lines of supervision at all in
relation to the whole operation at the Garage. It has quickly in
this haste of reorganization become a stepchild, in his opinion, to

the ongoing kinds of things that this garage's mission is. He understands she has had a "hands on" approach now -- that we have one foreman who was ordered by Ms. Davis to stay in the garage and you tell him to go out. She tells him to go out and you tell him to stay in. What's his status now?

Ms. McClintock said, "Rick, your information is way off base. I've not told any employee directly to do anything out there."

Mr. Borries asked, "So you're not dealing any direct things? No rumors that -- the rumor was that you did not hold meetings -- that is not true?"

Ms. McClintock said, "I just explained that all to you. But I do not -- and never would -- tell an employee to do something directly."

Mr. Borries said he just wondered if we had more of a hands-on kind of thing. He has concerns here also that there are some serious problems in term of leadership, ongoing supervision; there is one negativism out there that has obviously put many of the workers in turmoil. Frankly, he has some grave concerns about it and will continue to have concerns about leadership at the garage and will continue to speak on that.

Ms. McClintock said if Commissioner Borries would like to take the time to go out there and participate in these meetings, he is more than welcome to do so.

Commissioner Borries said he will not only be participating but keeping his ear out to see whatever is necessary to improve that situation out there.

#### RE: <u>CONSENT AGENDA</u>

Questions were entertained concerning the Consent Agenda. There being none, upon motion made by Commissioner Hunter and seconded by Commissioner Borries the Consent Agenda was approved. So ordered.

#### RE: SALE OF COUNTY-OWNED SURPLUS PROPERTY

Mr. Dan Steward again approached the podium and stated the property at 631 E. Blackford does have a structure on it and he would like to enter a bid in the amount of \$1.00 on this property (Tax Code: 11-190-23-33-10). A motion was entertained.

Joanne Matthews, secretary, interrupted by suggesting that due to an earlier problem perhaps the Commissioners might want to consider a motion to sell this parcel subject to verification that his property has not already been sold.

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

With regard to property at 906 S. E. Eighth Street which he purchased earlier in the meeting, Mr. Steward said he was told to ask the Commission office about the keys to this structure. Who handles that?

Ms. McClintock said Mr. Wittmer will check this out and let Mr. Steward know about the keys.

Mr. Steward said he would like to know about the keys to the structure at 631 E. Blackford, also.

Commissioner Borries said Lou Wittmer can perhaps find out where the keys are going to be. But, as pointed out by Chief Deputy Auditor Cindy Mayo, the Commissioners cannot turn the keys over to Mr. Steward until such time as the Deed is issued in his name. The County Attorneys will handle preparation of the new Deed.

In response to Mr. Steward's question as to whether taxes become due when he assumes ownership or the property, Ms. Mayo said that since Mr. Steward did not own this property as of March 1, 1991 (which taxes are payable in 1992) the first taxes will be 1992 taxes (payable in 1993).

#### RE: <u>OLD BUSINESS</u>

Ms. McClintock entertained matters of Old Business to come before the Board.

Commissioner Borries said in reviewing and listening to discussion from our secretaries here, it is his understanding that particularly since Margie Meeks has been gone there has been some confusion. He heard one secretary saying she had some tapes to do for Mr. Robinson. As he reviewed the minutes of the August 12th Commission meeting, he knows of no reason why Mr. Robinson (who is a private contractor for this County for services) should be asking the Commission's secretaries to be doing his work. In his opinion, that is not within the scope of Mr. Robinson's contract. If it is, as far as he is concerned, it is wrong.

Ms. McClintock asked, "Who is Mr. Robinson?"

Commissioner Borries responded, "Norris Robinson, remember? You hired him as Risk Manager. The secretaries are besieged with not only trying to learn all kinds of new functions, but he understands they are now doing some work for him. We don't do work for Bernardin, Lochmueller or Jim Morley's group or anybody else. If they're private contractors they handle their reports on their own. We're paying him to do work for us. We don't have our secretaries get completely bent out of whack here. We need some teamwork in this office, but certainly not to the point where they are doing work for him. Mr. Robinson needs to turn in work to us -- but he does not do it with the secretaries -- unless I misread the contract or the agreement.

Ms. McClintock said, "Okay. Let's bring Mr. Robinson's agreement back to the Commission for discussion."

#### RE: INTERVIEW OF SECRETARIES FOR COMMISSION OFFICE

Ms. McClintock said, "Speaking of secretaries, everyone should have been notified that we're interviewing secretaries tomorrow afternoon beginning at 4:30 p.m. We had 12 applicants for Margie's position. We have tested all 12 applicants and are interviewing the top three (3) applicants.

#### RE: SOLID WASTE MANAGEMENT MEETING

Commissioner McClintock said she would also remind the Commissioners that there is a Solid Waste Management Meeting tomorrow at 5:30 p.m.

#### RE: NEW BUSINESS

Ms. McClintock entertained matters of New Business to come before the Board.

Chief Auditor Cindy Mayo noted that Judge Young did go to a Judicial Conference and the State did reimburse him \$89.00. Since it is a reimbursement it has gone back into the Commission's travel account.

#### RE: MT. PLEASANT ROAD - JIM MORLEY

Mr. James Morley of Morley & Associates said he had spoken with Greg Curtis earlier concerning a legal matter. He needs an answer so he can finish approval of plans for a roadway. On Mt. Pleasant Rd., EUTS had asked at Sub-Review that they add a passing blister on the north side. Right-of-way research is showing only 16-1/2 ft. of right-of-way. The existing County roadside ditch goes out to 22 ft. already, some 6 ft. off the right-of-way. SIGECO has their power poles located about 24 ft. out. He supposes unofficially he could do about anything he wanted to within the limits of the banks. But, officially, may he design a passing blister that goes beyond the 16-1/2 ft. right-of-way? He doesn't need an instant answer -- but he does need to know how to handle that. The developer, in attempting to reroute the ditch, approached the property owner to ask if he would sell him some land so he could reroute the ditch with a passing blister and he said, 'No, never'. So we already have a situation there. He probably doesn't know -- until he reads the minutes of this meeting -- that the power poles in the County ditch are already beyond that limit. Now we either have to not do the passing blister, which perhaps Mt. Pleasant Rd. between Old State and Highway 41 is not really going to backlog that much. He's talking about the blister. We've got a pull off lane on the development side. The problem is opposite the developer's side where they were going to put a blister. If that could be done with the County Attorney, he'd like to have an opinion -- so he can go ahead and finish the plans.

President McClintock asked that Attorney Gary Price research this matter and get back to the Board.

There being no further business to come before the Commission at this time, Commissioner McClintock declared the meeting adjourned at 5:30 p.m., with an announcement that the Drainage Board will convene following a five minute recess.

#### PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
Richard J. Borries, Member
Cindy Mayo, Chief Deputy Auditor
Gary Price, Acting County Attorney
Greg Curtis, Director/Public Works
Lou Wittmer, Supt./County Bldgs.
Jim Morley/Morley & Associates
Mary Eckert
Mr. & Mrs. Ralph Byrley
Dan Stewawrd
Shirley James/Westside Improvement Assn.
Roger Elliott/SCT
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews

Carolyn McClintock, President

Don Hunter, Vice President

Richard J. Borries, Member

## Board of Commissioners

County of Vanderburgh 305 ADMINISTRATION BUILDING CMC CENTER COMPLEX CMC CENTER COMPLEX EVANSVILLE, INDIANA 47708



#### **AGENDA**

#### VANDERBURGH COUNTY COMMISSIONERS

October 28, 1991 4:30 P.M.



- **1**. Call to order
- √ 2. Introduction
- ✓ 3. Pledge to allegiance
- Any groups/individuals wishing to address the Commission **4**.
- /5. Action Items:
  - a. Sale of County Owned Surplus Property
  - b. Dumping Ordinance
  - c. Roger Elliot-Computer Services-ISI Contract
  - d. Burdette Park

    - Request-Waiver of Catering fees for PBS Chemical Request-Waiver of Catering fees for Freedom Festival
- 6. Department Heads:
  - a. Ted Ziemer. ( ??. ??. 4) ...... County Attorney
  - √b. Greg Curtis......County Engineer
- 7. Consent Items:
  - a. County Treasurer......Monthly Report
  - b. Cancel-December 30th County Commissioners Meeting
  - c. Scheduled Meetings

Mon.-Oct.28-City Council-7:30 P.M.-Rm.-301

Wed.-Oct.30-Board of Public Works-9:00 A.M.-Rm.-301

Wed.-Oct.30-County Council -3:30 P.M.-Rm.-303 Wed.-Oct.30 Personnel & Finance -3:30 P.M.-Rm.\_301

- d. Requests to travel-(4)-County Commissioners
- e. Request to go on Council Call-Co.Commissioners

|    | Claims-Kahn, Dee, Donovan & Kahn  1. Legal Fees & Expenses | 361.20 |
|----|------------------------------------------------------------|--------|
| g. | Employment Changes:                                        |        |
|    | CIRCUIT COURT/APPOINTMENTS                                 |        |
|    | Patrick Hiles/Intern<br>10/6/91                            | \$5.50 |
|    | Brenda Boyd/Intern                                         | \$6.00 |
|    | 10/6/91<br>Jesse Herron/Intern                             | \$6.00 |
|    | 10/6/91<br>Jennifer Caccavalle/Typist                      | \$4.75 |
|    | 10/6/91<br>Sandra Wehr/QMA                                 | \$6.00 |
|    | 10/6/91<br>Charles Campbell/QMA                            | \$6.00 |
|    | 10/6/91<br>Elizabeth Pease/QMA                             | \$6.00 |
|    | 10/6/91<br>Roger Huff/Pt-Corrections Officer               | \$5.00 |
|    | 10/11/91<br>Jeff Steckler/Pt-Corrections Officer           | \$7.00 |
|    | 10/6/91<br>Norman Hoskinson/Pt-Corrections Officer         | \$7.00 |
|    | 10/6/91                                                    | \$7.00 |
|    | Charley Pace/Pt-Corrections Officer 10/6/91                | \$7.00 |
|    | Lee Kershaw/Pt-Corrections Officer 10/6/91                 | \$7.00 |
|    | Barton Gooch/Pt-Corrections Officer<br>10/6/91             | \$7.00 |
|    | CIRCUIT COURT/RELEASED                                     |        |
|    | Patrick Hiles/Intern                                       | \$5.50 |
|    | 10/5/91<br>Carney Leader/Intern                            | \$5.50 |
|    | 10/5/91<br>Brenda Boyd/Intern                              | \$5.00 |
|    | 10/5/91<br>Jesse Herron/Intern                             | \$5.00 |
|    | 10/5/ <b>91</b><br>Jennifer Caccavalle/Typist              | \$4.75 |
|    | 10/5/91<br>Sandra Wehr/QMA                                 | \$6.00 |
|    | 10/5/91<br>Charles Campbell/QMA                            | \$6.00 |
|    | 10/5/91<br>Elizabeth Pease/QMA                             | \$6.00 |
|    | 10/5/91                                                    | \$7.00 |
|    | Steven Scarpa/Pt-Corrections Officer 10/6/91               | \$5.00 |
|    | Jeff Steckler/Pt-Corrections Officer 10/5/91               | \$7.00 |
|    | Norman Hoskinson/Pt-Corrections Officer<br>10/5/91         | \$7.00 |
|    | Charley Pace/Pt-Corrections Officer                        | \$7.00 |

| 10/5/91 Lee Kershaw/Pt-Corrections Officer 10/5/91 | \$7.00      |
|----------------------------------------------------|-------------|
| Barton Gooch/Pt-Corrections Officer 10/5/91        | \$7.00      |
| COUNTY HWY DEPT/RELEASED                           |             |
| Eric Acker/Laborer/Leave of Absence k 10/7/91      | \$9.99      |
| Susan E. Kirk/Bkpr/Payroll<br>10/28/91             | \$18,340.00 |
| COUNTY HWY DEPT/APPOINTMENT                        |             |
| Susan E. Kirk/Laborer<br>10/28/91                  | \$20,713.00 |
| SUPERIOR COURT/APPOINTMENTS                        |             |
| Jeri L. Warner/Bailiff<br>10/21/91                 | \$19,046.00 |
| SUPERIOR COURT/RELEASED                            |             |
| Jeri L.Warner/Small Claims Sec. 10/21/91           | \$19,046.00 |
| COUNTY CLERK/APPOINTMENTS                          |             |
| Stephanie J. Benson<br>10/11/91                    | \$5.00      |
| Geraldine Grooms 10/11/91                          | \$5.00      |
| Sandra Joiner                                      | \$5.00      |
| 10/11/91                                           |             |
| COUNTY CLERK/RELEASED                              |             |
| Stephanie J. Benson<br>10/11/91                    | \$5.00      |
| Geraldine Grooms 10/11/91                          | \$5.00      |
| Sandra Joiner<br>10/11/91                          | \$5.00      |
| Terri Pace<br>10/11/91                             | \$580.32    |
| BURDETTE PARK/RELEASED                             |             |
| William Cook/Pt-Ground Crew                        | \$4.50      |
| 10/22/91                                           | 41.30       |
| TREASURER/RELEASED                                 |             |
| Kim Ford/Cashier/Leave of Absence<br>10/10/91      | \$15,081.00 |

#### 8. Old Business:

#### 9. New Business:

10. Meeting Recessed:

#### \*\*\*\*\*\*\*Drainage Board Meeting\*\*\*\*\*\*

- 1. Request payment of "Blue Claims" for Maintenance of Legal Drains
- 2. Copperfield Subdivision Drainage Plan (Morley & Associates)

#### IDITING DE MAINTENARGE BERVISEBO<mark>ANTEMENE</mark> MARTEMANGE BER

Licensee: City of Evansville, Indiana

Address: One N.W. Martin Luther King, Jr., Blvd.

Room 300, Civic Center Evansville, Indiana 47708

Licensee: Vanderburgh County, Indiana

Address: One N.W. Martin Luther King, Jr., Blvd.

Room 208, Civic Center Evansville, Indiana 47708

Computeristics, Inc. (Licensor) shall provide to Licensees, for the term hereof, those Maintenance Services described in this Agreement. Licensees shall pay Licensor the Maintenance Fee shown below for 1991, which represents approximately 12% of the current purchase price. The maintenance fee will increase 5% per year after 1991, or \$21,000.00 in 1992, \$22,050.00 in 1993, and \$23,152.50 in 1994. All Maintenance Fees shall be payable thirty days after receipt of invoicing and signed city or county claim form, as required by law, except the billing for 1991 will be due and payable immediately upon receipt of invoicing and signed city or county claim form and proper Board of Public Works or County Commission approvals of the claim for payment, as required by law. The Licensor agrees to divide the total maintenance fee by 50%, bill each Licensee separately and certify each Licensee's portion on their appropriate City or County claim form.

#### LICENSED PROGRAM(S)

FEE

Fund Accounting, Encumbrance Option
Mentor, Budget Functions
Accounts Receivable/Vendortrac
Accounts Payable/Credittrac
Purchasing
Fixed Assets
Configurator - Security, Report Writer,
Systems Generator, Menu Generator

TOTAL MAINTENANCE

\$20,000

#### MAINTENANCE SERVICES

During the initial term of this Agreement, January 1, 1991 to December 31, 1994, Licensor will provide the following services for each Licensed Program listed above:

- 1. Remote technical assistance and consultation (hotline) at any time during normal Licensor working hours, Monday through Friday, 8:30 A.M. to 5:00 P.M. EST. Telephone charges will be billable to the Licensees with complete, detailed documentation of the charges.
- 2. All program corrections necessary to make the Licensed Programs operate in accordance with the appropriate updated User Manual(s).

- 3. Updates to the Licensed Programs to correct any known problems or defects diagnosed by Licensor.
- 4. Enhancements that Licensor makes to the Licensed Programs.
- 5. Access to Licensor training schools and organized user meetings. Licensees shall be responsible for their own travel and subsistence costs and shall pay a reasonable attendance fee.
- 6. Automatically update the technical documentation for the newly enhanced versions.

Questions and problems pertaining to the use of the programs listed will be solved by phone or mailing between the parties. If it is impossible to solve an error by phone or mailing of documentation, Licensor shall travel to Licensees' location to fix the error in the programs.

Onsite assistance to correct problem nonconformances is available at a mutually agreeable time. All expenses incurred by Licensor in providing onsite support are at Licensee's expense and billable at Nine Hundred Dollars (\$900.00) per person per day plus expenses not to exceed the federal per diem rate per person for food and lodging plus transportation costs. The \$900.00 labor rate will increase to \$1,000.00 in 1992, \$1,100 in 1993, and \$1,200.00 in 1992.

Licensees shall use their best efforts to implement Enhancements, updates, and program corrections. If required, Licensor will provide onsite assistance to implement enhancements at Licensee's expense.

All maintenance services apply to Licensed Programs and Enhancements as delivered by Licensor. Licensees shall be responsible for modifying any program corrections, Enhancements and updates to fit Licensees' custom or unique requirements. Licensor shall not be responsible for maintaining Licensee-modified portions of the Licensed programs. Corrections required to be made by Licensor for difficulties or defects traceable to Licensee errors or system changes will be billed at Nine Hundred Dollars (\$900.00) per person per day plus expenses not to exceed the federal per diem rate per person for food and lodging plus transportation costs. The \$900.00 labor rate will increase to \$1,000.00 in 1992, \$1,100 in 1993, and \$1,200.00 in 1997.

After the initial term of this agreement, the agreement will renew automatically on an annual basis unless terminated or amended by prior written notice of at least sixty (60) days.

This agreement is subject to annual appropriation of funds by the City Council and County Council.

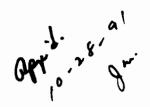
| CITY OF EVANSVICEE, INDIANA |
|-----------------------------|
| EY                          |
| TITLE .                     |
| DATE                        |
| VANDERBURGH COUNTY, INDIANA |
| Calalyn S. Mc Chutoll       |
| President                   |
|                             |
| COMPUTERISTICS. INC.        |
| James # Chambers  BY        |
| _PRESIDENT                  |
| DATE Sept 30, 1991          |

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### REQUEST FOR TRANSFER OF FUNDS

|        | CENT: Public | Works Dept.         | DATE: Oct. 28, 1991      |
|--------|--------------|---------------------|--------------------------|
|        |              |                     |                          |
|        | ACCOUNT      | LINE ITEM           | AMOUNT                   |
| ROM:   | 201-2230     | Bituminous Mate     | rials \$23,000.00        |
|        | 201.0-3150   | Retirement          | \$ 8,500.00              |
|        | 201+1180     | Insurance           | \$12,000.00              |
|        |              |                     |                          |
| 0:     | 201.0-2361   | Contractual Svc     | \$29,500.00              |
|        | 201.0-2210   | Stone & Gravel      | \$14,000.00              |
|        |              |                     |                          |
|        |              | . •                 |                          |
|        | OF ACCOUNTS: | DISBURSEMENTS BALAN | ICE BALANCE AFTER TRANS. |
| ALANCE |              | DISBURSEMENTS BALAN | ICE BALANCE AFTER TRANS. |





P.O. BOX 7081 NURRENBERN ROAD EVANSVILLE, IN 47712 TELEPHONE (812) 424-9535

OCTOBER 24, 1991

TO: MS CAROLYN MCCLINTOCK, PRESIDENT VANDERBURGH COUNTY COMMISSIONERS

FROM: MARK TULEY, BURDETTE PARK MANAGER

RE: REQUEST WAIVER OF CATERING FEES FOR PB&S CHEMICAL CO. AND FOR EVANSVILLE FREEDOM FESTIVAL

DEAR COMMISSIONERS.

PB&S CHEMICAL COMPANY HAD THEIR COMPANY PICNIC AT OUR FACILITY ON SEPTEMBER 14, 1991. THEY REQUESTED WE KEEP THE AQUATIC CENTER OPEN FOR THEIR PRIVATE USE AND NEEDLESS TO SAY THEY SPENT A CONSIDERABLE AMOUNT OF MONEY TO DO SO. THEIR PICNIC COST A TOTAL OF \$3,025.00 NOT INCLUDING THE CATERING. MR. RON EBLEN OF PB&S INFORMED US THAT WHEN JIM REIS GAVE THEM THEIR CATERING PROPOSAL NOTHING WAS INCLUDED ABOUT A CATERING FEE. HE SAID THEY HAD THEIR PICNIC BUDGET APPROVED ACCORDINGLY. THIS IS PB&S FIRST PICNIC WITH US AND I'M REQUESTING THAT YOU WAIVE THEIR CATERING FEE OF \$366 CONSIDERING THEIR CIRCUMSTANCES. WE ARE HOPING TO HAVE THEM BACK NEXT YEAR.

RECENTLY THE EVANSVILLE FREEDOM FESTIVAL HAD THEIR "THANK YOU" DINNER FOR ITS VOLUNTEERS AT THE PAVILION AND SEVERAL PEOPLE HAVE ASKED IF THEIR CATERING FEE CAN BE WAIVED. I WOULD APPRECIATE YOUR CONSIDERATION ON THESE REQUESTS AND IF YOU HAVE ANY QUESTIONS PLEASE DO NOT HESITATE TO CALL ME.

RESPECTFULLY,

MARK T. TULEY

JYbuk

BURDETTE PARK MANAGER

### VANDERBURGH COUNTY HIGHWAY DEPARTMENT ENGINEERING DIVISION

ENGINEERING DIVISION

Vanderburgh Auditorium

715 (A) Locust Street

Evansville, IN 47708

Tel. (812) 424-9603

DATE: Cetcher E8 , 1991

| Rm. 305 Civic<br>Evansville, I                            | : Cente                                |                                               | nmissioners                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                      |   |
|-----------------------------------------------------------|----------------------------------------|-----------------------------------------------|----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|---|
|                                                           |                                        | Country Trac                                  | of Street Impro                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                      |   |
|                                                           |                                        | <u> </u>                                      |                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                      |   |
| Dear Commissi                                             | oners.                                 |                                               |                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | -                                    |   |
| Improvements constructed/f constructed wapproved plan     | on <u>Se</u><br>inishe<br>ith <u> </u> | ptember 10,<br>d on/by <u>Ser</u><br>Concrete | an inspection of 1991. These Stotember 10, 1993. in ac               | reet Improve<br>L . All st<br>cordance wit                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | ements were<br>creets were<br>ch the | 1 |
| feet wide str                                             | eets i                                 | n the subject                                 | of the length<br>t Subdivision:                                      | _                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Leted <u>50.0</u>                    |   |
|                                                           | Garde                                  | nia Drive                                     |                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 95LF                                 | , |
|                                                           | Holly                                  | berry Lane                                    |                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | LF                                   | T |
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| · ·                                                       |                                        |                                               |                                                                      | 73                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 9.65 LF                              | T |
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| It is re ACCEPTED  If you h  Respectfully,  Engineering S | ave an                                 | ded that the REJECTE y questions              | TOTAL:  ese Street Impro  FOR MA  please call the  Accepted Board of | 73  ovements be:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | office.  Ince by the dissioners      |   |

# VANDERBURGH COUNTY PUBLIC WORKS 715A Locust Street Evansville, IN 47708

| DATE                  | October 28                                                                                | . 1991                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Tel.    | (812)                         | 424-9603                    |
|-----------------------|-------------------------------------------------------------------------------------------|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-------------------------------|-----------------------------|
| Rm.                   | erburgh County<br>305 Civic Cente<br>sville, IN 4770                                      | r Complex                             | issioners                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |         |                               |                             |
|                       | RE:                                                                                       |                                       | Street Improveme<br>Industrial Park                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |         |                               |                             |
| Dear                  | Commissioners:                                                                            |                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |         |                               |                             |
| were<br>were<br>appro | ovements on <u>Se</u><br>constructed/fi<br>constructed wi<br>oved plans.<br>The following | nished on/by th H.A.C.                | n inspection of the 1991 . These Strands . These Strands . 1995 . 1995 . In a second the length of t | reet In | nproven<br>All s<br>ance w    | ments<br>streets<br>ith the |
| feet                  | wide streets i                                                                            | -                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |         | 260                           | T 7000                      |
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|                       | ACCEPTED XXXX                                                                             | REJECTED                              | Street Improvement FOR MAINTH                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | enance  |                               | ice.                        |
| Resp                  | ectfully,<br>yey / ///<br>c Works Direct                                                  | a Cor                                 | Accepted for Board of Cou                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | inty Co | ommiss<br><u>1c<i>Clu</i></u> | ioners                      |
| High                  | way Services Ma                                                                           | nager                                 | do Du                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 3       | <u> </u>                      |                             |
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| CC:                   | Developer<br>Design Enginee                                                               | r                                     | Tichard                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | //-     | $D_{A}$                       | enels                       |
|                       | APC                                                                                       | -                                     | 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | ember   |                               |                             |

### VANDERBURGH COUNTY DUMPING ORDINANCE

### (A.) Definitions

- (1.) "Contaminant" means any solid, semisolid, liquid, or gaseous matter, or any odor, radioactive material, pollutant as defined in the Federal Waste Pollution Control Act, hazardous waste as defined by the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), as amended, or any combination thereof, from whatever source, that:
  - (i) is injurious to human health, plant or animal life, or property, or;
  - (ii) interferes unreasonably with the enjoyment of life or property.
- (2.) "Disposal" means the discharge, deposit, injection, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that the solid waste or any constituent of the solid waste may enter the environment or be emitted into the air, or discharged into any waters, including ground waters. (P.L. 143-1985, SECTION 77) (Dispose means to do the above actions).
- (3.) "Garbage" means all putrescible animal solid, vegetable solid, and semisolid wastes resulting from the processing, handling, preparation, cooking, serving, or consumption of food or food materials.
- (4.) "Open Dump" means the consolidation of solid waste from one or more sources or the disposal of solid waste at a single disposal site that does not fulfill the requirements of a sanitary landfill or other land disposal method as prescribed by law or regulations, and that is established and maintained without cover and without regard to the possibilities of contamination of surface or subsurface water resources. (Open Dumping-the act of).
- (5.) "Person" means an individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, municipal corporation, city, town, school district, school corporation, county, any consolidated unit of government, political subdivision, state agency, or any other legal entity.
- (6.) "Processing" means the method, system, or other handling of solid waste so as to change its chemical, biological, or physical form or to render it more amenable for disposal or recovery of

materials or energy, or the transfer of solid waste materials but excluding the transportation of solid waste.

- (7.) "Recovery" means obtaining materials or energy for commercial or industrial use from solid waste or hazardous waste. (Includes recycling).
- (8.) "Sanitary Landfill" means a solid waste land disposal facility designed to accommodate general types of solid waste, excluding waste regulated by 329 IAC 3, and operated by spreading the waste in thin layers, compacting it to the smallest practical volume, and covering it with cover material at the end of every working day.
- (9.) "Solid Waste Facility" means all contiguous land and structures, other appurtenances, and improvements on the land, used for processing, storing in conjunction with processing or disposal, or disposing of solid waste, and may consist of several processing, storage, or disposal operational units, e.g., One (1) or more landfills, surface impoundments, or combinations thereof.
- (10.) "Hazardous Waste" means a solid waste or combination of solid wastes that, because of it's quantity, concentration, or physical, chemical, or infectious characteristics, may:
  - (i) cause or significantly contribute to an increase in mortality or an increase in serious irreversible illness; or
  - (ii) pose a substantial present or potential hazard to human health to the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- (11.) "Waste Tire" means a tire that is not suitable for the tire's original purpose.
- (12.) "Waste Tire Storage Site" means a site at which five hundred (500) or more waste tires:
  - (i) are accumulated in the outdoors at a single location; and
  - (ii) are not completely enclosed within a structure or vehicle.
- (13.) "Solid Waste" means any garbage, refuse, waste tires, sludge from a waste treatment plant, sludge from a water supply treatment plant, sludge from an air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations or from community activities. However, the term "solid waste" does not include:

- (a) solid or dissolved material in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges, which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act Amendments (33 U.S.C. 1342).
- (b) source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).
- (c) manures or crop residues returned to the soil at the point of generation as fertilizers or soil conditioners as part of a total farm operation.
- (d) uncontaminated rocks, bricks, concrete, road demolition waste materials, or dirt, otherwise known as clean fill, which must be free of natural growth, building materials, or refuse.
- (e) land application materials regulated by 327 IAC 6 and 327 IAC 7.
- (f) confined feeding control by-products regulated by I.C. 13-1-5-7.
- (g) waste-water discharge by-products regulated by 327 IAC 5.
- (h) recovery materials, except for incineration, in which the waste, other than tires, has been segregated from the general waste stream prior to arrival at a processing site.
- (i) uncontaminated and untreated natural growth solid waste including tree limbs, stumps, leaves, and grass clippings unless such material has been dis-disposed of on property, public or private, in receptacles or containers not intended for this purpose.
- (j) sawdust which is derived from processing untreated natural wood.
- (k) coal ash, transported by water, into an ash pond which has received a water pollution control facility construction permit under 327 IAC 3.
- (1) coal ash at a site receiving a total of less than one hundred (100) cubic yards per year

**~** ~

from generators who each produce less than one hundred (100) cubic yards per year.

- (m) coal waste as exempted from regulation in P.L. 103-1988.
- (n) iron and steel-making slags including the use as a base for road building, but not including use for land reclamation.
- (o) foundry sand which has been demonstrated as suitable for restricted waste site III under the provisions of 329 IAC 2-9, including the use as a base for road building, but not including use for land reclamation.
- (p) hazardous wastes, including used oil, which are regulated by and shall be treated, stored, and disposed of in accordance with 329 IAC 3, if generated in quantities more than one hundred (100) kilograms per month.
- (q) wastes which meet restricted waste site type IV criteria under 329 IAC 2-9-3, and shall be disposed of as specified by 329 IAC 2-14-17.
- (r) infectious waste which are defined, regulated, and shall be disposed of in accordance with I.C. 16-1-9.7.
- (s) used lead acid batteries, 6 volts or more, which are regulated by and shall be disposed of in accordance with I.C. 13-1-15.
- (t) waste tires stored in a waste tire storage site which holds a valid permit issued by an agency of state government under I.C. 13-7-23.

### (B.) Unauthorized Disposal Prohibited

### No person shall

- (1.) cause or allow storage, open dumping, processing, open burning, disposal or
- (2.) deposit, dispose or dump

solid waste, garbage, or contaminants on any property, public or private, street or thoroughfare, stream or lake unless such

property is a solid waste facility operating under the authority of a solid waste facility permit or license granted by an agency of state government.

### (C.) Solid Waste Containers

The occupying owner or occupying tenant of any dwelling unit, apartment house, building, structure, or business, public or private, may place at a convenient location on the same property which the owner or tenant occupies, standard containers, dumpsters, or bags for the temporary containment of solid waste or garbage awaiting disposal. Such containers shall be constructed, handled, and placed in a way that will not promote health or animal problems. Such solid waste or garbage shall not be in place for more than thirty (30) days awaiting disposal.

### (D.) Enforcement

The Board of Commissioners of Vanderburgh County shall designate the enforcement agency for this ordinance.

- (1.) Individuals charged with enforcement of this ordinance may give notice of a violation by issuing a citation stating the nature of the violation.
- (2.) The enforcement agency may commence a civil action to enjoin any person from violating any condition of this ordinance through an action by the County in the Circuit Court of Vanderburgh County, the purpose of which is to impose a penalty and seek remediation.
- (3.) If a condition violating this ordinance exists on real property, officials of the County may enter onto that property and take appropriate action to bring the property into compliance. However, before an action to bring compliance may be taken, all persons holding a substantial interest in the property must be given a reasonable opportunity to bring the property into compliance. If an action to bring the property into compliance is taken by the County, the expense involved may be made a lien against the property.

### (E.) Penalty

- (1.) Any person who violates any provision of this ordinance:
- (i) shall be subject to a civil penalty of not less than two hundred fifty (\$250.00) dollars and not more than two thousand five hundred (\$2,500.00) dollars for each violation:
- (ii) each day a violation exists shall be considered a separate violation, and a court may assess a monetary civil penalty for each day the violation exists:
- (iii) may be subject to all court costs and legal fees incurred by the County in connection with the violation.
- (2.) The Board of Commissioners of Vanderburgh County shall designate county officials who may accept the payment of a monetary penalty provided by this ordinance from the person responsible for the violation prior to initiation of litigation if the county official deems it to be in the best interest of the county that a higher penalty not be sought through litigation.

### (F.) Rights of Landowner

A landowner, public or private, on whose land garbage or other solid waste has been dumped without the landowner's consent may, in addition to any other legal or equitable remedy available to the landowner, recover from the person responsible for the illegal dumping:

- (1.) Reasonable expenses incurred by the landowner in disposing of the garbage or other solid waste; and
- (2.) Court costs and legal fees incurred due to the illegal dumping.

| Indiana on the day of _<br>day signed and executed by th | Commissioners of Vanderburgh County,, 1991, and upon that e members of the Board as appears by nd all attested to by the Auditor of |
|----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
|                                                          | BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY                                                                                        |
|                                                          | Carolyn McClintock, President                                                                                                       |
|                                                          | Don Hunter, Vice-President                                                                                                          |
|                                                          | Richard J. Borries, Member                                                                                                          |
| APPROVED AS TO FORM:                                     |                                                                                                                                     |
|                                                          |                                                                                                                                     |

Ted C. Ziemer, Jr., County Attorney Sam Humphrey, Auditor Vanderburgh County, Indiana

# MINUTES COUNTY COMMISSIONERS MEETING NOVEMBER 4, 1991

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| <u>Subject</u> P                                                                                                                | age No.   |
|---------------------------------------------------------------------------------------------------------------------------------|-----------|
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| Introduction of Staff & Pledge of Allegiance                                                                                    | 1         |
| Sale of County-Owned Surplus Real Estate                                                                                        | 1         |
| Appointment of Administrative Assistant to the County Commission (B. J. Farrell)                                                | 1         |
| Right-of-Way/Mt. Pleasant Rd                                                                                                    | 1         |
| Update on USI Interchange (Deferred to next week)                                                                               | 1         |
| County Attorney - Jeff Wilhite                                                                                                  | 1         |
| Unemployment Compensation/Frank Hassel (County will not contest same)                                                           | 2         |
| Public Works Department - Greg Curtis                                                                                           | in<br>vor |
| Request to Advertise for Bids for 1992 Tax Bills<br>(Will be advertised 11/7 and 11/14, with bid<br>opening scheduled 11/25/91) | 3         |
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| Old Business                                                                                                                    | 4         |
| Meeting Recessed at 5:05 p.m                                                                                                    | 6         |

### MINUTES COMMISSIONERS MEETING NOVEMBER 4, 1991

The Vanderburgh County Board of Commissioners met in session at 4:30 p.m. on Monday, November 4, 1991 in the Commissioners Hearing Room with President McClintock presiding.

Ms. McClintock called the meeting to order, welcomed the meeting participants, introduced members of the County Staff, and asked the group to stand for the Pledge of Allegiance.

Commissioner McClintock asked if there are any groups or individuals who wish to address the Commission who do not find their particular item of interest on the agenda. There was no response.

### RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

Ms. McClintock thanked Joanne Matthews for the updated list of surplus properties remaining to be sold and entertained bids. Mr. Hugh Ralph bid \$1.00 each for properties at 815 and 819 S. Governor. Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, parcels of surplus real estate located at 815 S. Governor and 819 S. Governor were sold to Hugh Ralph of 658 Bonnieview Drive for \$1.00 each. So ordered.

### RE: APPOINTMENT OF ADMINISTRATIVE ASSISTANT TO THE COUNTY COMMISSION

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, Mrs. B. J. Farrell was appointed Administrative Assistant to the County Commissioners and is to begin work on Thursday, November 7th. So ordered.

### RE: RIGHT-OF-WAY/MT. PLEASANT RD.

Ms. McClintock said that last week Mr. Jim Morley of Morley & Associates had introduced questions about right-of-way on Mt. Pleasant Rd., which were to be researched by Attorney Gary Price. Attorney Price advises that he has talked with Mr. Morley and resolved the questions.

### RE: UPDATE ON USI INTERCHANGE

President McClintock said it is her understanding that Keith Lochmueller will not be present today, but will provide the Board with an update on the USI Interchange at next week's meeting.

### RE: COUNTY ATTORNEY - JEFF WILHITE

Attorney Wilhite said he had submitted his written report and the Commission might wish to discuss the County Land Valuation Commission. This is an entity that existed, by statute, in 1986 and 1988, which includes people appointed by the Commission and various special interest groups (commercial, land, agricultural, industrial, financial institutions, real estate sales people, etc.). That statutory provision expired at the end of 1988 but the State Board of Tax Commissioners, realizing we needed another valuation review and committee, has proposed that it be set up again and they propose it begin November 1, which was last Friday. Since this is a proposal at this point and not law, there is no requirement that the Commission do anything now, but the State Tax Board is beginning their training and assuming this will be law quite quickly, he thinks it might be good practice for the Commission to consider and appoint within a meeting or two their

appointees to this Land Valuation Commission. The only risk in doing it now rather than waiting is that it will require another vote whenever it becomes law. Again, no action is required tonight, but he does think it prudent that the Commission look at those nine (9) members. The Commissioners appoint seven (7) members of the nine. It is anticipated this will become law in the next session. And, if not, they may go ahead and make it an administrative regulation through the State Board of Tax Commissioners. The proposed regulation is 50 IAC 2.4.2. The Commission should make their appointments within one to three weeks, if possible.

Commissioner McClintock said this will be put on the Commission agenda for November 18th.

<u>Unemployment Compensation/Frank Hassel:</u> Attorney Wilhite said we've received notice re Frank Hassel applying for unemployment compensation. There is no incentive for the County to fight it. The cost will be spread among his past four (4) employers, even if he wins it. He asked for the Commissioners' concurrence re not contesting the application and received same.

#### RE: PUBLIC WORKS - GREG CURTIS

<u>Claims:</u> Mr. Curtis submitted a large docket of claims and recommended same for approval.

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

Claims (Georgiana Tepool - \$65,000 and J. Michael Risley & Brenda Risley for \$75,000): Mr. Curtis said he received these claims just prior to the meeting in the amounts of appraised values. He has copies of the signed appraisal sheets attached. He would also recommend approval of these two claims.

Motion made by Commissioner Hunter and seconded by Commissioner Borries to approve both claims. So ordered.

Bridge/Nesbit Station Rd.: Mr. Curtis said he believes each of the Commissioners received a copy of the letter from the Big Creek Drainage Association in relation to the bridge on Nesbit Station Rd. Their concerns mainly are with regard to the type design of the bridge. It will cost the County approximately \$25,000 more to put in a 3-span bridge -- which would also be of a greater length than originally intended. That will allow for future expansion of the ditch. While there is currently no projected time table, that is basically what we did on Bridge #34 on Outer Darmstadt Rd. and he would recommend we proceed with the \$25,000 price difference and build the longer 3-span bridge, which will allow them to expand the ditch capacity at some future date if they are able to do so.

Motion to approve the plan for a 3-span bridge was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Green River Rd./2nd Phase: It was noted by Mr. Curtis that the Indiana Department of Transportation needs a form signed indicating the Drainage Board has reviewed the engineering plans for the 2nd Phase of Green River Rd. and has found same in order. Do the Commissioners want his office to make that review and appear at the Drainage Board to make a recommendation? Or, do they prefer this be referred to the Surveyor's Office for their review to come and make a recommendation to the Drainage Board to approve the plans?

Commissioner Borries said the Surveyor probably should do that, since he is a Technical Advisor.

Commissioner Hunter agreed. So ordered.

### RE: REQUEST TO ADVERTISE FOR BIDS FOR 1992 TAX BILLS

Ms. Susan Jeffries of the Purchasing Department said she is requesting permission to advertise for bids for the 1992 Tax Bills. Estimated quantity is 75,000. In addition, there will be 2,000 blank forms, which can subsequently be filled in by typewriter. What is involved is the printing of the forms and Data Processing will provide the printer with a tape. They make the form, fill in the information from the tape supplied, and sort the forms for mailing by the Treasurer's Office. She would like to advertise on November 7 and 14, with bid opening scheduled November 25th.

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

RE: CONSENT AGENDA

Ms. McClintock entertained questions concerning the Consent Agenda.

Mr. Borries asked if Mr. Wittmer is handling the United Way this year for the County.

Mr. Wittmer said, "I guess you could say that."

Mr. Borries said, "I guess you could say that? Are you, or not?"

Mr. Wittmer responded in the affirmative.

Mr. Borries then queried Mr. Wittmer concerning the status.

Mr. Wittmer said, "We have a few small prizes that we're offering to the employees who offer \$1.00 per pay, which is \$26.00 per year. (Lunch at the Petroleum Club, gift certificate to the Pub, a year's parking in the Auditorium Parking Lot, etc.) The pledge cards are due no later than next Monday. At that time we will draw for those prizes. All County employees are eligible and information was sent out to all elected officials and department heads.

Mr. Borries asked who put the pledge cards in the Commission office? He isn't aware of ever receiving one.

Mr. Wittmer said he will see that Mr. Borries gets one. He does believe the County will collect more money than they collected last year.

Mr. Borries also asked, "What is the National Underwriter's Publication for Mr. Robinson?"

Ms. McClintock said that is a publication he is using in his position as Risk Manager for the County.

Mr. Borries asked, "In what way?"

Ms. McClintock responded, "I can ask him. I'm not an insurance expert. I'll be happy to ask Mr. Robinson to come to the next meeting to explain how he uses it."

There being no further questions, upon motion made by Commissioner Hunter and seconded by Commissioner Borries the Consent Agenda was approved. So ordered.

### RE: <u>OLD BUSINESS</u>

Ms. McClintock said she and Lou Wittmer met with Glenn Deig on Thursday or Friday of last week to review where we are. From all indications, it appears we are in very good shape now with regard to the Alexander Ambulance lawsuit collections. We've not spent nearly the amount of money on fees that we spent last year. We're at about \$9,000 this year as compared to \$16,000 last year. Our recovery is much better. They had taken on some 200 cases that were not completed by Bowers, Harrison, Kent & Miller and have taken on approximately 40 new cases. We're only assuming about 10 to 12 new cases per month currently so the fees will go way down. She asked him to do some projects to the end of the year. They hope that by the end of the year we will have an almost break-even situation. Pat Tuley was interested in progressive pursuit of people who had not paid their property taxes. Glenn Deig said he will meet with Mr. Tuley to begin to work on a system to recover those taxes, as they mean more financially to the County than do the ambulance fees. We should have a printed report for each Commissioner by the end of the month.

<u>Execution of Deeds:</u> Joanne Matthews submitted deeds to be signed by the Commissioners for surplus properties sold at last week's meeting.

Contract with H. Norris Robinson: Commissioner Borries noted that the Commissioners all have copies of the contract with H. Norris Robinson. In reading it, he finds nothing indicating the secretary for the Board of Commissioners should provide work for Mr. Robinson or any Risk manager. It mentions that Mr. Robinson will perform Risk Manager functions for Vanderburgh County, including claims reporting, surveillance of loss and control, formation of insurance programs, etc., etc. It does not say that we do that. Therefore, he would ask the Board to inform Mr. Robinson that the Commission secretaries should not be asked to do that — they have enough to do.

Ms. McClintock said, "Well, I would disagree. When we initially set this up -- and at the very top it says 'Employment Agreement' - it was executed so Mr. Robinson would be treated as an employee of the County. Unlike other contractors (and I don't consider him a contractor) we are his sole responsibility and it was set up he would share this office space. Otherwise, if we wanted to hire an employee to do this -- like the City of Evansville has a full time employee who does this -- then we would have to pay the health insurance, life insurance, PERF, and all the other benefits. And then if we do not provide him office space or secretarial staff support, that is going to bring our cost up if you want to get into some straight kind of contract. That is not the way the contract was negotiated. If you're interested in renegotiating the contract or asking Counsel to create a full time position, then we're looking at spending considerably more."

Mr. Borries countered, "We have not had to spend considerably more in the past. In the past, this office (Lou's position) was able to do some of that administration -- as well as Mr. Jerry Schenk -- in those capacities. You've elected to do it differently -- for whatever reasons you had -- but if it does say he is employed as a Consultant to provide Risk Management -- then regardless of whether it is an employment agreement or not -- if it is an employment agreement he may or may not be entitled to health benefits. That is not indicated here and that is not my understanding of what you had done. But, in any case, I don't see where office space or any type of secretarial help was to be provided for him. We do not do that for Mr. Schenk. We have not done that for Bernardin, Lochmueller. We've not done that for Jim Morley. We've not done that for countless numbers of people who act as 'Consultants' and perform services for the County. So I don't see where we have any obligation to do that. We've not done that in the past -- and that is my point on that."

Ms. McClintock commented, "The point is, Commissioner Borries, that

is not the way that this was negotiated. And, as indicated to you, if you wish for us to go back and look at the way it was negotiated, I'd be more than happy to do that. But the reason we are doing it this way is that is saving the County a considerable amount of money. If you would like for us to pull the figures and compare what we paid Mr. Schenk and what we are paying Mr. Robinson, we'll be happy to bring those to next week's meeting --because you're talking a considerable difference."

Mr. Borries countered, "Well, there are services and services and services. I don't know exactly what all Mr. Robinson has saved other than this fee. I'm not sure yet that we can clearly say that. But whatever is understood and whatever you say was negotiated and whatever is in the contract are two different things — and I just don't see those things in there and that is why I raise the question."

Ms. McClintock asked, "So what is your pleasure?"

Mr. Borries responded, "My pleasure is that I don't feel that is part of the agreement that I understood and whatever it takes -- if it's not in the contract, to me it is not a responsibility that we have to do. So that is my pleasure on that."

Ms. McClintock said, "This was all done in a Commission Meeting. But if you would like...."

Mr. Borries interrupted, "It was all done in a Commission Meeting - but was it talked about that secretarial help was going to be a part of that?"

Ms. McClintock said, "What was discussed in the Commission Meeting was that Mr. Robinson, in effect, is an employee of Vanderburgh County and the reason we entered into an employment agreement instead of hiring him was because we didn't want to pay all those other benefits because of the expense to the County. We were able to find someone of Mr. Robinson's caliber who could do this and because of his position did not require the insurance, PERF, and all of that. If you would like for us to rewrite the contract so that is very clear in there, then I don't have any problem doing that."

Mr. Borries said, "Sure, that is fine. That will give me a chance maybe to exercise another thought on that. Yes, I'd like to have that done."

Ms. McClintock asked, "Is there anything else you'd specifically like to have included other than the secretarial help and office space?"

Mr. Borries responded, "Well, I think in terms of -- it says, 'report directly to the Vanderburgh County Commissioners' -- I would like -- I've not seen him directly since he's been hired. I'd like to have a periodic report. I'm not sure about his credentials. I would like to know if he has a CPCU license (Charter Property Casualty Underwriter's License). I understand in the Risk Management jargon that is kind of the M.D. of the whole thing. So I'd like to see a bit more about that -- and see if he has those qualifications. And certainly I would like to see some of these reports periodically as to what he is doing."

Ms. McClintock said she will ask that he submit a written monthly report and come to the Commission Meeting once a month, so he will be available if there are questions on said report. She also asked that Mr. Wittmer provide each of the Commissioners with a copy of Mr. Robinson's resume.

COMMISSIONERS MEETING NOVEMBER 4, 1991

There being no further business to come before the Board at this time, Commissioner McClintock declared the meeting recessed at 5:05 p.m.

### PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
Richard J. Borries, Member
Jeff Wilhite, County Attorney
Cindy Mayo, Chief Deputy Auditor
Lou Wittmer, Supt./County Bldgs.
Greg Curtis, County Engineer
Susan Jeffries, Purchasing Dept.
Hugh Ralph
Others (Unidentified)
News Media

**SECRETARY:** Joanne A. Matthews

Carolyn McClintock, President

Don Hunter, Vice President

Richard J. Borries, Member

### Board of Commissioners



Of the County of Vanderburgh 305 ADMINISTRATION BUILDING CMC CENTER COMPLEX EVANSVILLE, INDIANA 47708



#### **AGENDA**

### VANDERBURGH COUNTY COMMISSIONERS

November 4, 1991 4:30

- 1. Call to order
- 2. Introduction
- 3. Pledge to allegiance
- 4. Any groups/individuals wishing to address the Commission
- 5. Action Items:
  - a. Sale of County Owned Surplus Property
  - b. Keith Lochmueller-Update on U.S.I. interchange-progress report
  - c. Appointment of Administrative Assistant to County Commissioners
  - 6. Department Heads:
  - a. Jeff Wilhite......County Attorney
  - b. Greg Curtis......County Engineer
- 7. Consent Items:
  - a. Rescind Sale of House at 810 N. 4th Ave.
  - b. Request to Travel (1) County Commissioner Request to Travel (2) Dept. of Public Works Request to Travel (6) Dept. of Health
  - c. Claims to be approved for payment-(Norris Robinson)The National Underwriter Publication....\$74.00

Claims to be approved for payment-(Carolyn McClintock)-Tri-State Business Exp. Luncheon.....\$16.00

Claims to be approved for payment-(Gillette Exposition Group) 4 R Conference & Road Show

- 2 Persons Attending-(\$225.00 each).....\$450.00
- d. Approval to Advertise for 1992 Tax Bills
- f. Authorization for Glenn Deig to recover funds from Rick Higgins (Auditorium)

FINAL

| g. | Check for | property-701 | E. | Olive-Aquisition |
|----|-----------|--------------|----|------------------|
| g. | Scheduled | Meetings:    |    |                  |

Wed. Nov. 6-Board of Public Works-9:00 am-Rm. 301 Wed. Nov. 6-Parks Board-12:00 noon-Rm. 301

Wed. Nov.6-County Council-3:30 pm-Rm. 301
Thur. Nov.7-County Insurance-3:30 pm-Rm.303
Thur. Nov. 7-Personnel Admin. Committee-4:00 pm-Rm.303
Mon. Nov.11-County Dept. Head Meeting-3:30 pm-Rm.303
Mon. Nov. 11-County Commissioners-4:30 pm-Rm.301

### h. Employment Changes:

### COUNTY COMMISSIONERS/RELEASED

| Marjorie Meeks/Admin.<br>10/25/91 | Assistant | \$22,795.00 |
|-----------------------------------|-----------|-------------|
|                                   |           |             |

### COUNTY ASSESSORS/RELEASED

| Cheryl Musgrave/Member Bd of Rev     | 6.00 |
|--------------------------------------|------|
| 10/31/91 Paul Batts/Member Bd of Rev | 6.00 |
| 10/31/91                             |      |

### HEALTH DEPT/WIC/APPOINTMENTS

| Ingrid Weatherford | \$13,084.00 |
|--------------------|-------------|
| 11/4/91            |             |

### VERERANS SERVICE/APPOINTMENTS

| Donneta Marrs/Extra | Help | 5.00 |
|---------------------|------|------|
| 11/11/91            |      |      |

### VETERNS SERVICE/RELEASED

|                     |      | • |      |
|---------------------|------|---|------|
| Donneta Marrs/Extra | Help |   | 5.00 |
| 11/15/91            |      |   |      |

- 8. Old Business:
- 9. New Business:
- 10. Meeting Recessed:

# PUBLIC WORKS DEPARTMENT

# **NOVEMBER 4, 1991**

### RECOMMENDED CLAIMS FOR APPROVAL

| CLAIMS:                                                                     |               |
|-----------------------------------------------------------------------------|---------------|
| Heritage Remediation/Engineering, Inc.                                      | \$3,026.63    |
| Union Township Access Project                                               |               |
| Chrysler Credit Corp.                                                       | \$586.08      |
| Alt & Witzig Engineering, Inc.                                              | \$145.35      |
| Blankenberger Brothers, Inc.                                                | \$149,676.19  |
| Lynch Road Extension                                                        |               |
| L & M Excavating                                                            | \$8,998.00    |
| David Matthews Associates                                                   | \$1,000.00    |
| Bernardin Lochmueller & Assoc.                                              | \$17,685.40   |
| Bernardin Lochmueller & Assoc.                                              | \$32,439.35   |
| USI Overpass                                                                |               |
| Bernardin Lochmueller & Assoc.                                              | \$1,523.81    |
| Eickhoff-Koressel Extension                                                 |               |
| Bernardin Lochmueller & Assoc.                                              | \$34,175.81   |
| Green River Road - North                                                    | •             |
| Appraisal Company, Inc.                                                     | \$300.00      |
| Evansville Day School                                                       | \$17,431.00   |
| Schaeffer Road Culverts                                                     |               |
| Happe & Sons Construction, Inc.                                             | \$19,419.66   |
| Bridge 116A (Kentucky Ave.)                                                 | **** *** ***  |
| Happe & Sons Construction, Inc.                                             | \$27,266.76   |
| Bridge Inspection - Phase 2                                                 | 6626 50       |
| Bernardin Lochmueller & Assoc.                                              | \$636.50      |
| Bridge #90 - Old Petersburg Road Bridge<br>American Timber Bridge & Culvert |               |
| 1st Avenue Bridge                                                           | \$140,459.661 |
| Steve Wildeman Excavating                                                   | \$1,525.00    |
| Sceve Wildeman Excavacing                                                   | 91,323.00     |

Gregory W. Curtis, P.E. Public Works Director

## 50 IAC 2.2-4-2 - POPUSA regulation

#### COUNTY LAND VALUATION COMMITTEE

AUTHORITY: IC 6-1.1-4-26; IC 6-1.1-31-1 AFFECTED: IC 6-1.1-4

Sec.2. (a) Each county shall organize a county land valuation commission, hereby referred to as the "commission", to determine the value of all classes of residential, commercial, industrial, and agricultural home-site land. The commission will consist of nine (9) members whose terms will begin November 1, 1991, and end on January 1, 1993. The members of the commission are as follows:

- 1) The county assessor who will preside as chairperson.
- 2) One (1) township assessor from the county, to be appointed by all the township assessors in the county by majority vote. In case of a tie vote, the county assessor shall cast a vote to break that tie.
- 3) One (1) township assessor from the county to be appointed by the county executive, as defined in IC 36-1-2-5.
- 4) One (1) county resident who holds a salesperson or brokers license under IC 25-34.1-3. This person is appointed by the county executive, as defined in IC 36-1-2-5.
- 5) One (1) individual who represents the financial institutions in the county. This person is appointed by the county executive, as defined under IC 36-1-2-5.
- 6) One (1) individual who represents agricultural land in the county. This person is appointed by the county executive, as defined under IC 36-1-2-5.
- 7) One (1) individual who represents commercial land in the county. This person is appointed by the county executive, as defined under IC 36-1-2-5.
- 8) One (1) individual who represents industrial land in the county. This person is appointed by the county executive, as defined under IC 36-1-2-5.
- 9) One (1) individual who represents residential land in the county. This person is appointed by the county executive, as defined under IC 36-1-2-5.

we appoint I of these .. .

"County executive", as defined under IC 36-1-2-5 is:

A) board of commissioners, for a county not having a

enda for Mes (9)

- B) mayor of the consolidated city, for a county having a consolidated city.
  - \* \* \*
- (b) Between November 1, 1991, and January 1, 1993, the commission will establish base rates which reflect the January 1, 1991, value of residential, agricultural home-site, commercial, and industrial land. After April 1, 1992, and before November 30, 1992, each commission shall hold a public hearing in the county concerning the values the commission has determined. The commission shall give notice of this hearing in accordance with IC 5-3-1. Before January 1, 1993, the commission shall submit the values it finally determines to the state board of tax commissioners.
- Sec.3. (a) The state board shall review the values submitted by the county commissions and make any modifications it considers necessary to promote uniform and equitable assessments. If the commission fails to submit land values to the state board before January 1, 1993, the state board shall determine the values. In either case, the state board shall give notice to the county and township assessors of its decision on values. Within twenty (20) days after the notice, the county assessor or any township assessor may appeal the values to the state board. If the values are appealed, the state board shall hold a hearing on the appeal in the county and give notice of the a hearing under IC 5-3-1. The county assessor shall notify all township assessors in the county of the values as determined by the commission and as modified by the state board or an appeal. The township assessors shall use the values as determined by the commission and modified by the state board in making assessments.

Joanne

### NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN THAT THE DEPARTMENT OF PUBLIC PURCHASE ACTING FOR AND ON BEHALF OF THE BOARD OF COUNTY COMMISSIONERS WILL UNTIL MONDAY, NOVEMBER 25, 1991, AT 4:30 P.M. RECEIVE AND PUBLICLY OPEN AND READ SEALED BIDS FOR THE FURNISHING AND DELIVERY OF THE FOLLOWING:

#### PRINTING & PROCESSING OF 1992 TAX BILLS

### BID REQUIREMENTS

- 1. Each bid must be in full compliance with the specifications and executed by the bidder on Standard Bid Form #95 in accordance with the Indiana State Board of Accounts.
- 2. All bids must be accompanied by a Bid Bond or Certified Check payable to the Board of County Commissioners of Vanderburgh County in an amount not less than five-percent (5%) of the total bid amount as evidence of good faith of the bidder and such deposit shall be subject to forfeiture in the event the bidder fails to execute his contract in accordance with his bid.
- 3. Consideration of applicable taxes shall be observed as covered in the specifications and Bid. Forms. In no instance, however, will Federal Taxes or Indiana Sales Taxes be applicable.
- 4. The Board of County Commissioners of Vanderburgh County reserves the right to award separate contracts for each item and/or the right to reject any and all bids if considered in the best interest of Vanderburgh County.

DATED THIS 4TH DAY OF NOVEMBER 1991

THE BOARD OF COUNTY COMMISSIONERS VANDERBURGH COUNTY

Carolyn McClintock, President Don Hunter, Vice-President Richard Borries, Member

Attest: Sam Humphrey, Auditor

PUBLISH IN THE EVANSVILLE COURIER AND PRESS: November 7, 1991
November 14, 1991

### CITY OF EVANSVILLE/VANDERBURGH COUNTY DEPARTMENT OF PUBLIC PURCHASE

### **SPECIFICATIONS**

Bid No.: VC 9201

Opening Date: Monday, November 25, 1991 - 4:30 p.m. Dates Advertised: November 7 & 14, 1991

Bid Item(s): Vanderburgh County Tax Bill Printing

Term of Bid: One Time Purchase

These specifications are intended to cover the printing of the 1992 Tax Bills for the Vanderburgh County Treasurer. Tax bills will be prepared from magnetic media tape provided by the Data Processing Department. Tax bills are to be sorted for mailing.

#### **GENERAL CONDITIONS:**

- Estimated delivery time must be stated. 1.
- 2. Any miscellaneous or freight charges must be stated.
- Any bid may be rejected if the bid price exceeds the amount 3. the department has budgeted for this purchase.
- Quantity has been estimated to the best of our ability, but 4. is for bidding purposes only and is not binding.
- No over/under runs of quantity ordered will be accepted. 5.
- The Board of County Commissioners reserves the right to reject any and all bids.

MINIMUM REQUIREMENTS - Sample on file in Purchasing Dept.

Vendor must be capable of providing variable MICR encoding.

QUANTITY: 75,000 (2,000 forms not printed)

FINISHED SIZE:  $8 1/2 \times 6 1/8$ 

NUMBER OF PARTS: 6

PAPER: 24 pound

- Outgoing Face/Information Sheet COMPONENTS:

- Summary Sheet, Two tax bills (spring & fall)

Information Sheet

- Envelope - Envelope

Note: Summary Sheet and Two Tax Bills are together on a special

one-piece "fold-out" page construction

PERFORATIONS: Each tax bill must have a full length and full width

perforation so that they can be detached from page

| when remitting for                | processing.                                                            |
|-----------------------------------|------------------------------------------------------------------------|
| TOTAL COST: (include forms,       | costs for printing and processing sorting, freight, and related costs) |
| Guaranteed Delivery Date:         | Price effective for days                                               |
| Please type or print the followin | g information:                                                         |
| VENDOR                            | PHONE                                                                  |
| ADDRESS                           | DATE                                                                   |
|                                   | REPRESENTATIVE                                                         |

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### EMPLOYMENT AGREEMENT

This Employment Agreement is entered into as of the 5th day of August, 1991, by and between H. Norris Robinson ("Robinson") and Vanderburgh County with reference to and incorporation of the following:

### RECITALS:

- 1. Unless otherwise indicated, capitalized terms and phrases used in this Agreement shall have the following meanings:
  - (a.) "Agreement" means the Employment Agreement by and between Vanderburgh County and H. Norris Robinson.
  - (b.) "Robinson" means H. Norris Robinson, a resident of Vanderburgh County, Indiana, with his principal place of business at 421 Scenic Drive, Evansville, Indiana.
  - (c.) "Vanderburgh County" means a governmental entity located at the Civic Center Complex, One N.W. Martin Luther King Jr. Blvd., Evansville, Indiana 47708; also refers to and includes all of the officers, employees and agents of Vanderburgh County.

NOW, THEREFORE, the parties to this Agreement agree as follows:

1. <u>Consideration</u>: Consideration for entering into this Agreement is the payment of the sum specified in Section Three (3) and the mutual promise of the parties herein contained, the efficiency and adequacy of which are hereby acknowledged.

### 2. <u>Mutual General Promises</u>:

- (a.) Rebinson shall be employed as a consultant to provide risk management services for Vanderburgh County.
- (b.) Robinson's employment shall commence on 1901, 12 , 1991, and shall continue for a period of one (1) year.
- (c.) Robinson shall work the hours needed to adequately perform the function of Risk Manager. Robinson shall work a minimum of fifteen (15) hours per week.

- (d.) Robinson shall report directly to the Vanderburgh County Board of Commissioners.
- (e.) Robinson will perform risk manager functions for Vanderburgh County, including claims reporting and surveillance of loss control and formation of insurance programs to best safeguard County assets at least cost using higher quality insurers.
- 3. <u>Payment</u>: Vanderburgh County, by and through its Commissioners, agree to compensate Robinson a fee of \$1,000.00 per month for his services rendered under this Agreement.
- 4. Representatives and Warranties: Each party represents and warrants that each has the full right and power to execute, deliver and perform this Agreement according to its terms, without the necessity of consent of joinder with another; when executed and delivered, this enforcement shall constitute a valid and binding agreement, enforceable according to its terms.

### 5. General Provisions:

- (a.) <u>Binding Effect</u>: The provisions of this Agreement shall be binding on and shall enure to the benefit of the respective successors and assigns of the parties.
- (b.) <u>Effective Date</u>: This Agreement may be executed in counterparts, all of which when taken together shall be deemed one original agreement, and will be effective, when all parties have executed and delivered this Agreement, on and as of the date first above written.
- (c.) <u>Cancellation</u>: Either party herein may cancel this Agreement with thirty (30) days prior written notice to the other party.
- (d.) Entire Agreement: This Agreement constitutes the entire Agreement and the understanding between the parties with respect to the subject matter hereof and may not be modified or amended except in a writing signed by all of the parties.

IN WITNESS WHEREOF, the parties have executed or caused to be executed by the undersigned thereunto duly authorized, and delivered this Agreement as of the day and year first above written.

Norris Robinson

Vanderburgh County

wes

Carolyn McClintock, President

Richard Borries, Member

Sam Humphrey Audi Vanderburgh County

APPROVED:

Jeff Wilmite, Attorney for Vanderburgh

County

### NOTICE OF REQUEST FOR QUALIFICATIONS

Notice is hereby given that the Board of Commissioners of Vanderburgh County will receive Statements of Qualification for the development of a pilot project for a county-wide Geographic Information System (GIS).

This Statement should include at a minimum:

- The office location at which the work will be performed
- Number of staff dedicated to GIS
- Related Experience
- Resumes of key individuals that will be assigned to the project.
- Listing of all affiliations with hardware/software vendors.

This county-wide GIS will include, but not be limited to, the following offices: Assessors, Auditor, Data Board, Computer Management, Recorder, Surveyor, Engineer, Planning, Public Safety (including fire, police, sheriff, emergency management). Responding companies show relevant experience. Local Indiana support is encouraged but not mandatory. A proposal is <u>not</u> being requested for the work. Vanderburgh County will determine how the work will be structured.

Further questions should be addressed to:

Gregory W. Curtis, P.E. Vanderburgh Co. Public Works Director 715A Locust Street Evansville, Indiana 47708 (812) 424-9603

Statements of Qualification should be received no later than November 11, 1991 at 4:30 p.m. at:

Board of Commissioners, Vanderburgh County Rm. 305, Admin. Building Civic Center Complex 1 N.W. M.L.K., Jr. Blvd. Evansville, Indiana 47708

Gregory W. Curtis, P.E.
Public Works Director

# TRAVEL REQUEST FORM FOR COUNTY OFFICIALS, DPEARTMENT HEADS AND EMPLOYEES

| DATE OF REQUEST: 9                   | /4/91                  | DEPARTMENT:  | Dept. o       | of Public F | <u>lorks</u> |
|--------------------------------------|------------------------|--------------|---------------|-------------|--------------|
| EMPLOYEE(S): Grego                   | ory W. Curti           | <u>s</u>     |               |             |              |
| Gary                                 | U. Kercher             |              |               |             |              |
| Scott                                | A. Davis               | & Carole Dav | is            |             |              |
| DATES OF TRAVEL:Decer                | mber 4,5, &            | 6th, 1991    |               |             |              |
| DESTINATION: Count                   | ty Commissio           | ners Convent | ion at        | Indianapol  | is_          |
| PURPOSE: Count                       | ty Commissio           | ners Convent | ion           |             |              |
| Proof (Copy of                       | f brochure o           | r letter) mu | st be a       | attached.   |              |
| LODGING REQUIRED:                    | \$68/room              | double occur | ancy          |             |              |
| MEANS COU                            | NTY VEHICLES           | S NUMBER:    | #9            |             |              |
|                                      | ER:                    |              |               |             |              |
| REIMBURSEMENT CLAIME                 |                        | Per Diem     | x             | Other       | on           |
|                                      |                        |              | al chem       | rneau       |              |
|                                      | APPROVI                |              | ice Hol       | der         |              |
| APPROVED BY:<br>VANDERBURGH COUNTY O | OMMISSIONER            | S this 4 da  | y of <u>N</u> | reamber),   | 1991.        |
| Carolyn McClinton                    | Lintoil<br>k, Presiden | ŧ            |               |             |              |
| pon Hunter, Vice                     | President              |              |               |             |              |
| Richard J. Borrie                    | Dorne                  | <u>.</u>     |               |             |              |
| KICHALA O. BOKKIE                    | 29 \ WEMPET            |              |               |             |              |

### Nursing Division Travel Requests for November, 1991

| MCH: | Barbara Roe<br>Gail Robb      | ISBH, Indianapolis<br>Lead Task Force Meeting | 11/18-19 |
|------|-------------------------------|-----------------------------------------------|----------|
| WIC: | Connie Block<br>Ethel Daniels | Bedford, IN<br>WIC Regional Meeting           | 11/27    |
|      | Ethel Daneiels                | ISBH<br>WIC Executive Committee               | 11/8     |

### HEALTH DEPARTMENT

### INTERDEPARTMENTAL CORRESPONDENCE

| TO:       | County Com | missioners                | DATE:               | November 1, 1991                 |
|-----------|------------|---------------------------|---------------------|----------------------------------|
| FROM:     | Sam Elder, | Director                  | RE:                 | Request for approval for travel. |
| EM        | PLOYEE(S): | Ethel Daniels             |                     |                                  |
| DE        | STINATION: | Indiana State Board o     | f Health or Agency) |                                  |
|           |            | Indianapolis              | ity)                |                                  |
| DA!       | TE(S):     | November 8                |                     | ,                                |
| PUI       | RPOSE:     | WIC Executive Council     | Meeting             |                                  |
| MEZ<br>OF | ANS        | Proof (copy of bro        | chure or let        | ter) must be attached.           |
|           | AVEL:      | County Vehicle No. Other: | air (grant i        | (11)                             |
|           |            |                           | Approved:           | (Director)                       |
| Apr       | croved:    |                           |                     |                                  |



### Indiana WIC Coordinators Association

BECENAEL

OCT 3 0 1991

NURSING DIVISION

October 28, 1991

TO: Executive Board Members

FROM: Joan Trendell, Vice Chairman

RE: Next Executive Committee Meeting

The next Executive Committee meeting is scheduled for Friday

November 8, 1991 at 10 A.M. in room 432 of the Indiana State Board of

Health. If you are unable to attend, please contact your

alternate. If there will not be a representative from your

region at this meeting, please contact Karen Lewis, Chairman

or myself.

Connie

11-1-41

Please Port me on the Nov. Franch First

### INTERDEPARTMENTAL CORRESPONDENCE

| TO:    | Count        | y Com | missioner            | ·           | DATE:        | Nov. 1, 1991                            |           |
|--------|--------------|-------|----------------------|-------------|--------------|-----------------------------------------|-----------|
| FROM:  | Sam E        | lder, | Director             | •           | RE:          | Request for for travel.                 | approval  |
|        | ·            |       |                      |             |              |                                         |           |
|        |              |       |                      |             |              |                                         |           |
| Е      | MPLOYE       | E(S): | Connie Bl            | ,<br>oak    |              | ·                                       |           |
|        |              | _(_,  |                      | •           |              |                                         |           |
|        |              |       | Fthel Dan            | iels        |              |                                         |           |
|        |              |       |                      |             |              |                                         |           |
| D      | ESTINA!      | rion: | -WIG-Agene           | (Facilit    | y or Agency  | )                                       |           |
|        |              |       | n-161                | 711         |              |                                         |           |
|        |              |       | <del> Dedford,</del> | 114         | City)        |                                         |           |
| ָם     | ATE(S)       | •     | - Novembe.           | . 27        |              |                                         |           |
| P      | URPOSE       | •     | - WIC Regit          | onal Meetin | ~            |                                         |           |
|        |              |       |                      | •           |              | tter) must be                           |           |
|        |              |       | Proof (c             | opy of br   | ochure or le | tter) must be                           | attached. |
| M<br>O | eans<br>E    |       |                      |             |              |                                         |           |
|        | RAVEL:       |       | County Vo            | ehicle No   | car          |                                         | 11        |
| .,     |              |       |                      |             | Approved:_   | Caroly S.7<br>(Superviso                | McClinto  |
| •      |              |       |                      | <i>:</i>    | Approved:_   | (Directo                                | )r)       |
|        |              |       |                      | •           |              | ( ===================================== | ,_,       |
|        | •            |       | ·                    |             |              |                                         |           |
| .A.    | pproved      | l.:   |                      |             | <del></del>  |                                         |           |
| Da     | at <b>ė:</b> |       |                      |             |              |                                         |           |

<u>..</u> 4

### INTERDEPARTMENTAL CORRESPONDENCE

| TO:       | Count | y Com    | nissioners                      |                         | DATE:          |                         |                                 |
|-----------|-------|----------|---------------------------------|-------------------------|----------------|-------------------------|---------------------------------|
| FROM:     | Sam E | lder,    | Director                        |                         | RE:            | Request for for travel. | approval                        |
|           |       |          |                                 |                         |                |                         |                                 |
| EM        | PLOYE | E(S):    | Barbara Roe                     |                         |                | ,                       |                                 |
|           |       |          | Gail Robb                       |                         |                |                         | :                               |
| DE        | STINA | TION:_   | Indiana State Boar              | d of Healt<br>lity or A | gency)         |                         |                                 |
|           |       |          | Indianapolis                    | (City)                  |                |                         |                                 |
| DA        | TE(S) | <b>.</b> | November 18 - 19                |                         |                |                         |                                 |
| PU        | RPOSE | :        | Lead Task Force M               | <b>leet</b> ing         |                |                         |                                 |
|           |       |          | (phone scheduled Proof (copy of | - no paper<br>brochure  | yet)<br>or let | ter) must be            | attached.                       |
| ME:<br>OF | ans   |          |                                 |                         |                |                         |                                 |
|           | AVEL: |          | County Vehicle Other:           | No.                     |                |                         | (1/4/41                         |
|           |       |          |                                 | Appro                   | ved:           | Moly M<br>(Supervise    | (1/4/91<br>(1/4/91)<br>(1/4/91) |
|           |       |          |                                 | Appro                   | ved:           | (Directo                | 9                               |
| Ap        | prove | d:       |                                 |                         |                |                         |                                 |

### TRAVEL REQUEST FORM

FOR

### COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

| DATE OF REQUEST:                  | 10/30/91                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | DEPARTMENT:          | HEALTH                 |
|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|------------------------|
| EMPLOYEE(S):                      | Peggy A. Groves                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                      |                        |
|                                   | Sharon A. King                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                      | · ·                    |
|                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                      |                        |
| DATE(S) OF TRAVEL                 | : <u>11/6/91 - 11/8/9</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 1                    |                        |
| DESTINATION:                      | Indianapolis. Ind                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | iana Indiana St      | ate Board of Health    |
| PURPOSE: To att                   | end Indiana State B                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | oard of Health Orien | tation                 |
|                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                      |                        |
| Proof (Copy of br                 | cochure or letter)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | must be attached     |                        |
| LODGING REQUIRED:                 | 1 (one) room 2 (                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | two) nights Lincoln  | Center                 |
|                                   | COUNTY VEHICLE N                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | UMBER:               |                        |
| OF<br>TRAVEL                      | OTHER: Persona                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | L Car                |                        |
|                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | v <b>W</b> dlases    | Bonkina                |
| REIMBURSEMENT CLA                 | -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | X Mileage X Per diem | Parking Registration   |
|                                   | -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Air fare             | Other                  |
|                                   | _                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                      |                        |
|                                   | APP                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | ROVED: Jame          |                        |
|                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Department He        | ad                     |
|                                   | APP                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | ROVED:               |                        |
|                                   | - <b></b> -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Office Holder        |                        |
|                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                      |                        |
| APPROVED BY:<br>VANDERBURGH COUNT | TY COMMISSIONERS th                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | is 4 ye              | iey of November , 1991 |
|                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                      |                        |
| Caroly                            | McClintoll                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                      |                        |
| The Caroline                      | The state of the s |                      |                        |
| Don Hunter, Vice                  | President                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <del></del>          |                        |

| PROGRAM                |  |
|------------------------|--|
| November 7, 1991       |  |
| Session will begin in  |  |
| <b>ISBH Auditorium</b> |  |

### **GENERAL SESSION**

| 9:00 - 9:15   | Welcome and Introduction             | 9:00 - 9:05   | Welcome                                    |
|---------------|--------------------------------------|---------------|--------------------------------------------|
| 9:15 - 9:30   | Organizational Structure             | 9:05 - 9:30   | General Sanitation                         |
| 9:30 - 10:00  | ISBH Video                           | 9:30 - 10:00  | Department of Environmental Management     |
| 10:00 - 10:15 | Break                                |               |                                            |
| 10:15 - 10:45 | LHM Fund                             | 10:00 - 10:15 | Break                                      |
| 10:45 - 11:15 | Ordinance Writing                    | 10:15 - 10:40 | Local Health Department<br>Standards       |
| 11:15 - 11:45 | Dental Hygiene                       | 10:40 - 11:00 | Developing Health Plans                    |
| 11:45 - 12:00 | Questions & Answers                  | 11:00 - 11:30 | AIDS/Universal Precautions                 |
| 12:00 - 1:00  | Lunch (on your own)                  | 11:30 - 12:00 | Health Education                           |
| CONC          | URRENT SESSIONS                      | 12:00 - 1:00  | Lunch (on your own)                        |
| 1:00 - 3:00   | Vital Records* Public Health Nursing | CONC          | URRENT SESSIONS                            |
|               | Environmental Health                 | 1:00 - 3:00   | Public Health Nursing Environmental Health |
| 3:00 - 3:05   | Orientation Evaluation               | 3:00 - 3:05   | Orientation Evaluation                     |

<sup>\*</sup>Vital Records Orientation available only on November 7.

All Programs Are on Eastern Standard Time

# SEH ORIENTATION

PROGRAM
November 8, 1991
Session will begin in
ISBH Auditorium

**GENERAL SESSION** 

| ession:                        | November 7, 1991 | November 8, 1991 | 8, 1991 |
|--------------------------------|------------------|------------------|---------|
| Yease check appropriate box(s) | box(s)           |                  |         |
| lame 1                         |                  | Position         |         |
| lealth Department              |                  |                  |         |
| ddress                         |                  |                  |         |
| 2                              |                  | State            | Zip     |

our own.

, IN 46206-1964

# MINUTES COUNTY COMMISSIONERS MEETING NOVEMBER 11, 1991

# INDEX

| <u>Subject</u> P                                       | age No.              |
|--------------------------------------------------------|----------------------|
| Meeting Opened at 4:30 p.m                             | 1                    |
| Introduction of Staff & Pledge of Allegiance           | . 1                  |
| Authorization to Open Bids                             | 1                    |
| Dumping Ordinance                                      |                      |
| Reading of Bids                                        | 3                    |
| United Way Drawing for Employees(Deferred to 11/18/91) | 3                    |
| Indiana Recycling Grants Program                       | 3                    |
| Update on USI Interchange/David Eisley                 | 3                    |
| Burdette Park                                          |                      |
| County Attorney/Gary Price                             | 5                    |
| Awarding of Contracts                                  | 6                    |
| Public Works Department/Greg Curtis                    | e<br>ege<br>eck<br>e |

| Consent Agenda                                                                                                                   | 8 |
|----------------------------------------------------------------------------------------------------------------------------------|---|
| Old Business Agreement w/H. Norris Robinson; report and resume                                                                   | 8 |
| Recommendation re Contract w/Jerry Schenk for appraising all County-owned buildings other than those held for resale (approved)  |   |
| Recommendation/6% Rate Increase/Group Life Insurance (approved)                                                                  |   |
| Invoices/Jerry Schenk                                                                                                            |   |
| Understanding re Agreement w/H. Norris Robinson covered in Commission Minutes; no Addendum to agreement necessary per Gary Price |   |
| Repayment/Richard Higgins/Auditorium; R. Higgins to pay SBA and that money will be passed back to the County                     |   |
| New Business (none) 1                                                                                                            | 0 |
| Meeting Recessed at 5:50 p.m 1                                                                                                   | 0 |

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# MINUTES COUNTY COMMISSIONERS MEETING NOVEMBER 11, 1991

The Vanderburgh County Board of Commissioners met in session at 4:30 p.m. in the Commissioners Hearing room with President McClintock presiding. Commissioner Richard J. Borries was absent.

#### RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

Commissioner McClintock called the meeting to order, welcomed the attendees, introduced members of the County Staff, and asked the group to stand for the Pledge of Allegiance.

Ms. McClintock then asked if there are any groups or individuals who do not find their item of interest on today's agenda. There was no response.

# RE: <u>AUTHORIZATION TO OPEN BIDS</u>

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, Attorney Gary Price was authorized to open the bids received on the post frame building and the asphalt paving for the Sheriff's Training Center. So ordered.

# RE: DUMPING ORDINANCE

Ms. McClintock said the Board had originally scheduled a hearing this evening to take testimony concerning the dumping ordinance. That had been canceled and removed from the agenda because of the holiday today. The City and County did not have a holiday, but there were lots of individuals who were on holiday. It was not on the agenda but, for some reason, there were some individuals who felt the hearing was going to be held this evening and there are some people who do want to address that. At this time, she will give those individuals an opportunity to do so.

Mr. Charles Luecke of Westside Improvement Association was recognized and said he has changes which WIA felt should be made in the ordinance. They talked to numerous people and got a lot of input and basically made changes in two definitions -- on solid fill and grass clippings -- and made additional statements that said if these things are dumped on other people's property illegally, then that constitutes anything solid waste and, therefore, is subject to this ordinance. (A copy of the suggested changes submitted on behalf of WIA are attached hereto as part of the formal minutes.)

Commissioner Hunter expressed concerns with regard to the 30 day period indicated to allow for removal of the solid waste dumped illegally, saying he has a real problem with this. He feels this could present a health hazard -- particularly during the hot summer months -- and he wants to discuss this with the Health Department.

Mr. Luecke said following lengthy discussion, WIA would also like for the Sheriff's Department to be the enforcement agency with regard to the dumping ordinance.

Commissioner McClintock said this matter will be scheduled again on next week's agenda for further discussion, prior to voting on changes and advertising the amended Ordinance.

Mr. Michael Wilson approached the podium and said he would like to respond to the issue just mentioned. He would like a copy of the

proposed ordinance, be able to review it, etc. He would also like to state his position and ask a couple of questions.

What is considered solid waste? Brickbats, old trees? Certainly, garbage out of a garbage can he would consider 'garbage'. But it seems to him the EPA has become a little aggressive in what they consider 'trash'. He operates a construction company and it is becoming increasingly difficult and expensive for him and others in the industry to dispose of non-hazardous waste. He asked the fellow at the landfill what their intentions were. At this point, he is charged the same tonnage rate as any material delivered to the landfill. Their story is, 'We're working on it'. Several people have been cited and forced to cease filling up holes with old roofing, old 2  $\times$  4's, and things of that nature. His question is, is that going to be included in this ordinance? He doesn't have a problem with proper disposal of damaging material to the environment or to health concerns. But he doesn't see a problem in filling up a hole that can trap insects, mosquitoes, etc., and trying to rid the area of that. He didn't have much time to prepare for this meeting. He's spoken to a couple of other individuals in the construction business during the last couple of days and they share his feelings. He believes they have two places where they can dispose of construction debris (roofing, 2 x 4's, old drywall, metal, etc.). One is at the landfill in Vanderburgh County and he thinks Crowe Wrecking is now taking it. But the EPA has shut down virtually everyone. It is getting rather expensive and if this ordinance is adopted he would like to see some guidelines proposed to BFI concerning their charges or separate rates for this material. He doesn't see anything hazardous about old buildings unless it would have asbestos in it. But, again, that is a matter of opinion and that is outside his discipline. He does, however, want to make his ideas known to the Board. He understands this is going to be heard again next week, is that correct?

Ms. Commissioner said that is correct and the Commission will vote on any proposed changes. The ordinance would then have to be advertised, as amended, and heard in a First, Second and Final Hearing. The reason the Commission was approached by the Westside Improvement Association concerning the proposed ordinance is to prevent dumping in the County -- and she doubts seriously whether individuals involved in the construction industry are the primary targets of this ordinance. In fact, she knows they are not. There is a tremendous problem in the County with unauthorized dumping both on private and public property. But there are some legitimate construction materials that can be used as solid fill and the Board certainly doesn't want to do anything that is going to cost the construction industry money. She asked that Mr. Wilson review the proposed ordinance, as will the Commissioners, to make certain there is nothing included that will provide unnecessary hardship upon the construction industry.

Mr. Wilson asked who sets the dumping rate schedules for BFI?

Ms. McClintock said Browning-Ferris does that.

Mr. Wilson asked, "No one overlooks them? Wouldn't you consider them a monopoly? If they wanted to raise it to \$40.00 per ton, what is to keep them from doing that?"

Ms. McClintock responded, "They have to obtain final approval on their rates from the State of Indiana. But no local body has any input into the rates at BFI."

Mr. Wilson said, "I think the way this would affect you is that if you made it easy and inexpensive for people to use the facility, they would use it. And that, in a sense, would clean up a lot of the dumping. I don't think this ordinance is going to keep people

from dumping. What it is going to do is they are going to hide it."

Ms. McClintock said she is going to the Homebuilders meeting tomorrow evening, so she will have an opportunity to talk with other individuals in the industry at that time. She will look forward to seeing Mr. Wilson again on November 18th.

# RE: READING OF BIDS

Attorney Price read the following bids into the record:

#### Post Frame Building:

| Hobgood | Contractors, | Inc. | \$14,900 |
|---------|--------------|------|----------|
| Cissell | Construction | Co.  | \$13,987 |

# Asphalt Paving/Sheriff's Training Center

| J. H. Rudolph & Co.       | \$21,239.00 |
|---------------------------|-------------|
| Koester Contracting Corp. | \$22,528.55 |
| Sam Oxlev & Co., Inc.     | \$20,458.08 |

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the foregoing bids will be taken under advisement by the Sheriff's Department, with the bids to be awarded later in today's meeting.

# RE: UNITED WAY DRAWING FOR EMPLOYEES

President McClintock said the drawing of prizes for employees is being postponed because some of the employees outside the Civic Center were not able to get their entries in today. The drawing will be held next Monday.

# RE: INDIANA RECYCLING GRANTS PROGRAM

Commissioner Hunter said he received a call from Jim Daniels last week and the Indiana Recycling Grants Program has come out with Round Three of monies that will be available and Jim wanted some input from the Commission. These grants can be applied for by a single unit for up to \$30,000; two units can go together and get \$50,000. If the Solid Waste District made a proposal it could get up to \$150,000. He was originally thinking in terms of just the City or just the County. Following discussion, they thought the Solid Waste District would be interested in that. This could be used for such things as curbside pick-up programs, in-house recycling; composting, or even market enhancement activities. A minimum 50% local match is required -- we would have to have some money. The clinker is that he just received this last Friday and the due date is November 20th. He has to move ahead rapidly and he wanted to know if the Commissioners and the Solid Waste District would be interested in him writing a proposal for a grant that would include the District as opposed to something smaller that would just include the City. The Commission may want to pursue this or wait until Round Four comes out. In any event, Mr. Daniels is going to put something together.

Ms. McClintock said she doesn't have any problem with proceeding -but she doesn't want to give him a blanket to apply for whatever he wants and the Commission doesn't even know. She asked Mr. Hunter to talk to Betty Lou Jerrel and then sit down with Mr. Daniels.

# RE: <u>UPDATE ON USI INTERCHANGE - DAVID EISLEY</u>

Mr. David Eisley of Bernardin, Lochmueller & Associates said he and Keith Lochmueller were before the Board in October to provide an update and Mr. Lochmueller felt they needed to provide a monthly

update because of the importance of this project. What they're finding is that, hopefully, we're going to beat some of the projected completion dates. With regard to the engineering design, they are currently preparing to submit the Field Check plans for the USI Interchange and they would go to the State. When they get that done, they will have the Field Check (hopefully, in mid-December). Once they make those changes, they will have a public information meeting -- probably the early part of February. When they get that done, the plans would basically be done. The projected completion date was June 30th and they're trying to accelerate this -- maybe to early spring (March or April) when the design could be approved and then we could get into right-of-way. The other side of the coin is environmental, and they will resubmit the Historic Preservation 106 documentation to the State and Federal Highway nd go on to the actual Historic Preservation section of the Department of Natural Resources and see what they have to say.

In response to query from Commissioner Hunter, Mr. Eisley said there was an environmental assessment approved. However, it did not include the Interchange. So the actual environmental document is being rewritten (an Addendum) which will address the whole line. But the design is just for the Interchange. On the Interchange we're just dealing with the State, not the Federal Highway Administration. The District is normally the unit that looks at the permit. Basically, we're getting a permit to go over the State Highway. The environmental is different — because we're looking in the future to reconstruct Eickhoff-Koressel further north and the Feds are playing a role in that. When we went to them a few months ago they mentioned they wanted to see more information, so BLA is rewriting the environmental. They are playing a major role in the environmental side so BLA is working with them — but not on the design of the interchange.

Commissioner Hunter said his interest is seeing that we get this overpass completed as quickly as possible before we have a disaster in that area.

There being no further questions or comments, Mr. Eisley said BLA will be back in December with another update.

#### RE: BURDETTE PARK

Ms. McClintock said she has two requests forwarded by Mark Tuley at Burdette Park. One concerns the Junior League of Evansville. They are requesting a skating party for the children from Hillcrest-Washington Home at Burdette from 6:00 - 8:30 p.m. on January 9th as their monthly outing and they are requesting waiver of rental and skate fee for the event. Last year, the Junior League gave \$37,794.00 toward remodeling the two learning centers at the Home.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, approval was given to waive the rental and skate fee. So ordered.

The second request concerns rewarding the School Saftey Patrol students through the school year via allowing them to use Safety Patrol I.D. cards to gain entrance to suitable facilities the County may be able to provide during the school year. Although the letter was not explicit, it was interpreted by Commissioners Hunter and McClintock to mean the skating rink per se.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the request was approved, subject to it being the skating rink. So ordered.

# RE: COUNTY ATTORNEY - GARY PRICE

Demand for Payment by State Board of Accounts: Attorney Price said the State Board of Accounts has demanded payment from Helen Kuebler (former County Clerk) in the amount of \$2,780.00. This amount followed an audit prepared in 1988, when that amount could not be found. It was subsequently determined the missing amount was the result of the wrong doing of one of the Deputy Clerk's in that office. Because of the wrong doing of the Deputy Clerk, they are demanding payment personally from Helen Kuebler. He has discussed the matter with Sam Humphrey and a few others and it is pretty much agreed that Ms. Kuebler should not be held personally liable for this amount. There was a bond issued on behalf of Ms. Kuebler as the Clerk for the Circuit Court. Mr. Robinson looked into this for him and it was questionable whether that bond would cover these actions or this particular incident. However, Mr. Robinson advised him that even if the bond did cover the incident, then the bond company would once again look to Ms. Kuebler for payment. He is bringing it before the Commission tonight for their action regarding this claim by the State Board of Accounts. He supposes there are three options:

- Pursue the bond and seek payment of the claim through the bond company
- 2) Hold Ms. Kuebler personally liable
- 3) Look to the General Loss Fund

Ms. McClintock said she talked to Ted Ziemer today about this and it appears there is not really a lot — those three are not really viable options — because under two of them we are asking an elected official to pay for something that was lost through no fault of her own. She certainly would not have wanted to be in this position as a Commissioner over at the Auditorium and have someone say 'pay up \$6,000'. She asked Mr. Humphrey if he had a problem with taking this out of the Loss Fund?

Mr. Humphrey said, "We had a similar problem -- only much larger -- in the Treasurer's office. We did collect some money from the bond...but haven't had anything done with it."

Ms. McClintock said, "Well, apparently the State Board of Accounts is demanding that something be done with this."

Mr. Humphrey said, "They demanded we do something with the other, too -- but that's been some time and it hasn't been done."

Mr. Price said, "The Prosecutor's office at the State level is involved in this one."

Mr. Humphrey said, "We went through the whole thing with the larger amount and it remains on our books. The State Board has asked us to have it appropriated off but it just hasn't been done."

Commissioner Hunter asked if we could take the \$2,780 out of the Loss Fund? He doesn't see that the other two options are in any way viable.

Auditor Humphrey said that on the larger loss they are asking Council to appropriate it out of the General Fund to cover it. But it hasn't been done. He doesn't see anything wrong with taking the \$2,780 out of the Loss Fund.

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

# RE: AWARDING OF BIDS

<u>Post Frame Building:</u> Ms. Jeffries said the low bid from Cissell Construction in the amount of \$13,987.00 seems to be in order in every respect and it is their recommendation the contract be awarded to the low bidder.

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

Asphalt Paving/Sheriff's Training Center: Ms. Jeffries said all three bids appear to be in order, but the low bid is from Sam Oxley & Company. It is their recommendation we award the contract to the low bidder in the amount of \$20,458.08.

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

Ms. McClintock asked Deputy Tucker to advise the Sheriff she will be calling him with regard to the dumping ordinance.

#### RE: PUBLIC WORKS DEPARTMENT - GREG CURTIS

Pilot GIS Study: Mr. Curtis reported that we received three responses to their request for Qualification Statements for our pilot GIS Study: Three I Engineering, Boettcher Engineering, and Digitech, Inc. (Indianapolis). His intent is to get with some of those who have expressed an interest in being involved and, if a GIS is done, taking advantage of the information and being involved in making sure the information they can derive from it is included and come back with a recommendation either next week or the following week. It may be difficult to do it next week, as we're still receiving responses from people who are interested —although we had asked to receive same by last Friday. He received two responses today and was told this afternoon he would probably be receiving another on Wednesday.

Acceptance of Streets/St. Joe Industrial Park Drive: At the recommendation of Mr. Curtis, upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, subject streets were accepted for County maintenance. So ordered. (Copy of formal acceptance letter attached herewith as part of formal minutes.)

Copperfield Subdivision/Section II/Street Plan Approval: Mr. Curtis said this is on Mt. Pleasant Rd. next to Pigeon Creek and the grades aren't excessive. It looks at this time as though they plan concrete curb with asphalt pavement. They have a rather unique type cul-de-sac, which Jim Morley and himself discussed. It allows a little more turn-around room. This is a trial thing --but there is nothing out of the ordinary in the plans and he would recommend same for construction approval.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock approval was given for the street construction plans. So ordered.

Request for Waiver of Sidewalks/Copperfield Sub/Section II: Mr. Curtis said the sidewalks were waived in Section I.

Mr. Hunter said he would not want to consider waiver of sidewalks in Section II until after he has an opportunity to talk with Gary Staley at the Evansville-Vanderburgh School Corporation. His concern is that we've had enough problems with Mt. Pleasant Rd. and that whole area with regard to the narrow road and the school busses. He thinks we may want to set it up so the school bus can get off Mt. Pleasant into this subdivision (he's thinking in terms

of safety right now).

Westlake Subdivision/Street Plan Approval: Mr. Curtis said he has a request for waiver of sidewalks in this small 5-lot subdivision.

Commissioner Hunter said the Drainage Board turned down the drainage plan for Westlake Subdivision at their last meeting for lack of information.

Mr. Curtis said he was under the impression that the drainage plan had been approved.

Commissioner Hunter again said it has not been approved.

It was the consensus of all concerned that this matter be deferred to a later date.

Ohio Street Bridge No. 3-C: It was noted by Mr. Curtis that we received proposals on this bridge some time back and he is recommending (basing recommendation on reviewing their proposals, reviewing their experience with the County and surrounding counties) that we interview the following three Consultants this coming Friday at 9:00 a.m., 10:00 a.m., and 11:00 a.m. in his office, as follows:

- 1) Warren T. Hobson & Associates
- 2) Fink, Roberts & Petrie
- 3) Bernardin, Lochmueller & Associates

If, for some reason, we feel one of those three is not the appropriate firm to hire for that project, then further interviews would be held.

If the Commissioners approve the time for the interviews, the City Engineer will there and any of the Commissioners who would like to be there would be fine. Items to be discussed include work schedules, time frames, and their feelings on the bridge. There is some disagreement between some of the consultants as to the number of permits that have to be acquired, etc. Because there are a number of issues to be discussed he has allowed an hour for each interview rather than the usual half hour to forty-five minutes.

In response to query from Commissioner Hunter as to whether we have any idea as to when the State is going to shut down the Lloyd Expressway, Mr. Curtis said nothing firm and he thinks the idea is to proceed as though we are going to get it done prior to that time.

Interviews re Corrective Action Plan/County Garage: Mr. Curtis noted we will also be conducting interviews with regard to our Corrective Action Plan at the County Highway Garage. Heritage Remediation and Donan Engineering were the only two respondants. Interviews are scheduled at 9:00 a.m. and 10:30 a.m. on Thursday of this week.

Overtime/County Highway: Mr. Curtis said he wants to make the Commission aware that some overtime will be coming through on the County Highway payrolls due to the snow removal and equipment preparation for same during this past week. There is sufficient money in the budget.

Agreement w/Dave Savage Engineering: It was noted by Mr. Curtis that he has for approval an agreement with Dave Savage Engineering concerning the Nesbit Station Rd. Bridge. He has reviewed it in relation to our changing the requirement to go to a 3-span bridge. That also makes the length of the bridge such that we have to do something with the structure next to Wallenmeyer Rd. intersection with Nesbit Rd. That issue increases the scope of the project.

The original fee discussed was \$15,000. With the leg work that will need to be done to relocate Baehl Ditch, Mr. Savage has requested we increase the amount to \$19,800. Mr. Curtis said he recommends the agreement be approved and signed.

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

Bridge #34/Outer Darmstadt Rd.: Mr. Curtis noted that, hopefully, plans for this bridge will be ready for final approval by November 25th, with bids to be received prior to the end of the year so the money can be encumbered.

Kleitz Rd. Structure: While he doesn't know whether it has been discussed at previous meetings, Mr. Curtis said we have a large structure that is a dangerous situation. Some of the farmers can't even get their trucks through the structure. There is also a small railroad pass that goes over the road that is very restrictive. So there are some real problems there with getting equipment through, as well as with flooding due to the inadequate structure. Hopefully he will also have something ready on this for the November 25th meeting.

Old Petersburg Rd. Bridge: This was completed last week and was opened to traffic today. They were unable to get the surface paving done, because we didn't have a good day temperature wise until today. Nonetheless, it was opened today -- just under four weeks from the time it was closed. We will be having a ribbon-cutting ceremony on that sometime this week and he will be getting in touch with the Commissioners in an effort to determine a time when all three Commissioners can be present.

Orchard Rd.: Attorney Price queried Mr. Curtis concerning his position on Orchard Rd. The petition re condemnation was filed and the hearing is set for early December. Once that initial hearing has taken place, he believes we can speed up the condemnation process.

Mr. Curtis said once we get that, we will be in touch with the Department of Transportation to let them know it is to the stage to where we can proceed with the project.

Green River Rd./Phase II: Mr. Curtis said he has the signature sheet for Green River Rd./Phase II. He will bring it (together with his special pen for signing same) to the Commission office this week for signatures, so he can forward it to United Consulting engineers.

# RE: CONSENT AGENDA

Ms. McClintock entertained questions concerning the Consent Agenda. There being none, a motion was entertained.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock the Consent Agenda was approved. So ordered.

# RE: OLD BUSINESS

Agreement with H. Norris Robinson: President McClintock said the Board had asked Mr. Robinson to appear before the Commission to clarify his role with the County. He has prepared a copy of what he has been involved in with regard to Risk Management activities to date with Vanderburgh County, as well as a copy of his resume. She asked if Mr. Robinson would briefly go through his risk management activities to date.

Mr. Robinson said half the time so far has been spent with Group

Health Insurance for the County. He has been getting proposals and asking what we can do to get a better control on cost and to temper the ultra high rate of inflation on these coverages from Blue Cross/Blue Shield, Welborn, Physicians Health Network, New York Life, Etna, Willis Corroon, etc. We also got a proposal from Farm Bureau. It will be some time before he comes to the Commissioners with a specific recommendation. But this is a part of the insurance business with probably the highest rate of acceleration in cost nation wide and, obviously, is affecting Vanderburgh County. We also have in process several changes in property and liability insurance, etc. (Copy of Mr. Robinson's report attached hereto as part of formal minutes.)

It was noted by Mr. Robinson that he has attached a copy of his resume to the report.

Recommendation/Jerry Schenk: Mr. Robinson said he is recommending we contract with Jerry Schenk to provide appraisal services for all County-owned buildings other than those held for resale for an annual fee of \$60.00 per hour with a minimum annual stipend of \$6,500 minimum and a maximum of \$8,000. This was negotiated down from a significantly higher rate.

Ms. McClintock noted this was negotiated down from the original proposal of \$30,000 to \$6,500 minimum and \$8,000 tops to do this work.

Motion to approve the \$60.00 per hour fee at the minimum and maximum levels indicated was made by Commissioner Hunter, with second from Commissioner McClintock. So ordered.

Recommendation/Group Life Insurance Rate: Mr. Robinson said he also recommends approval of suggested rate change for the Group Life Insurance provided by the County for its full time employees. The slight rate increase of 6% is called for by the loss experience in this case (based upon information provided by Hartford Insurance).

Motion to accept the 6% rate increase on the Group Life Insurance was made by Commissioner Hunter, with a second from Commissioner McClintock. So ordered.

<u>Credentials:</u> Ms. McClintock asked Mr. Robinson if he has a CPCU, to which he responded affirmatively.

Commissioner Hunter said he would also mention that Mr. Robinson has a Master's Degree.

Invoices/Jerry Schenk: Lou Wittmer said he pulled invoices from Jerry Schenk for the first eight (8) months of 1991 and they totaled \$25,710.00. He has not seen all the invoices, but does have one dated May 31, 1991 (and they all probably reflect the same) wherein it shows total 60 hours for a total cost of \$3,600 for risk management services for May 1991. He is not certain where the agreement with Mr. Jerry Schenk is. Nobody seems to know where the agreement started or ended.

Mr. Hunter asked if the invoice is all we received? No explanation?

Mr. Wittmer confirmed that is correct.

Ms. McClintock said it looks like the fee averages \$3,600 per month and if you annualize that out the fee works out to be \$72,000 per year.

Mr. Wittmer commented, "Correct."

Addendum to H. Norris Robinson's Contract: Ms. McClintock said at the last Commission Meeting there was discussion re making an Addendum to Mr. Robinson's contract to cover what the Board felt were understood items in his work for Vanderburgh County. In discussing this today with Gary Price, he did not see any reason to go to the expense of having the Attorney's office prepare a whole new document, but felt we needed to clarify in the record what was expected of Mr. Robinson in exchange for the stipend we are paying him and what, in turn, Vanderburgh County was going to pay.

Just to remind everyone, the original idea to provide Risk Management and General Insurance Consulting Services for Vanderburgh County came through the Transition Team who, in their study of County Government said we were at risk by not having anyone in Vanderburgh County with an insurance background that was watching what Vanderburgh County was doing in the insurance business. They had recommended we hire a full time person to do this work. Well, the original recommendation was to do something with the City. She talked to Frank McDonald about that back in April of last year and he indicated they were not interested in that kind of Joint Agreement with the City -- because the City had a full time Risk Manager doing that work for the city (Jim McIntyre, who works out of the Personnel Department). Fortunately, we were able to find a very qualified, recently retired gentleman with a Master's Degree (Mr. Robinson interrupted by saying he has a Bachelor's Degree) at \$1,000 per month. The agreement calls for Mr. Robinson to work a minimum of 15 hours per week -- and that we provide for him office space, secretarial support staff, and Mr. Robinson's work has been compared to that of telephone. another Consultant. In checking with insurance consultants, if we hired someone under an agreement to pay them a flat rate and then absorb some of their secretarial, office, etc., etc., the County would be looking at paying between \$80.00 and \$100 per hour. Mr. Robinson is performing this work for Vanderburgh County at a maximum rate of \$15.50. If we did not have this arrangement, in looking at an outside Consultant our annual cost could exceed \$78,000 per year. In fact, the City of Evansville is paying over \$31,782 for a Risk Manager. So she is very satisfied with Mr. Robinson's work. She has asked him hence forward to prepare a monthly report to submit to the Commission. Everyone will know about the work he is doing because often there is background work in this type of thing. We won't however be seeing Mr. Robinson every week with lots of proposals, claims, and that type of thing. President McClintock then entertained further questions about Mr. Robinson's arrangement and agreement with Vanderburgh County. There were none.

Payment from Richard Higgins: Ms. McClintock said she received a letter from Glenn Deig. He has contacted Richard Higgins' attorney. Mr. Higgins has agreed to pay back, through the State Board of Accounts, the \$230 odd dollars that the State Board indicated he owed the County. Once the State Board of Accounts receives that money, it will be passed back to Vanderburgh County.

# RE: <u>NEW BUSINESS</u>

Ms. McClintock entertained matters of new business. There were none.

There being no further business to come before the Board at this time, President McClintock declared the meeting recessed at 5:50 p.m.

# PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
Gary Price, County Attorney
Sam Humphrey, County Auditor
Greg Curtis, County Engineer
Lou Wittmer, Supt./County Bldgs
Susan Jeffries/Purchasing Dept.
Stephen Woodall/Sheriff's Dept.
Jimmie R. Tucker/Sheriff's Dept.
Michael Wilson
Rose Zigenfus/EUTS
Charlie Luecke/Westside Improvement Assn.
Bill Campbell/DADS
David Eisley/Bernardin, Lochmueller & Assoc.
Dan Peters/J. H. Rudolph Co.
Don Gibbs/Sam Oxley & Co.
H. Norris Robinson/Risk Mgmt. Consultant
Others (Unidentified)
News Media

ABSENT: Richard J. Borries

**SECRETARY:** Joanne A. Matthews

Carolyn McClintock, President

Don Hunter, Vice President

# Board of Commissioners

County of Vanderburgh

305 ADMINISTRATION BUILDING CMC CENTER COMPLEX EVANSVILLE, INDIANA 47708



TEL. (812) 426-5241

# **AGENDA**

# VANDERBURGH COUNTY COMMISSIONERS

# November 11,1991 4:30 P.M.

- Call to order 1. 2. Introduction 3. Pledge to allegiance
- Any groups/individuals wishing to address the Commission
- 5. Action Items:
  - a. Bids to be opened for Post Frame Building for Sheriffs Training Center
  - b. Drawing to be held for United Way Prizes
  - c. Indiana Recycling-Grants Program-Jim Daniels
  - d. Dave Eisley-Update on U.S.I. interchange-progress report
  - e. Burdette Park)
    - 1. Request....Jr. League of Evansville, School incentive project, Hillcrest Youth Home.
- Request...award school safety patrol students.
- Department Heads:
  - a. Ted Ziemer......County Attorney
  - b. Greg Curtis.....County Engineer
- 7. Consent Items:
  - a. Check received-(United Artist Cable)-3rd quartershare of gross revenue.....\$33,498.23
  - b. Claims to be approved for payment-(Norris Robinson)-contractual services for 10/13/91 to 11/13/91......\$1,000.00
    - Claims to be approved for payment-(Bowers, Harrison, Kent \$ Miller)-Legal Fees and Costs.....\$2,004.40
  - c. Request to Travel (1) Drug and Alcohol Deferral Service
  - d. Employment Changes:

# HEALTH/APPOINTMENTS

| MEADIN/ AFFOINIMENTS                                                     |           |
|--------------------------------------------------------------------------|-----------|
| Marsha Austill/Public Health Nurse 11/11/91                              | 24,174.00 |
| BURDETTE PARK/APPOINTMENTS                                               |           |
| Elizabeth Marx/Rink Cashier<br>11/6/91                                   | 5.00      |
| Juliana Murphy/Gr.Crew 11/6/91                                           | 5.00      |
| Wade Helmer/Gr.Crew 11/6/91                                              | 4.50      |
| Tammy Waters/Gr.Crew 11/6/91                                             | 4.50      |
| BURDETTE PARK/RELEASED                                                   |           |
| Shauntrece Crider/Rink Guard<br>11/6/91                                  | 5.00      |
| CIRCUIT COURT/APPOINTMENTS                                               |           |
| Jeffrey Johnson/Sheriff Deputy<br>8/22/91                                | 10.00     |
| Steven Lockyear/Sheriff Deputy<br>8/22/91                                | 10.00     |
| COUNTY COMMISSIONERS/APPOINTMENTS                                        |           |
| Billie J. Farrel/Admin. Assistant 11/7/91                                | 17,341.00 |
| COUNTY COMMISSIONERS/RELEASED                                            |           |
| Donneta Marrs/Pt.Time<br>11/11/91                                        | 5.00      |
| PROSECUTOR/APPOINTMENTS                                                  |           |
| Lucille E. Smith/Court Reporter 11/4/91                                  | Other Pay |
| COUNTY HWY DEPT./APPOINTMENTS                                            |           |
| Gary Page/Truck Driver 10/29/91                                          | 10.21     |
| COUNTY HWY DEPT./RELEASED                                                |           |
| Gary Page/Truck Driver<br>10/2/91 Leave of Absence due to Workmens Comp. | 10.21     |
| TREASURER/APPOINTMENTS                                                   |           |
| Kim Ford/Cashier<br>11/4/91                                              | 15,834.00 |
| SHERIFF/APPOINTMENTS                                                     |           |
| Jerry Stroud/Corr. Officer<br>11/6/91                                    | 17,875.00 |

|    | Tonya Bennett/Corr. Officer 11/6/91                                                                                                            | 17,875.00 |          |
|----|------------------------------------------------------------------------------------------------------------------------------------------------|-----------|----------|
|    | Richard Pace/Corr. Officer 11/2/91                                                                                                             | 17,875.00 |          |
|    | SHERIFF/RELEASED                                                                                                                               |           |          |
|    | Jerrard Bailey/Corr. Officer<br>10/14/91                                                                                                       | 18,375.00 |          |
|    | Diana Whitney/Corr. Officer 10/10/22/91                                                                                                        | 17,875.00 |          |
|    | Richard Pace/Corr. Officer 11/1/91                                                                                                             | 17,875.00 |          |
|    | GERMAN ASSESSOR/APPOINTMENTS                                                                                                                   |           |          |
|    | Deirdre Brenner<br>11/6/91                                                                                                                     | 15,672.00 |          |
|    | GERMAN ASSESSOR/RELEASED                                                                                                                       |           |          |
|    | Deirdre Brenner<br>11/6/91                                                                                                                     | 14,926.00 |          |
|    | SUPERIOR/APPOINTMENTS                                                                                                                          |           |          |
|    | Kendra Grammer/Small Claims Sec. 11/4/91                                                                                                       | 16,452.00 |          |
|    | SUPERIOR/REALEASED                                                                                                                             |           |          |
| c. | Donald Vowels/Court Admin.<br>11/8/91<br>Scheduled Meetings:                                                                                   | 39,698.00 |          |
|    | Wed. Nov. 13Board of Public Works9:00 Thur. Nov. 14Central Dispatch11.00 Thur. Nov. 14Personnel Admin4:00 Mon. Nov. 18County Commissioners6.00 | amRm 30   | 01<br>03 |

# 8. Old Business:

# 9. New Business:

# 10. Meeting Recessed:

# VANDERBURGH COUNTY PUBLIC WORKS 715A Locust Street Evansville, IN 47708

| DATE | : November 1                                         | 1, 1991                         | Te                                                                          | 1. (812)            | 424-9603         |
|------|------------------------------------------------------|---------------------------------|-----------------------------------------------------------------------------|---------------------|------------------|
| Rm.  | erburgh County<br>305 Civic Cente<br>sville, IN 4770 | r Complex                       | ssioners                                                                    |                     |                  |
|      | RE:                                                  |                                 | Street Improvements<br>Industrial Park Drive                                |                     |                  |
| Dear | Commissioners:                                       |                                 |                                                                             |                     |                  |
| cons | ovements on <u>No</u><br>tructed/finishe             | vember 7, 1991<br>d on/by Augus | inspection of the s<br>These Street I<br>st 30, 1991 . All<br>in accordance | mproveme<br>streets | nts were<br>were |
| feet | The following wide streets i                         |                                 | of the length of the Subdivision:                                           | complete            | d <u>24.0</u>    |
|      |                                                      | lustrial Park I                 |                                                                             | 1100                | LFT              |
|      |                                                      |                                 |                                                                             |                     | LFT              |
|      |                                                      |                                 | TOTAL:                                                                      | 1100                | LFT              |
|      | ACCEPTED XXXX                                        | REJECTED                        | FOR MAINTENAN                                                               | ice                 | ice.             |
|      | ectfully,                                            | with a                          | Accepted for Mai<br>Board of County                                         |                     |                  |
| 500  | tha Davis<br>way Services Ma                         |                                 | Preside Vice-President                                                      | 2                   |                  |
| cc:  | Developer<br>Design Enginee                          | ar.                             | vice-Pre                                                                    | sident              |                  |
|      | APC .                                                | -                               | Memb                                                                        | er                  |                  |

# **AGREEMENT**

This Agreement is entered into as of the // day of October, 1991, by and between D. L. Savage Engineering, Inc. ("Savage") and Vanderburgh County with reference to and incorporation of the following:

#### RECITALS:

- 1. Unless otherwise indicated, capitalized terms and phrases used in this Agreement shall have the following meanings:
  - (a.) "Agreement" means this Agreement by and between Vanderburgh County and D. L. Savage Engineering, Inc.
  - (b.) "Savage" means D. L. Savage Engineering, Inc. an Indiana corporation with its principal place of business at P.O. Box 15247, Evansville, Vanderburgh County, Indiana.
  - (c.) "Vanderburgh County" means a governmental entity located at the Civic Center Complex, One N.W. Martin Luther King Jr. Blvd., Evansville, Indiana 47708; also refers to and includes all of the officers, employees and agents of Vanderburgh County.
- NOW, THEREFORE, the parties to this Agreement agree as follows:
- 1. Consideration: Consideration for entering into this Agreement is the payment of the sum specified in Section Two and the mutual promise of the parties herein contained, the efficiency and adequacy of which are hereby acknowledged.

# 2. Mutual General Promises:

- (a.) Savage shall be employed as a consultant to provide professional services for the bridge replacement on Nesbit Road at Big Creek Ditch and Baehl Ditch (the "Project").
- (b.) The term of this Agreement shall commence on October 14, 1991, and shall continue until all phases of the Project as defined in sub-paragraph (c) herein, are successfully completed and approved by Vanderburgh County, or as provided elsewhere in this Agreement.
- (c.) Savage shall perform the Project in four (4) phases, and will be compensated by Vanderburgh County after the successful completion, and approval by the Vanderburgh County Engineer, of each phase. The description of each phase, and sum to be paid to Savage at the completion thereof, is as follows:

| PHASE | DESCRIPTION                                                     | LUMP SUM FEE              |
|-------|-----------------------------------------------------------------|---------------------------|
| I     | Field Survey<br>Note Reduction                                  |                           |
| II    | Hydraulic stu-<br>and coordinat<br>County Survey<br>Land Owners | e with                    |
| III   | Plat of Surve                                                   | ¥<br>\$2,420.00           |
| IA    | Design and Fi<br>Plans                                          | nal<br><u>\$12,750.00</u> |
|       | TOTAL FEE                                                       | \$19,800.00               |

- 3. <u>Payment</u>: Vanderburgh County, by and through its Commissioners, agree to compensate Savage as provided within Section Two of this Agreement for its services rendered under this Agreement. Such fee shall be paid from the Cumulative Bridge Fund.
- 4. Representatives and Warranties: Each party represents and warrants that each has the full right and power to execute, deliver and perform this Agreement according to its terms, without the necessity of consent of joinder with another; when executed and delivered, this enforcement shall constitute a valid and binding agreement, enforceable according to its terms.

# 5. General Provisions:

- (a.) <u>Binding Effect</u>: The provisions of this Agreement shall be binding on and shall enure to the benefit of the respective successors and assigns of the parties.
- (b.) Effective Date: This Agreement may be executed in counterparts, all of which when taken together shall be deemed one original agreement, and will be effective, when all parties have executed and delivered this Agreement, on and as of the date first above written.
- (c.) <u>Cancellation</u>: Either party herein may cancel this Agreement at the completion of any phase, as defined in Section Two (2) of this Agreement, upon prior written notice to the other party.
- (d.) Entire Agreement: This Agreement constitutes the entire Agreement and the understanding between the parties with respect to the subject matter hereof and may not be modified or amended except in a writing signed by all of the parties.

IN WITNESS WHEREOF, the parties have executed or caused to be executed by the undersigned thereunto duly authorized, and delivered this Agreement as of the day and year first above written.

D.L. Savage Engineering, Inc.

Dave Savage, P.E.

Vanderburgh County

Carolyn McClintock, President

on Hunter, Vice President

Richard Borries, Member

Sam Humphrey Auditor
Vanderburgh County

APPROVED: -

Ted C. Ziemer, Jr.

Attorney for Wanderburgh

County

ZIEMER, STAYMAN, WEITZEL & SHOULDERS

ATTORNEYS AT LAW

P. O. BOX 916 - 1507 OLD NATIONAL BANK BLDG. EVANSVILLE, INDIANA 47706-0916

TED C. ZIEMER, JR.
ROBERT F. STAYMAN
STEPHAN E. WEITZEL
PATRICK A. SHOULDERS
MARCO L. DELUGIO
GREGORY G. MEYER
REBECCA T. KASHA
GARY K. PRICE
STEVEN K. HAHN

TELEPHONE (8:2) 424-7575
TELECOPIER (8:2) 421-5089

JOHN E. EARLY

November 11, 1991

Ms. Carol McClintock
President
Vanderburgh County Commissioners
Civic Center Complex
Room 305
Evansville, IN 47708

Re: Report of County Attorney to Regular Meeting of Commissioners (November 11, 1991); Status of Various Legal Matters

Dear Ms. McClintock:

Herewith I submit to the Vanderburgh County Commissioners my report as Vanderburgh County Attorney on the status of various legal matters as of the regular meeting of the Vanderburgh County Commissioners held November 11, 1991:

- 1. At the request of the Vanderburgh County Treasurer's office, this office prepared a Withdrawal of Claim, and Order, on behalf of the Treasurer, to withdraw the County's Claim for delinquent real estate taxes in the Carter bankruptcy matter.
- 2. In regards to <u>Coomer v. Vanderburgh County Board of Commissioners</u>, Cause No. 82D03-9005-CP-743, this office prepared and filed a Dismissal With Prejudice of such legal action.
- 3. At your request, and the request of James Morley, this office prepared and delivered an opinion regarding the water retainage easement maintenance clause for a certain land development project; such opinion also provided for proper notice requirements.
- 4. At the request of the County Engineer's office, this office prepared an opinion regarding the abandoning of Montgomery Road by this Commission in 1974.

5. The Vanderburgh County Sheriff's Department has been named a defendant in a civil rights claim filed by Michael Hooper. An Answer to such claim will be filed by this office on behalf of the Sheriff's Department, on or before November 22, 1991.

Sincerely,

Ziemer, Stayman, Weitzel & Shoulders

Gary K. Price

GKP/srm

To: County Commissioners

Re: Report on Risk Management Activities to date:

A) Group Health Insurance

50% of time so far

Getting proposals from BC/BS, Welborn, PHN, First Benefit, NY Life, Aetna, Willis Corroon, Nyhart, Farm Bureau to ascertain opportunities to:

- 1) Gain a better control on costs.
- Temper the ultra-high rate of inflation on these coverages.
- B) Have in process:
  - 1) Broader named insured.
  - 2) Higher limit on Court House Boiler policy.
  - Adding to personal injury endorsement on liability policy.
  - 4) Going to agreed amount instead of replacement cost on Coliseum and Old Court House, with no requirement to rebuild.
- C) Will get proposal on higher self-insured limit (\$150K) prior to 2-1-91. Would suggest using savings in excess insurance to increase total coverage.
- D) Have had repeated sessions with Penco, Hodge, Willis Corroon, and IAIS.

Respectively submitted,

NR/bj

# H. NORRIS ROBINSON 421 SCENIC DRIVE EVANSVILLE, INDIANA 47715 (812) 477-1179

EDUCATION:

BSEE, Purdue University, 1949

MILITARY SERVICE: U.S. Navy, 1944-1946, honorably discharged as ETM 3/C

EMPLOYMENT HISTORY:

1953 to present - American General Finance, Inc. or predecessor corporations.

1961 to present - Senior Vice President in charge of insurance operations, including: Merit Life Insurance Co., Yosemite Insurance Company, and Interstate Agency

# MAJOR ACCOMPLISIMENTS:

- (1) Life Insurance Company has grown from \$2 million in assets to \$500 million in assets (Statutory).
- (2) Life Insurance Company's net worth has increased from \$100,000 to \$156,000,000 (Statutory).
- (3) Casualty Company has grown from \$15 million assets to \$54 million assets since acquisition in 1971.
- (4) Casualty company has grown from \$5 million surplus to \$30 million surplus (Statutory). All surplus growth has been internally generated.
- (5) Served as Corporate Risk Manager 1961 to 1989.
- (6) Total insurance profits are projected at \$48 million -1989; forecast for 1990 is \$56 million. Total premium writings in 1989 (a record year) will be \$107,000,000.

# PROFESSIONAL DESIGNATION:

CPCU - 1962

#### INDUSTRY ACTIVITIES:

- (1) Consumer Credit Insurance Association Board Member - 15 years. Executive Committee Member - 5 years. President & Chairman, 1987 - 1988.
- (2) NAIC Credit Insurance Industry Advisory Committee
- (3) ACLI Regulatory Subcommittee

November 11, 1991

To: County Commissioners

I recommend that the County contract with Jerry Schenk and Associates, for this firm to provide appraisal services for all County owned building (other than those held for resale) for an annual fee as follows:

\$60.00/ hour

\$6500.00/ minimum annual fee

\$8000.00/ maximum annual fee

Respectively submitted,

May to day

NR/bj

\$30,000

November 11, 1991

To: County Commissioners

Re: Attached proposal

I recommend approval of the suggested rate change for the Group Life
Insurance provided by the County for its full-time employees.

The slight rate increase (6%) is called for by the loss experience on this case.

Respectively submitted,

Risk Management

NR/bj



101 COURT STREET, SUITE 211, EVANSVILLE, IN 47708-1164 Phone: (812) 423-7716 — FAX: (812) 423-6136

October 16, 1991

Norris Robinson County Commissioners Office City & County Administration Bldg. Civic Center Evansville, IN 47708

RE: Vanderburgh County Group Life Policy GL-23565 - ITT Hartford Insurance Co.

Dear Mr. Robinson:

Enclosed is a copy of the letter we recently received from the Hartford concerning the County's Group Life Insurance rates effective 1/1/92.

Please look over this information at your convenience. If you have any questions, please don't hesitate to call me.

Sincerely,

DUB /mm/

RHB/mmw Enc.

IF WE'RE NOT HANDLING YOUR INSURANCE, YOU MAY BE PAYING TOO MUCH.



October 10, 1991

Kansas City Regional Office 7300 West 110th Street Overland Park, KS Mailing Address: P.O. Box 2927 Shawnee Mission, KS 66201 Telephone (913) 451-2324 Facsimile (913) 451-8186

Robert H. Barthel 101 Court, Suite 211 Evansville, IN 47708

RE: Vanderburgh County

GL-23565

#### Dear Bob:

Our underwriters have completed the prospective evaluation on the Life coverage for Vanderburgh County utilizing experience up to 9/1/91. The results of this evaluation will result in a rate increase to be implemented on 1/1/92. Below are the inforce and renewal rates:

|                                                                      | Inforce                    | Renewal                    |
|----------------------------------------------------------------------|----------------------------|----------------------------|
| <pre>&lt;70 years - Life/AD&amp;D - composite 70+ years - Life</pre> | \$3.36/ee<br>\$.43/\$1,000 | \$3.57/ee<br>\$.43/\$1,000 |

The current manual rate is \$.512/\$1,000 for both the over and under age 70 groups. Based on an experience evaluation , the final results were a 6.3% increase to the under 70 years rate and a continuation of the 70+ group.

There have been no claims in the current open year of 11/90 to 9/91; however, an error was made in the last retrospective review. There were three claims that had been omitted from the evaluation. We will not revise last years rating, but will include these three claim in the 11/90 to 11/91 year. Below Below are the three claims to which I am referring:

| Name      | Amount  | Date of Death | Date Processed |
|-----------|---------|---------------|----------------|
| Dorsey    | \$7,500 | 02-19-90      | 03-12-90       |
| Roth      | \$7,500 | 04-10-90      | 05-14-90       |
| Rodenberg | \$7,500 | 04-12-90      | 05-11-90       |

ITT Hartford Insurance Group Hartford Fire Insurance Company and its Affiliates Hartford Plaza, Hartford, Connecticut 06115

I would appreciate it if you would advise Vanderburgh County of this very minimal rate increase to be effective 1/1/92. If either you or our mutual client have any questions, please call me. I would be happy to discuss any questions or concerns you might have.

Sincerely,

Mary Conway Senior Group Service Consultant

cc: Jim Howard, Account Executive, Group Sales, Kansas City

co alla.

# EMPLOYMENT AGREEMENT

This Employment Agreement is entered into as of the 5th day of August, 1991, by and between H. Norris Robinson ("Robinson") and Vanderburgh County with reference to and incorporation of the following:

# RECITALS:

- 1. Unless otherwise indicated, capitalized terms an phrases used in this Agreement shall have the following meanings
  - (a.) "Agreement" means the Employment Agreement by and between Vanderburgh County and H. Norris Robinson.
  - (b.) "Robinson" means H. Norris Robinson, a resident of Vanderburgh County, Indiana, with his principal place of business at 421 Scenic Drive, Evansville, Indiana.
  - (c.) "Vanderburgh County" means a governmental entity located at the Civic Center Complex, One N.W. Martin Luther King Jr. Blvd., Evansville, Indiana 47708; also refers to and includes all of the officers, employees and agents of Vanderburgh County.

NOW, THEREFORE, the parties to this Agreement agree as follows:

1. Consideration: Consideration for entering into this Agreement is the payment of the sum specified in Section Three (3) and the mutual promise of the parties herein contained, the efficiency and adequacy of which are hereby acknowledged.

# 2. <u>Mutual General Promises</u>:

- (a.) Robinson shall be employed as a consultant to provide risk management services for Vanderburgh County.
  - (b.) Robinson's employment shall commence on 1991, and shall continue for a period of one (1) year.
  - (c.) Robinson shall work the hours needed to adequately perform the function of Risk Manager. Robinson shall work a minimum of fifteen (15) hours per week.

- (d.) Robinson shall report directly to the Vanderburgh County Board of Commissioners.
- (e.) Robinson will perform risk manager functions for Vanderburgh County, including claims reporting and surveillance of loss control and formation of insurance programs to best safeguard County assets at least cost using higher quality insurers.
- 3. <u>Payment</u>: Vanderburgh County, by and through its Commissioners, agree to compensate Robinson a fee of \$1,000.00 per month for his services rendered under this Agreement.
- 4. Representatives and Warranties: Each party represents and warrants that each has the full right and power to execute, deliver and perform this Agreement according to its terms, without the necessity of consent of joinder with another; when executed and delivered, this enforcement shall constitute a valid and binding agreement, enforceable according to its terms.

# 5. <u>General Provisions</u>:

- (a.) <u>Binding Effect</u>: The provisions of this Agreement shall be binding on and shall enure to the benefit of the respective successors and assigns of the parties.
- (b.) Effective Date: This Agreement may be executed in counterparts, all of which when taken together shall be deemed one original agreement, and will be effective, when all parties have executed and delivered this Agreement, on and as of the date first above written.
- (c.) <u>Cancellation</u>: Either party herein may cancel this Agreement with thirty (30) days prior written notice to the other party.
- (d.) Entire Agreement: This Agreement constitutes the entire Agreement and the understanding between the parties with respect to the subject matter hereof and may not be modified or amended except in a writing signed by all of the parties.

IN WITNESS WHEREOF, the parties have executed or caused to be executed by the undersigned thereunto duly authorized, and delivered this Agreement as of the day and year first above written.

Vanderburgh County

wis

Richard Borries, Member

Sam Humphrey Audi Vanderburgh County

APPROVED:

Jeff Wilhite, Attorney for Vanderburgh

County

United Artists Cable
of Evansville
1900 North Fares Avenue
P.O. Box 4658
Evansville, IN 47724-0658
(812) 422-1167
FAX (812) 428-2427



October 28, 1991

Carol McClintock, President Board of Commissioners of Vanderburgh County, and Commissioners 305 Administration Building Civic Center Complex Evansville, IN 47708

Dear Ms. McClintock:

Enclosed please find check #20036100 from United Artists Entertainment Company dated October 9, 1991, in the amount of \$33,498.23. This check is for the third quarter franchise fee from United Artists Cable of Evansville to the county of Vanderburgh.

Also enclosed, please find the financial report of gross receipts for this same period.

Please note that this check reflects an increase of over \$2,900 since our last quarterly payment. This again reflects the increase of the basic rate to our customers.

I trust that you will find this information complete and satisfactory for your needs. Should you desire further information or clarification, please feel free to call upon me directly.

Thank you.

Sincerely,

Michael D. MacNeilly

General Manager

attachments

VANDERBURGH CITY LICENSE FEE CALCULATION FOR THE PERIOD JULY - SEPTEMBER, 1991

FILE: EVFFATCH.WK1

| HONTH     | BASIC      | PAY TV    | TOTAL<br>Basic & Pay | LESS: STATE<br>SALES TAX<br>@ 5% | LESS:<br>PASS THROUGH<br>TAX @ 2% | NET BASIC<br>& PAY | INSTALL  | LESS:<br>Pass throu<br>Tax @ 2% | NET<br>Install | ADVERTISING | E<br>TOTAL TAX<br>REVENUE | 5% FEE<br>OUE |
|-----------|------------|-----------|----------------------|----------------------------------|-----------------------------------|--------------------|----------|---------------------------------|----------------|-------------|---------------------------|---------------|
| JULY      | 202,163.38 | 34,096.68 | 236,260.06           | (11,040.19)                      | (4,416.08)                        | 220,803.79         | 4,767.30 | (93.48)                         | 4,673.82       | 10,306.49   | 235,784.11                | 11,789.       |
| AUGUST    | 185,683.55 | 32,944.61 | 218,628.16           | (10,216.27)                      | (4,086.51)                        | 204,325.38         | 3,929.67 | (77.05)                         | 3,852.62       | 9,851.11    | 218,029.11                | 10,901.       |
| SEPTEMBER | 183,754.05 | 31,582.18 | 215,336.23           | (10,062.44)                      | (4,024.98)                        | 201,248.81         | 5,150.72 | (100.99)                        | 5,049.73       | 9,853.04    | 216,151.58                | 10,807.       |

\* TOTAL TAX REVENUE EQUALS: NET BASIC AND PAY REVENUE + NET INSTALLATION REVENUE

+ ADVERTISING REVENUE

TOTAL AMOUNT DUE

33,498. ------



# FINANCIAL REPORT OF GROSS RECEIPTS PERIOD: July 1, 1991 - September 30, 1991 FOR THE CITY OF VANDERBURGH, INDIANA

Name of Firm:

United Artists Entertainment, Inc.

Main Office:

1691 Phoenix Boulevard, Suite 210

Atlanta, GA 30349

Indiana Address:

1900 N. Fares Ave., Evansville, IN

Kind of Business:

Community Antenna TV System

Gross Receipts - Vanderburgh, Indiana

\$626,377.98 Basic and Pay TV Receipts 13,576.17 Installation Charge Advertising Receipts 30,010.64 \$669,964.79 Rate

Franchise Fee Due

\$ 33,498.24

Certificate:

I hereby certify that I have examined this report, and the statements made and the figures shown herein are true and correct to the best

of my knowledge and belief.

Date:

October 15, 1991

Verhardt - Anne Marie Eberhardt Southeast Division Accounting 'Manager

AME: hlb

# 1991 Invoices

# Jerry Schenk:

| 1/9   | \$ 3600.00 |
|-------|------------|
| 2/1   | 3600.00    |
| 3/6   | 3600.00    |
| 4/9   | 2610.00    |
| 5/2   | 3600.00    |
| 6/4   | 3600.00    |
| 7/2   | 3600.00    |
| 8/5   | 1500.00    |
| Total | 25,710.00  |

## JERRY SCHENK AND ASSOCIATES, INC. INSURANCE APPRAISALS & RISK MANAGEMENT SERVICES

P. O. BOX 6281 EVANSVILLE, IN 47712 (812) 423-6300

To County Commissioners City County Building Room 305 Evansville, IN 47705

May 31, 1991

TERMS: Net 10 Days

Risk Management Service for May, 1991 Vanderburgh County Insurance Program.

Total 60 hours

TOTAL FEE PER AGREEMENT ---

\$3,600.00

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

ereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, i that no part of the same has been paid.

JERRY SCHENK E ASSOC, INC.

Jerry Schenk, Dres.

Title

#### DRUG AND ALCOHOL DEFERRAL SERVICE

DIVISION OF THE VANDERBURGH SUPERIOR COURT

CARL A. MILLER ASSOCIATE DIRECTOR

SUITE 135, LANDMARK BUILDING 111 N. W. FOURTH STREET **EVANSVILLE, INDIANA 47708** TEL. (812) 428-0579

November 7, 1991

**Board of Commissioners** of the County of Vanderburgh 305 Administration Building CMC Center Complex Evansville, IN 47708

**ATTENTION:** Commissioners

This letter is to request permission and reimbursement for a member of my staff, Deborah Ransom-Greenwell, to travel to Indianapolis on November 18, 1991, and return on November 20, 1991.

This workshop is important, not only because of the content, but for the number of credit hours she will receive; which can be applied toward her certification.

I have enclosed a copy of her confirmation of registration. Should you have any questions, please feel free to contact me.

Sincerely,

WMC/sg

Enclosure (1)

, <u>2</u>

William M. Campbell

**Director** 



TOMORROW'S LEADERS

September 25, 1991

To: Mr. Mark Tuley

Fr: Sgt. Randall Heidorn Re: Burdette Park and Safety Patrol

Mr. Toley,

Please accept this correspondence as a follow-up to our telephone conversation PA Wednesday Sept. 25.

As you know since the inception of School Safety Patrols in Evansville in 1918, there has not been a single serious accident where safety patrol students have patrolled. This success is due in large part to the hard work and dedication of the 5th, 6th, 7th, and 8th grade students who serve their school and community by being a Safety Patrol member.

It is with the idea of rewarding these students for their fine work that we are contacting you in hopes that they may have access to suitable facilities you may be able to provide through the school year. Students would utilize their Safety Patrol I.D. cards to gain admittance. The use of these I.D. cards is closely supervised by their schools and the School Safety Program of the Evansville Police Department.

.. We believe that the School Safety Patrol Program instills qualities of good citizenship and leadership in our young people. I hope you will join us in supporting these "special" boys and girls.

Thanking you in advance for your cooperation.

Lindall Thickows

Sgt. Randall Heidorn School Safety Unit

Evansville Police Department

428~0650

TOTAL P.01

Shating Rinh



TO

November 8, 1991

Mr. Mark Tuley
Burdette Park
PO Box 7081
Evansville. IN 47719

Dear Mark,

Thank you for calling me today with reference to the Junior League of Evansville's School Incentive Project at the Hillcrest-Washington Youth Home. The League is very interested in helping the children at Hillcrest. Last year, we donated \$37,794.00 to remodel the two learning centers at the Home. The Idea of the school incentive project was the result of information gathered during our involvement with the remodeling. Hillcrest personnel places great emphasis on education, and we wanted to again assist them in their efforts. To assure the success of the project, we have committed ourselves to this for two years.

Hillcrest is a temporary home for children, ages six to eighteen, who have been removed from the home for a variety of reasons, usually abuse (sexual, physical, mental). The Home is not an orphanage — it provides temporary care, with emphasis on education. Most of the children have attended as many as 10-15 different schools in their young lives! The Southwestern Indiana Mental Health Foundation is the governing body and it is primarily supported through the County Welfare and General fund.

As part of the project, a monthly 'outing' is arranged for the children who qualify by meeting certain criteria at school (good grades, no smoke-ups, etc.). Junior League representatives (myself and six others) accompany the children on all outings, as do Hillcrest employees. The children have specifically requested a skating party at Burdette as their monthly 'reward' in January. We respectfully request you waive the rental and skate fee for this trip. As discussed, I have scheduled January 9 from 6:00 -8:30pm for the party with your secretary. Laura.

At your earliest convenience, please consider our request. Junior League is committed to this project and will appreciate any assistance you can give us. I will await your reply.

Sincerely.

Soy K. Pay

Chairman

Hillcrest School Incentive Project

123 N.W. FOURTH ST. • EVANSVILLE, IN 47708 423-9127

TOTAL P.02



### **EVANSVILLE URBAN TRANSPORTATION STUDY**

Civic Center Complex, Room 316, 1 N.W. Martin Luther King, Jr. Blvd. Evansville, IN 47708-1833 (812) 426-5230

ROSE M. ZIGENFUS, M.P.A. EXECUTIVE DIRECTOR

## VANDERBURGH COUNTY BRIDGE NO. 3C OVER PIGEON CREEK ON OHIO STREET

#### CONSULTANT PROPOSALS

|     | <u>FIRM</u>                           | OVER HEAD RATE                   | SCHEDULE OF WORK |
|-----|---------------------------------------|----------------------------------|------------------|
| 1.  | AES/Warrick Engineering, Inc.         | 130.93%                          | 240 days *       |
| 2.  | Bernardin, Lochmueller & Associates   | current 138.22% proposed 141.55% | 576 days *       |
| 3.  | Craig & McKneight, Inc.               | 143.39%                          | 310 days *       |
| 4.  | Fink Roberts & Petrie, Inc.           | 149.56%                          | 420 days **      |
| 5.  | Floyd E. Burroughs & Associates, Inc. | 140%                             | 250 days *       |
| 6.  | Morley & Associates, Inc.             | 127.82%                          | To be Determined |
| 7.  | MSE Corporation                       | 160%                             | 270 days *       |
| 8.  | R.W. Armstrong                        | 155.77%                          | 270 days *       |
| 9.  | Three I Engineering Inc.              | 96.8%                            | 75 days *        |
| 10. | United Consulting Engineers, Inc.     | 160.0%                           | 675 days **      |
| 11. | Warren T. Hobson & Associates, Inc.   | 125.91%                          | 314 days *       |

- \* Calendar Days, does not include review time.
- \*\* Calendar Days, includes estimated review time by various agencies.

Revised November 11, 1991

#### VANDERBURGH COUNTY DUMPING ORDINANCE

#### (A.) Definitions

- (1.) "Contaminant" means any solid, semisolid, liquid, or gaseous matter, or any odor, radioactive material, pollutant as defined in the Federal Waste Pollution Control Act, hazardous waste as defined by the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), as amended, or any combination thereof, from whatever source, that:
  - (i) is injurious to human health, plant or animal life, or property, or;
  - (ii) interferes unreasonably with the enjoyment of life or property.
- (2.) "Disposal" means the discharge, deposit, injection, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that the solid waste or any constituent of the solid waste may enter the environment or be emitted into the air, or discharged into any waters, including ground waters. (P.L. 143-1985, SECTION 77) (Dispose means to do the above actions).
- (3.) "Garbage" means all putrescible animal solid, vegetable solid, and semisolid wastes resulting from the processing, handling, preparation, cooking, serving, or consumption of food or food materials.
- (4.) "Open Dump" means the consolidation of solid waste from one or more sources or the disposal of solid waste at a single disposal site that does not fulfill the requirements of a sanitary landfill or other land disposal method as prescribed by law or regulations, and that is established and maintained without cover and without regard to the possibilities of contamination of surface or subsurface water resources. (Open Dumping-the act of).
- (5.) "Person" means an individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, municipal corporation, city, town, school district, school corporation, county, any consolidated unit of government, political subdivision, state agency, or any other legal entity.
- (6.) "Processing" means the method, system, or other handling of solid waste so as to change its chemical, biological, or physical form or to render it more amenable for disposal or recovery of

materials or energy, or the transfer of solid waste materials but excluding the transportation of solid waste.

- (7.) "Recovery" means obtaining materials or energy for commercial or industrial use from solid waste or hazardous waste. (Includes recycling).
- (8.) "Sanitary Landfill" means a solid waste land disposal facility designed to accommodate general types of solid waste, excluding waste regulated by 329 IAC 3, and operated by spreading the waste in thin layers, compacting it to the smallest practical volume, and covering it with cover material at the end of every working day.
- (9.) "Solid Waste Facility" means all contiguous land and structures, other appurtenances, and improvements on the land, used for processing, storing in conjunction with processing or disposal, or disposing of solid waste, and may consist of several processing, storage, or disposal operational units, e.g., One (1) or more landfills, surface impoundments, or combinations thereof.
- (10.) "Hazardous Waste" means a solid waste or combination of solid wastes that, because of it's quantity, concentration, or physical, chemical, or infectious characteristics, may:
  - (i) cause or significantly contribute to an increase in mortality or an increase in serious irreversible illness; or
  - (ii) pose a substantial present or potential hazard to human health to the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- (11.) "Waste Tire" means a tire that is not suitable for the tire's original purpose.
- (12.) "Waste Tire Storage Site" means a site at which five hundred (500) or more waste tires:
  - (i) are accumulated in the outdoors at a single location; and
  - (ii) are not completely enclosed within a structure or vehicle.
- (13.) "Solid Waste" means any garbage, refuse, waste tires, sludge from a waste treatment plant, sludge from a water supply treatment plant, sludge from an air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations or from community activities. However, the term "solid waste" does not include:

- (a) solid or dissolved material in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges, which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act Amendments (33 U.S.C. 1342).
- (b) source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).
- (c) manures or crop residues returned to the soil at the point of generation as fertilizers or soil conditioners as part of a total farm operation.
- (d) uncontaminated rocks, bricks, concrete, road demolition waste materials, or dirt, otherwise known as clean fill, which must be free of natural growth, building materials, or refuse.
- (e) land application materials regulated by 327 IAC 6 and 327 IAC 7.
- (f) confined feeding control by-products regulated by I.C. 13-1-5-7.
- (g) waste-water discharge by-products regulated by 327 IAC 5.
- (h) recovery materials, except for incineration, in which the waste, other than tires, has been segregated from the general waste stream prior to arrival at a processing site.
- (i) uncontaminated and untreated natural growth solid waste including tree limbs, stumps, leaves, and grass clippings unless such material has been dis-disposed of on property, public or private, in receptacles or containers not intended for this purpose.
- (j) sawdust which is derived from processing untreated natural wood.
- (k) coal ash, transported by water, into an ash pond which has received a water pollution control facility construction permit under 327 IAC 3.
- (1) coal ash at a site receiving a total of less than one hundred (100) cubic yards per year

from generators who each produce less than one hundred (100) cubic yards per year.

- (m) coal waste as exempted from regulation in P.L. 103-1988.
- (n) iron and steel-making slags including the use as a base for road building, but not including use for land reclamation.
- (o) foundry sand which has been demonstrated as suitable for restricted waste site III under the provisions of 329 IAC 2-9, including the use as a base for road building, but not including use for land reclamation.
- (p) hazardous wastes, including used oil, which are regulated by and shall be treated, stored, and disposed of in accordance with 329 IAC 3, if generated in quantities more than one hundred (100) kilograms per month.
- (q) wastes which meet restricted waste site type IV criteria under 329 IAC 2-9-3, and shall be disposed of as specified by 329 IAC 2-14-17.
- (r) infectious waste which are defined, regulated, and shall be disposed of in accordance with I.C. 16-1-9.7.
- (s) used lead acid batteries, 6 volts or more, which are regulated by and shall be disposed of in accordance with I.C. 13-1-15.
- (t) waste tires stored in a waste tire storage site which holds a valid permit issued by an agency of state government under I.C. 13-7-23.

#### (B.) <u>Unauthorized Disposal Prohibited</u>

#### No person shall

- cause or allow storage, open dumping, processing, open burning, disposal or
- (2.) deposit, dispose or dump

solid waste, garbage, or contaminants on any property, public or private, street or thoroughfare, stream or lake unless such

-

property is a solid waste facility operating under the authority of a solid waste facility permit or license granted by an agency of state government.

#### (C.) Solid Waste Containers

The occupying owner or occupying tenant of any dwelling unit, apartment house, building, structure, or business, public or private, may place at a convenient location on the same property which the owner or tenant occupies, standard containers, dumpsters, or bags for the temporary containment of solid waste or garbage awaiting disposal. Such containers shall be constructed, handled, and placed in a way that will not promote health or animal problems. Such solid waste or garbage shall not be in place for more than thirty (30) days awaiting disposal.

#### (D.) Enforcement

The Board of Commissioners of Vanderburgh County shall designate the enforcement agency for this ordinance.

- (1.) Individuals charged with enforcement of this ordinance may give notice of a violation by issuing a citation stating the nature of the violation.
- (2.) The enforcement agency may commence a civil action to enjoin any person from violating any condition of this ordinance through an action by the County in the Circuit Court of Vanderburgh County, the purpose of which is to impose a penalty and seek remediation.
- (3.) If a condition violating this ordinance exists on real property, officials of the County may enter onto that property and take appropriate action to bring the property into compliance. However, before an action to bring compliance may be taken, all persons holding a substantial interest in the property must be given a reasonable opportunity to bring the property into compliance. If an action to bring the property into compliance is taken by the County, the expense involved may be made a lien against the property.

#### (E.) Penalty

- (1.) Any person who violates any provision of this ordinance:
- (i) shall be subject to a civil penalty of not less than two hundred fifty (\$250.00) dollars and not more than two thousand five hundred (\$2,500.00) dollars for each violation:
- (ii) each day a violation exists shall be considered a separate violation, and a court may assess a monetary civil penalty for each day the violation exists:
- (iii) may be subject to all court costs and legal fees incurred by the County in connection with the violation.
- (2.) The Board of Commissioners of Vanderburgh County shall designate county officials who may accept the payment of a monetary penalty provided by this ordinance from the person responsible for the violation prior to initiation of litigation if the county official deems it to be in the best interest of the county that a higher penalty not be sought through litigation.

#### (F.) Rights of Landowner

A landowner, public or private, on whose land garbage or other solid waste has been dumped without the landowner's consent may, in addition to any other legal or equitable remedy available to the landowner, recover from the person responsible for the illegal dumping:

- (1.) Reasonable expenses incurred by the landowner in disposing of the garbage or other solid waste; and
- (2.) Court costs and legal fees incurred due to the illegal dumping.

| Indiana on the day of _<br>day signed and executed by th | Commissioners of Vanderburgh County,, 1991, and upon that e members of the Board as appears by nd all attested to by the Auditor of |
|----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
|                                                          | BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY                                                                                        |
|                                                          | Carolyn McClintock, President                                                                                                       |
|                                                          | Don Hunter, Vice-President                                                                                                          |
|                                                          | Richard J. Borries, Member                                                                                                          |
| APPROVED AS TO FORM:                                     |                                                                                                                                     |
| Ted C. Ziemer, Jr.,<br>County Attorney                   | Sam Humphrey, Auditor Vanderburgh<br>County, Indiana                                                                                |

Charles Luecke Jr. Chairman, Legislative Committee Westside Improvement Assn.

2361 Schutte Rd. Evansville, Ind.

47712

424-5722

Vanderburgh County Commissioners City-County Bldg. Evansville, Ind.

Dear Commissioner,

After talking to several people about the Vanderburgh County Dumping Ordinance which you are now considering, we would like to offer the attatched amendments. We hope that you would consider these amendments in an effort to make the ordinance more comprehensive.

Sections (d) and (i) of the Solid Waste definition were changed to make these materials a part of solid waste if dumped on someone's property without their consent.

Section (1.) of Enforcement was changed to provide time for a violator to remove solid waste illegally dumped before receiving a citation.

We feel that in it's present form, this ordinance gives the enforcement agency sufficient flexibility to conduct policy and promote fairness to all violators.

Our Executive Committee has also agreed that the Vanderburgh County Sheriff would be the best agency to enforce this ordinance. We veiw illegal dumping as being a public nuisance as it concerns solid waste and feel the Sheriff's dept. with it's patrolling deputies would best be available for enforcement. It also comes to mind to most people as the first to call to report illegal dumping. We would ask that you encourage the Sheriff to dedicate a deputy or deputies for this type of code enforcement.

Please accept our input and changes in regards to this ordinance and feel free to call on our efforts in any way we can assist.

Sincerely,

Chris Lucke Jr.

Please replace the existing statements with the amended versions as follows:

#### (A.) Definitions

#### (13.) "Solid Waste"

- (d) uncontaminated rocks, bricks, concrete, road demolition waste materials, or dirt, otherwise known as "clean fill", which is free of natural growth or refuse. However, such materials (rocks, bricks, dirt, etc.) are considered solid waste if disposed of or dumped on property, public or private, without the consent of the property owner.
- (i) uncontaminated and untreated natural growth solid waste including tree limbs, stumps, leaves, and grass clippings. However, such materials are considered solid waste if disposed of or dumped on property, public or private, without the consent of the property owner.

#### (D.) Enforcement

- (1.) Individuals charged with enforcement of this ordinance shall:
  - (i.) issue notice or warning of a violation, stating the nature of the violation, to a person or persons found in violation of this ordinance. Such notice or warning shall provide thirty (30) days for those person or persons found in violation to remove solid waste, garbage, or contaminants illegally placed, dumped, or disposed of from the site in violation.
  - (ii.) issue a citation of violation, stating the nature of the violation, to a person or persons who have not complied to a notice or warning of said violation issued at least thirty (30) days earlier. This citation shall be issued no later than thirty five (35) days after the date of notice or warning of said violation.

# MINUTES COUNTY COMMISSIONERS MEETING NOVEMBER 18, 1991

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Meeting Recessed at 8:00 p.m.

## MINUTES COUNTY COMMISSIONERS MEETING NOVEMBER 18, 1991

The Vanderburgh County Board of Commissioners met in session at 6:00 p.m. on Monday, November 18, 1991 in the Commissioners Hearing room, with President Carolyn McClintock presiding. (Commissioner Richard J. Borries was absent.)

#### RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

President McClintock called the meeting to order, welcomed the participants, introduced members of the County Staff, and asked the group to stand for the Pledge of Allegiance.

Ms. McClintock then asked if there were any groups or individuals in the audience who do not find their particular item of interest on the agenda. There was no response.

#### RE: VANDERBURGH AUDITORIUM

In proceeding, Ms. McClintock reported the 1990-1991 Income at Vanderburgh Auditorium, as follows:

1/90 thru 10/90 \$134,181.20 1/91 thru 10/91 \$149,483.57

Ms. McClintock said this is an increase of \$15,302.37. A final comparison report will be made at year's end.

#### RE: <u>DRAWING FOR PRIZES/UNITED WAY</u>

It was reported by Ms. McClintock that the United Way pledges from County Employees increased by 33% this year (\$5,500 as opposed to \$3,200 in 1990). The Commission was concerned about the level of participation of County Employees and went out and got some prizes donated and the drawing for same will commence at this time. Winners were, as follows:

4th Prize - Lunch at The Pub Joe Ballard
3rd Prize - Lunch at DiLegge's Jackie Danheiser
2nd Prize - Lunch at Petroleum Club Jeff Evans
Grand Prize - Free Parking/Auditorium

for One (1) Year Joe Nieten

#### RE: <u>DUMPING ORDINANCE</u>

Commissioner McClintock said probably the most important item on this evening's agenda concerns the proposed Dumping Ordinance, which was discussed last week. The Commission has had comments from individual contractors and the Westside Improvement Association, as well as recommended deletions/additions to the proposed Ordinance. She then entertained comments from the audience concerning the Ordinance.

Mr. Sam Elder, Director of the City-County Health Department, was recognized and indicated he had submitted a list of recommended additions/deletions. They did not know who was going to be involved in the enforcement of the Ordinance and felt there were some items which needed to be clarified. He said the Commission might not understand Item 8 on his list and that is the 329 IAC 3, which is the regulation that affects the landfills that are just first clean fill -- like Jerry David has.

Ms. McClintock said she had set up a meeting for Wednesday of this

week with the Sheriff to discuss enforcement. Would Mr. Elder be able to attend said meeting? Mr. Elder is willing to enforce the County as well as the City?

Mr. Elder said they do all the leg work for the Indiana Department of Environmental Management. They investigate any complaints, etc.

Ms. McClintock asked, "Then if we include these deletions/additions in the ordinance, you are telling us that your office would have no problem in enforcing the ordinance, as written?

Mr. Elder said, "There is one thing I think should be emphasized in the ordinance and that is that the actual dumping violations — when they are seen — should be enforced by the Sheriff's Department. They are the only department that has personnel on a 24-hour basis."

Ms. McClintock asked, "Would it be useful for you to attend this meeting with the Sheriff?"

Mr. Elder said he would be glad to do so.

Ms. McClintock said she will call him tomorrow morning so he can put this meeting on his calendar. She then asked if there is any other organization or agency that should be involved in that meeting?

Mr. Elder said that the Sheriff and the Police do issue citations whenever they see someone dumping. He thought it would be much easier to enforce if it were stipulated in the Code (the citation bit) like it is in the City Code. He is not sure which ordinance the County does have. For instance, ordinances like dumping in the County prior to this year — they enforced that under State law, which wasn't hard to do. But when you enforce it under the State Law, it means that the County Attorney serves as our Attorney, by statute, unless the Commission hires someone else different to do it. (Previously, it was the Prosecutor.) The County Attorney wold prosecute the case and this is a long drawn out affair. It's not any problem to delay it for a year if the party wants to, wherewith the citation you have them in Court in a month.

In response to query from Commissioner McClintock, Mr. Elder said this is basically the same thing he is operating with the City.

Mr. Mike Wilson (a contractor) said at this point he does not represent any organization. He has spoken informally with individual landowners, trash haulers, disposal companies, etc., and started to do a little leg work on the whole situation. He spoke with the President of the Home Builder's Association, but he hasn't gotten back with him yet on how it affects the construction industry.

Ms. McClintock said the Commission has had the same problem

Continuing, Mr. Wilson said the construction industry is trying to cover up for winter. He does have a letter to submit to the Commissioners today for their consideration. (Copy of letter attached hereto as part of the formal minutes.)

Ms. McClintock said it sounds as though Mr. Wilson's problem is really something that needs to be addressed by the Solid Waste Management District. They are meeting tomorrow evening. She is passing her copy of Mr. Wilson's letter to Lou Wittmer, with the request that he get it to Betty Lou Jerrel, Chairman of that committee. Further, the Commission can request that Browning-Ferris appear before the Commission and address Item (a) mentioned in Mr. Wilson's letter. She then asked Mr. Wittmer invite Browning-Ferris to the Commission meeting when the First Reading on

the advertised ordinance is held so they can address some of these issues.

Mr. Wilson said that in addition to affecting the construction industry, this ordinance will affect the landowner. The landowner will be victimized twice: Once by the midnight dumper and secondly with clean-up cost and the responsibility for that. He spoke with a couple of farmers and stated in a letter to them that today's meeting would be at 4:30 p.m., since he didn't realize it was being held at 6:00 p.m. He saw one of the commercial haulers (Griese Disposal) up here, but he left.

Mr. Hunter said Griese is on the Solid Waste Committee and will be at tomorrow night's meeting.

Mr. Wilson said he thinks construction debris is loosely defined, if indeed at all it is defined in the proposed ordinance. He doesn't think that is considered solid waste or clean fill. He is not sure the bulk of construction material has any hazardous waste in it. He would like to discuss the language of the proposed ordinance.

Ms. McClintock said that Gary Price of the law firm of Ziemer, Stayman, Wietzel & Shoulders is the attorney who drew up this ordinance. She then asked that Mr. Wittmer call Mr. Price in the morning and ask him to call Mr. Wilson, so they can go through the specific language for the ordinance and Attorney Price can address any questions Mr. Wilson has. That would be the most simply way to handle this.

Mr. Wilson said he checked with Crowe Wrecking, but they are not accepting anybody's else's construction debris because of regulations and their landfill filling up. That is a concern of his. There used to be numerous places to dump responsibly and they have dried up. He thinks the Health Department has done an excellent job in routing those places out. He is concerned with a lack of alternative disposal sites.

Ms. McClintock interrupted by saying this Commission is **not** going to address that; that is why we have a Solid Waste Management District and that is a completely separate Board -- although all three Commissioners serve on that Committee -- but they are only a small portion of that Board.

Commissioner Hunter said he and Mr. Wilson talked prior to tonight's meeting and one of Mr. Wilson's concerns was the dumping of roofing material. The State has put a stop to any dumping of that type, because it is petroleum based. He is not sure that even Mr. Crowe would be permitted to take it at this point, although perhaps he could under special permit. What the Commission is basically talking about in this ordinance is putting some teeth into illegal dumping, not try to put a burden on the contractors of the community.

Mr. Wilson said he understands that and he is for cleaning up the environment and his intention here is not to do anything to harm the environment. Again, his concerns are the language and responsibility for clean-up and the cost attached to that.

In response to query from Mr. Wilson as to whether he can attend tomorrow's Solid Waste Committee meeting, Ms. McClintock responded affirmatively and said it begins in Room 307 at 5:30 p.m. tomorrow.

Westside Improvement Assn./Shirley James: Ms. Shirley James said she would like to explain why WIA was so anxious to have this dumping ordinance. Presently she can show the Commissioners some sites out on the west side which would absolutely devastate them. There is one area owned by an absentee landlord to which the contractors have been bringing their roofing materials and dumping

same all over this man's property — even though there is a house on the property. The house is not occupied at the moment, but it is certainly a very viable home. Since no one has been in the house for a few short months, there is presently roofing materials over that entire piece of property — and that is what happens on the west side — or especially on the west side. They have ravines and woods. Because the ravines hide a lot of things people find this an excellent place to dump — especially every time the landfill fees go up. The west and northwest is the major watershed for Vanderburgh County. When you dump in those ravines, who knows what it is — paint cans, insecticide barrels, asbestos, or what have you? You have a potential for contaminating your own water supply. As they understand it, approximately 50% of the City's water comes out of that watershed and 85% of rural water comes out of that watershed. She, herself, has had to pay \$1,000 to haul away other people's garbage out of her woodland. She does that because she doesn't want children whom she lets use her woods cut on the broken glass; she doesn't like the looks of that and loves the beauty of her woodland. She also thinks it is terribly irresponsible for people to impose that on her — so that's a personal point of view.

Secondly, a few years ago they wanted to clean out Carpenter Creek. They had two people from the Sewer Department almost become asphyxiated when they tried to move up Carpenter Creek. The westside residents were complaining about an odor and they felt that probably some sewage, etc., going into the Creek was part of the problem. What they encountered was that the Creek was completely obstructed by construction debris and soil that had come down from the building of a shopping area. Also, behind each house the home owner had used the creek as a private dump and the creek with septic waste was completely stopped up. They asked the City Engineer at the time if he could help them unplug this creek, because they were having flooding down into what they called mud center and these people could not get flood insurance. consequence, he said he was sorry but it would cost about \$50,000. The neighbors were going to raise the \$50,000 -- but subsequently thought that was a foolish thing. What they were going to have to do was dig a hole along the creek to put the garbage into, because it was too muddy and wet to get heavy equipment in to take the garbage out. They thought at the time, 'Why do this? If we do garbage out. They thought at the time, 'Why do this? If we do this and raise \$50,000 out of the community to do it, there is no dumping ordinance that will prevent it from happening again and it would be wasted money.' So their point is this, it is no longer efficient government to allow this kind of dumping to occur. It is not good for our water supply; it is not good for living conditions that an obstructed creek dumped septic waste all over some innocent people and their health is involved. They think it is very vital to have a dumping ordinance and they hope they can work with people so it is suited for everyone. In the meantime, Ms. James asked that the Commissioners please consider this ordinance and pass same.

There being no further comments, Ms. McClintock entertained a motion to set First Reading for this Ordinance for December 2nd, with Second and Final Hearing on December 9th. Any additions/deletions should be noted next week so the proposed ordinance can be properly advertised.

Motion to have the amended ordinance prepared and ready for next week, with First Reading on December 9th and Second and Final Reading on December 9th was made by Commissioner Hunter, with a second from Commissioner McClintock. So ordered.

Ms. McClintock requested that Mr. Wittmer ask Attorney Price to have the ordinance ready for next week.

Commissioner Hunter said that as a postscript to what Mr. Wilson was talking about, he had a call from the County Garage this week

COMMISSION MEETING NOVEMBER 18, 1991

and the illegal dumping is a major problem for the County clean-up crews. And the cost of using the BFI landfill is another problem we're dealing with, because we haven't any money to pay the \$30.50 per load. Therefore, the County is dealing with the same problem the construction industry people are dealing with right now. Maybe we need to see if BFI will renegotiate something.

#### RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

The meeting continued with President McClintock entertaining bids on County-owned Surplus Real Estate which had been advertised for sale.

Mr. Raymond Hill of 2419 St. James Blvd. bid \$1.00 on the property located at 2771 Broadway (Tax Code: 11-770-32-41-16).

The Chair entertained further bids on said parcel. There being none, a motion was entertained.

Motion to sell the property at 2771 Broadway for the amount of \$1.00 was made by Commissioner Hunter, with a second from Commissioner McClintock. So ordered.

Ms. McClintock said Mr. Hill needs to see Vanessa in the Auditor's Office during their regular office hours and pay for said property.

#### RE: APPOINTMENTS TO COUNTY LAND VALUATION COMMISSION

President McClintock asked that Mr. Wittmer obtain a list of the qualifications for individuals appointed to serve on this Commission; they are very specific. She knows the Commission was scheduled to make the needed appointments tonight, but she is not prepared to do so -- nor is Mr. Hunter. The Commissioners need a brief list of qualifications for review and the appointments should be scheduled on next week's agenda (November 25th).

#### RE: SCHEDULED BID OPENING - 1992 TAX BILLS

Ms. McClintock noted that the bid opening on the 1992 Tax Bills will also be on next week's agenda, as scheduled -- not today.

#### RE: COUNTY ATTORNEY - JEFF WILHITE

Attorney Wilhite said he has submitted his written report.

North Green River Rd. Project: Mr. Wilhite said there were two owners objecting to our taking of property on North Green River Rd.: American Wholesalers and Sugar Mill Apartments. With regard to the first instance, we've tried that matter in the Court and just received word that we won. The Judge agreed we needed that and has ordered that it be appropriated and we now have the right to that property. The Sugar Mill Apartments matter will be set for trial before the end of the month. Hopefully, by December 1st we will have the rights to the only two pieces of property we just finished acquiring.

Approval of Non-Voting Members/Central Dispatch Board: Ms. McClintock noted that included on the Consent Agenda tonight was the approval of the two non-voting members on the Central Dispatch Board to represent County Fire and EMS (rather than EHS -- that is a typo).

Attorney Wilhite advised that does not violate the Inter-Local Agreement. If they are more comfortable with the Commission's approval, that is fine.

Weight Watchers, Inc./Complaint: Attorney Wilhite said he has given the Commissioners a copy of a draft of a Complaint. It is now time to ask the Courts for assistance. There is a County

Ordinance that provides that the Department of Weights & measures is our vehicle in the County to make sure that weights and measures are accurate in this County, which is a State Statute that governs that entities that measure with scales to measure service. We believe that applies to Weight Watchers Kentuckiana, Inc. Our remedy is to ask the Court for help. What this complaint does is ask for a Court Order that they not hinder Mrs. Townsend's efforts to see that they are in compliance with any ordinance and State Law, as well as ask for a recoupment of the cost of that action. He would ask for a motion on the Commission's consent to file said Complaint.

Motion to this effect was made by Commissioner Hunter and seconded by Commissioner McClintock. So ordered.

RE: PUBLIC WORKS - GREG CURTIS

Bridge #111 (Oak Hill Rd.): Mr. Curtis recommended that we select Floyd Burroughs & Co. as the Consultant on this bridge.

Bridge #72/Stringtown Rd.: Mr. Curtis recommended that we select R. W. Armstrong as the Consultant on this bridge.

Motion to approve the foregoing selection of Consultants was made by Commissioner Hunter, with a second from Commissioner McClintock. So ordered.

GIS Pilot Study: It was the recommendation of Mr. Curtis that we select Digitech Systems, Inc. as the Consultant on this project. He feels that they, by far, as the most qualified for this project. He would also recommend that we allow them to help in securing funds for their services and the cost of the eventual entire GIS System. They are willing to do that and it would be easier for them to do that with the Commission's blessing to do so prior to an agreement being signed or even negotiated. And, also, they have agreed those costs will not be included in their fees to the County. Determining the scope of the project will also require some meetings with those who have expressed interest, as well as those who have not yet responded. Some of that will also have to be done prior to an agreement being drafted and signed and they have also agreed to assist with that.

Motion to select Digitech Systems, Inc. as Engineering Consultant for the project, but not approve the project until such time as the scope is determined and the funding is available was made by Commissioner Hunter, with a second from Commissioner McClintock. So ordered.

Corrective Action Plan for Clean-Up at County Garage: Mr. Curtis said it is his recommendation that we select Donan Engineering of Evansville with regard to the corrective action plan for clean-up of diesel fuel spill, etc., at the County Garage. Interviews were held this past Thursday and he was, of course, very impressed with Heritage Remediation. However, he was also very impressed with Donan Engineering. All things considered, he feels Donan will better serve the interests of the County on this project.

Motion to select Donan Engineering for this project was made by Commissioner Hunter, with a second from Commissioner McClintock. So ordered.

Mr. Curtis noted he spoke with Jeff Dodson following the last Commission Meeting. Attorney Dodson agreed that if Mr. Curtis would allow him to do so, he would sit in on the interviews at no expense to the County and he did so. He and Mr. Dodson discussed consultant selection and he feels the selection of Donan is a very workable situation, as well. He also offered to review the agreement to make sure that it states such that it will comply with what we have to comply with. To make a long story short, he has an

agreement to be signed. We are under a time deadline of February 4th for getting the corrective action plan submitted. The agreement is a very standard form and the attachment sets forth the specifics.

Ohio Street Bridge #3-C: Mr. Curtis said Consultants were interviewed on Friday (Warren T. Hobson & Associates, Bernardin, Lochmueller & Associates, and Fink, Roberts & Petrie of Indianapolis). The interviews were very interesting. He felt two of the firms were particularly well qualified for the project. Keith Lochmueller is here this evening -- somewhat at Mr. Curtis' urging, to explain the environmental concerns we feel are going to have to be addressed. Fink, Roberts & Petrie did not address it nor did they feel it necessary; they felt the environmental concerns were completed. Mr. Curtis said he would recommend the selection of Bernardin, Lochmueller & Associates. He also would ask that Keith Lochmueller explain to the Board the concerns that have arisen due to the discoveries that have been made during the environmental investigations on the Expressway bridge.

Mr. Lochmueller said, "When reviewing the project, one of the things we ran into -- we read the Environmental Statement -- and the Environmental Statement was prepared in 1988. Since that time some new regulations have come out and it's come out on hazardous waste and it is very critical. The State has done testing for their piers on the Russell Lloyd Expressway and have found heavy metals in there. What I am saying is, without any question, two things have to be done. You have to have a Phase I review of the area -- and that will just be research documentation -- and that wouldn't take much, all you have to do is see it. Secondly, it would have to be tested. If those things don't occur, when you get into the right-of-way area you are going to run into a very serious problem and you can't move forward, because the Federal Highway is basically requiring that you address hazardous waste. If you're putting a pier down, you're digging the pier, you might have to contain that material and then might have to transport that material out of there. All I am saying is that this has to be addressed whether we like to or not -- the hazardous waste problem should be addressed. It wasn't addressed in the previous Statement, but it is because they are starting to enforce the regulations. (I think the regulation was there at the time, it just wasn't being enforced.) If there isn't any hazardous waste in that area, I don't think there should be any hazardous waste around." In response to query from Commissioner McClintock concerning the time frame, Mr. Lochmueller said he would say 285 days. If we run into a hazardous waste problem, we'd be looking at 500 days. If there is a problem out there it has to be addressed.

Commissioner Hunter asked Mr. Lochmueller if he is positive we have to have this environmental audit in addition to the initial environmental work that was done?

Mr. Lochmueller responded, "Before the interview, I called the State Highway Department and talked with their environmental section. They were very clear that when you get to the right-of-way section, you will address that. All you have to do is call the State Highway Department and they will tell you that. In the old statement, you didn't have to do that. Now, in all statements you have to have that in there — you don't have a choice. You wouldn't even be this far without it. If there's a new project out there — for instance, we're doing the highway from Evansville to Indianapolis — the environmental audits are in there. You do not get past that stage. In response to query from Commissioner Hunter if this makes the price go up, Mr. Lochmueller said it does unless we can do this in house and he doesn't think we have people qualified to do the testing — that would have to be subcontracted out. But if we can do it in house, then do it in house. What he is saying is that it has to be done so it doesn't hang up the project.

Mr. Hunter said his concern is the Lloyd Expressway bridge and everything being shut down on the west side. Is there a way that the review can be pushed ahead? Can it be walked through the State?

Mr. Lochmueller responded, "Of course."

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, Bernardin, Lochmueller & Associates was selected as the Consultant on the Ohio Street Bridge. So ordered.

Mr. Curtis said he will try to have an answer on how we're going to proceed with the environmental issue as soon as possible. He will discuss that with EUTS. No matter who we have do it, they can sub out the testing work, etc. He will see if EUTS feels that is something they would want to try and do, or whether we want to have BLA do it, or possibly look at other alternatives.

Ms. McClintock said she drafted a letter today for Greg Curtis' office to send out to all of the County's consulting engineers on all of our projects, and asked that they give a monthly update on where they are and what their current time table is. She went back and researched, and in the ten years prior to her election -- not one foot of concrete was laid in this County and they had lots of projects going. Green River Rd. started back in 1981. She thinks we need to push these people.

Appraisal/Lynch Rd.: Mr. Curtis said he has another appraisal on Lynch Rd. This particular parcel is a 6.7 acre amount of purchase. The problem with this parcel and why we went ahead and did this is that it is a parcel that was going to have an uneconomic remnant. It is cheaper to buy the property than it is to build the service road for them to get to it. It is costing us \$13,500. He would recommend that the buyer for the project be authorized to offer the property owner \$13,500.

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

Acceptance of Check/Storm Sewer: Mr. Curtis presented a check in the amount of \$41.75 from Jago Homes with regard to the storm sewer/Lincoln Pointe Subdivision, explaining this is monies the developers place in escrow for the release of their linear feet of storm sewer outside the County Highway right-of-ways.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock the check was accepted, endorsed, and given to the secretary for deposit. So ordered.

Utility Easement/Upper Mt. Vernon Rd.: Mr. Curtis said he has a utility easement on Upper Mt. Vernon Rd. near Boehne Camp Rd. It is a small section. What they are wanting to put in is an area where they are more or less going to have a small sub-station set up. He has reviewed it and finds it to be in order and would recommend it. We get good cooperation out of Indiana Bell and he'd like to continue to do so. Therefore, he recommends approval.

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

#### RE: CONSENT AGENDA

Evansville Philharmonic/Security: Ms. McClintock said the Evansville Philharmonic is asking that their security rate at the Auditorium be locked in at \$13.00 per hour this year.

Request to Advertise for Guard Rail, Liquid Asphalt, Timber Materials, etc.: We would be advertising for bids on November 22nd and November 29th, with bid opening scheduled on December 9th.

Travel Requests: Ms. McClintock said that several weeks ago the Commission sent a letter to the State Board of Health recommending our local Health Department for an award. We received notification today that indeed they have received an award. Health Department personnel will be attending the Annual Health Conference in Indianapolis, at which time they will be receiving a State Award. She has asked Mr. Wittmer to prepare a letter commending the employees of the Vanderburgh County Health Department.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the minutes of August 26th, September 23rd, November 4th and November 11th were included on the Consent Agenda and the Consent Agenda approved. So ordered.

RE: OLD BUSINESS

Ms. McClintock entertained matters of old business to come before the Board. There were none.

RE: <u>NEW BUSINESS</u>

Commissioner McClintock then entertained matters of new business to come before the Board. There were none.

There being no further business to come before the Board, Commissioner McClintock stated the Board will recess until 7:30 p.m., at which time they will reconvene to hear Rezoning Petitions.

\* \* \* \* \* \*

#### REZONING PETITIONS

The Board of Commissioners reconvened at 7:30 p.m. Commissioner McClintock said the Board has two (2) Rezoning Petitions to be heard this evening.

VC-9-91/Petitioner, Thomas J. Solecki (McCutchanville Community Assn.): Ms. McClintock said property is located at 9219 Petersburg Rd. and current zoning is R1/SU14. Requested change is to C-2 w/Use & Development Commitment. Property is currently utilized as Fire Station and Community Building. Proposed use is Fire Station, Community Building, and Light Commercial. She would entertain a motion to approve the Petition on First Reading and forward to the Area Plan Commission.

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

VC-8-91/Petitioners, Steven & Marcia Yurks: Property is located at 4101 Mesker Park Drive. Petitioner is requesting change from Agricultural to C-4 with a Use & Development Commitment. Petition was approved with 7 affirmative votes and 0 negative votes at the Area Plan Commission. Attorney Steve Bohleber is representing the Petitioners this evening.

Attorney Bohleber said that approximately 1-1/2 years ago the Yurks purchased approximately 40 acres at 4101 Mesker Park Drive on which to establish their home and business. They are requesting a rezoning with regard to a small portion of their property to allow the continuation of their business known as Lawn Care, Inc. He previously provided the Commissioners with a Lawn Care brochure, to give the Commissioners an idea as to what the business is about. Basically this business goes to the customer and treats their lawn and takes care of other gardening needs on site. The business is done at the customers' residences. There will be no retail sales on this property and he cannot conceive of a customer coming there very often. It is not the type of business that solicits customers to come to its site. To the contrary, a call is received and Mr.

Yurks goes to them.

From all indications, there is significant support through the neighborhood for a continuation of this business. He has a Petition signed by in excess of twenty (20) people who live on Mesker Park Drive, either contiguous to or in close proximity to this property, supporting the petition. Since their plan has always been to establish this business, the Yurks polled the neighbors prior to purchasing the property and found no opposition on the part of the neighbors. This seems to be quite consistent with the agricultural uses in the neighborhood. The Ordinance, however, 1 cuts the pie a bit and requires a commercial zoning for this type of activity. The EUTS report shows no negative impact on the traffic flow in the area as a result of this business activity. There will be no excessive noise generated and no retail traffic and no retail business. One concern is that this is spot zoning that will promote commercialization up and down Mesker Park Drive. His clients have tried to do everything to eliminate this as a concern. As noted, they have submitted a Use & Development Commitment which limits the use of the property to this specific activity and also contains a covenant (although it may not be technically enforceable) that requires his clients to rezone the property back to an agricultural use should this activity ever cease. This shows that the Yurks are committed to maintaining the integrity of this neighborhood. Additionally, they have tried to carve out a small, isolated parcel of that 40 acres. The rezoned portion does not include the Yurks' residence or the balance of their farmland. The area looks like a farm. Areas are planted in winter wheat and there is a small lake. Mr. Yurks does use pesticides and fertilizers, so there was some small environmental concern. Other than in his farming activity, none of this will be used on site. His business is licensed by the State; he is inspected twice a year and the use of pesticides and fertilizers is strictly controlled. Mrs. Yurks is a microbiologist at Bristol-Meyers and is probably more conscious than most people of environmental risks and problems. The entire Yurks family is here, as well as some 20-25 neighbors in support of the rezoning petition. They know of no remonstrators who have ever come to the public forefront, other than the Westside Improvement Association. If the Board has questions, he and his clients will be happy to try to answer same.

Following further brief comments and questions, a concern was expressed by Lester Helfert of 3915 Mesker Park Drive, who said this ground used to belong to his mother-in-law and father-in-law. He made it clear he is not opposing the petition, but is wondering if this ground is zoned C-4 and Mr. Yurks is willing to turn it back to agricultural if he ever sells it, what is going to happen if somebody else in the area wants their ground zoned C-4 for something else? He'd hate to see Mesker Park Drive go the same route as St. Joe Avenue. He has no objections to Mr. Yurks' petition, however.

Commissioner McClintock explained the rezoning procedure to Mr. Helfert, saying the Area Plan Commission and Board of Commissioners considers each petition and each parcel on its own merit because of land use. The APC and Commissioners would depend upon good neighbors, such as himself, that if somebody came in and wanted some kind of use totally out of character for the neighborhood that they would oppose same and come forward to oppose those types of rezonings.

There being no further comments or questions, a motion wa<s entertained.

Motion to approve the rezoning was made by Commissioner Hunter, with a second from Commissioner McClintock. Ms. McClintock then asked for a roll call vote: Commissioner Hunter, yes; and Commissioner McClintock, yes. Petition approved by unanimous

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affirmative roll call vote. So ordered.

There being no further business to come before the Board, Commissioner McClintock declared the meeting recessed at 8:00 p.m.

#### PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
Jeff Wilhite, County Attorney
Cindy Mayo, Chief Deputy Auditor
Beverly Behme, APC
Barbara Cunningham, APC
Greg Curtis, County Highway Engineer
Gary Kercher, County Engineer's Office
Keith Lochmueller, BLA Assoc.
Steve Bohleber, Attorney
Mr. & Mrs. Steven Yurks
Jack Waldroup, Jr.
Lester Helfert
Others (Unidentified)
News Media

ABSENT: Richard J. Borries

**SECRETARY:** Joanne A. Matthews

Carolyn McClintock, President

Den Hunter, Vice President

## MINUTES COUNTY COMMISSIONERS MEETING NOVEMBER 25, 1991

The Vanderburgh County Board of Commissioners met in session at 4:30 p.m. on Monday, November 25, 1991 in the Commissioners Hearing Room, with President Carolyn McClintock presiding.

#### RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

President McClintock called the meeting to order, welcomed attendees, and introduced members of the County Staff. She subsequently asked the meeting participants to stand for the Pledge of Allegiance.

Ms. McClintock then asked if there are any individuals or groups in the audience who do not find their particular item of interest on today's agenda who wish to address the Commission.

#### RE: CAMPAIGN TO SAVE DEPUTY DUCK

Ms. Jan Steinmark, a Glenwood Middle School teacher, requested the Commission's assistance with her campaign to save Deputy Duck. She submitted a petition with 2,000 signatures of students and teachers who want Deputy Duck to continue making visits to schools. The Deputy Duck program is currently being reviewed by Sheriff Ray Hamner.

#### RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

President McClintock entertained bids on the County-Owned Surplus Real Estate which had been advertised for sale. There were no bids.

#### RE: AUTHORIZATION TO OPEN BIDS/1992 TAX BILLS

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, Attorney Gary Price was authorized to open bids received on the 1992 Tax Bills. So ordered.

Ms. McClintock said the names of the bidders will be read into the minutes later in the meeting. The bids will then be referred to the Purchasing Department and County Treasurer Pat Tuley, since some bidders may have bid on the entire project and others on pieces of the project.

#### RE: APPOINTMENTS TO LAND VALUATION COMMITTEE

Ms. McClintock noted that in looking at the Appointment List the County Assessor is automatically a member of this Committee, but the Commission felt they should go ahead and officially appoint him to this Committee. The Township Assessors elect from amongst their own their representative to the Land Valuation Committee. She is suggesting that the Commissioners proceed to elect Mr. James Angermeier and direct the Township Assessors to meet and make their appointment, so the Commission knows who their appointee is prior to making the remainder of their appointments so they can balance that out.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, Mr. James Angermeier was appointed to the Land Valuation Committee, as required. So ordered.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the Township Assessors are to be asked to convene to elect one (1) representative to the Land Valuation

Committee. So ordered.

President McClintock asked Mr. Lou Wittmer to send a letter to the Township Assessors. She said there will be a variety of appointments coming up on December 31st. The Commission will be making those appointments on December 23rd (since the Commission Meeting of December 30th has been canceled) and Mr. Wittmer is to ask the Assessors to try to have the name of their elected representative to him by December 16th, which will give the Commissioners a week to consider that individual along with the other nominees to that Committee.

#### RE: <u>AUTHORIZATION TO OPEN COMPUTER BIDS</u>

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, Attorney Gary Price was authorized to open the computer bids. So ordered.

#### RE: <u>DUMPING ORDINANCE</u>

President McClintock noted the Dumping Ordinance has been discussed at two previous Commission meetings. She had an opportunity to meet this past week with Sheriff Ray Hamner, Sam Elder/Director of the County Health Department, and Gary Price, who is the Attorney working with the County on this matter. They provided to Mr. Price the information provided by Mr. Elder and the Health Department.
As a result of the information provided by Mr. Elder, they were able to make this Ordinance very close enforcement wise to what the City of Evansville currently has. There were also suggestions from Mr. Mike Wilson as to how this Ordinance would affect the Contractors in this particular area and they tried to include some of that in the Ordinance. The Commission would be proposing that the Health Department perform the same functions as they do for the City of Evansville and basically they are really the first call on enforcement in Vanderburgh County. The times the Health Department is unavailable (evenings, nights, and weekends) the Sheriff's Department would be the first to respond. Or, of course, in cases where the Sheriff's Department would happen by when someone is dumping in the County, they would automatically enforce this particular Ordinance. The Sheriff was very pleased with the fining levels included in this particular Ordinance. The City's fine currently starts at \$25.00 and the County's at \$250.00 and the Sheriff thought his most appropriate, because for \$25.00 it is hardly worth the time spent by individuals in either the Health Department or the Sheriff's Department in determining who the individuals and companies are doing the dumping, let alone following the procedures to get the \$25.00 back. We look to that funding to help provide funds for the cost of enforcing this Ordinance. She believes Attorney Price has a revised version of the Dumping Ordinance. We need to get the Ordinance in final form so it can be advertised for First Reading on Monday, December 2nd, and Second and Final Reading on December 9th.

Attorney Price said the revised version includes changes reflected to date.

The initial proposed Ordinance allowed 30 days for clean-up (last page). Commissioner Hunter didn't like that. When Ms. McClintock met with Messrs. Elder and Hamner, they discussed both seven (7) and fourteen (14) days.

Following brief discussion, it was the consensus of the Commission that the clean-up time allowed should be cut to seven (7) days.

In response to query from Commissioner Borries as to other changes from the initial proposed Ordinance, Attorney Price said a few definitions were added under "Definitions". Composting was added to #1 (at the recommendation of the Department of Health). Recyclables were added under #10. Under #15 (Solid Waste) items

not included under Solid Waste definition, Letters "u" and "v" were added at the request of the Health Department. On "B" (Unauthorized Disposal Prohibited), that language was changed. The local agencies were detailed. Under "Penalties" on next to the last page, they added the language (i) may be charged with a Class B Misdemeanor and/or subject to a fine of not less than two hundred fifty (\$250.00) dollars and not more than two thousand five hundred (\$2,500.00) dollars for each violation.

The only other change would be designating the Department of Health as the enforcement agency.

With regard to unauthorized disposal, Commissioner Borries asked if this Ordinance, in effect, bans all open burning in the County?

Mr. Elder said they have to apply for a permit.

Mr. Borries asked, "If the person applies for the permit -- if he's a farmer engaged in rural activities in terms of that type of thing -- this is not in any way prohibiting him -- if he goes through the permitting process -- to do that?"

Mr. Elder said, "No, that would not prohibit that."

Ms. McClintock entertained further questions or comments.

Chief Deputy Auditor Cindy Mayo asked for verification as to whether the Auditor's Office has to advertise the Ordinance in its entirety.

Attorney Gary Price said that because of the interest in this particular Ordinance, the entire Ordinance should be advertised. He will provide the revised Ordinance (including changes made today) to Joanne Matthews for advertising purposes.

Ms. Rose Parks of 8505 Kneer Rd. approached the podium and stated that she is against all illegal dumping of trash. She is also against the illegal disposal of trash. The anti-dumping Ordinance pending will not stop illegal dumping. People will find a time and a place to dump their trash illegally as long as they have to pay the outrageous fees BFI charges. She doesn't agree with this kind of dumping; but she definitely understands why it is done. About eighteen months ago she had to pay \$18.00 to dispose of one small freezer at the BFI dump. For County residents it costs \$10.00 per month for trash pick-up. This is for four bags of trash per month. If you have more, you have to pay more. The City residents pay \$4.53 per month for any amount of bags they want to put out. The small waste haulers who pick up residential trash in the County have to continue to raise their rates because BFI owns the dump and they are in control. There is no limit to how much they may want to charge. The higher the BFI fees go, the higher the local haulers have to raise their fees. The higher the fees, the more people are going to stop having their trash picked up. She lives at the end of a dead-end road. In the spring there were nine (9) families on that road out of fourteen (14) having trash picked up. Today, there are three (3) families. They will think it is a lot cheaper to take a bag of trash to work and dump it out on the road enroute, put it in a commercial dumpster, or just sit it somewhere on the curb in the City. These things are all being done now. When the smaller waste haulers are run out of business, there will be a lot more of this type of dumping or trash disposal. She is really angry that the Commissioners are fighting taxpayers with their laziness and bad decisions. Mrs. James is concerned about the contamination of our water supply that may be caused by this illegal dumping. Ms. Parks shares this concern, but she realizes there are already enough poorly operated dumps that are closed around our City that uncontaminated ground water is probably a How many times have the operators of these thing of the past. dumps been fined for their illegal dumping? Free dumping days

would, no doubt, help this problem. However, BFI says they may not have enough room in the landfill to last until the State decides whether or not they can expand. Will there be any free days for disposing at this dump? There probably won't be -- they don't have room for it. So what are these people going to do with it? If the elected officials had control of the landfill, there would probably be enough space to last fifty (50) years at the present site. She understands Mrs. McClintock told Mr. Michael Wilson to go before the newly formed Solid Waste Management Committee for a solution to his construction material dumping. The Solid Waste Management Committee isn't responsible for the mess our waste hauling system is now in. But if they continue to just ride the wave and take the easy way out, Vanderburgh County will continue on a downhill course. To allow one (1) private company to own and operate a landfill is encouraging a monopoly situation whereby the citizens — as well as small businesses — will be raped by huge fees. Agricultural land and wetlands are too precious in this day and age to be wasted solely for the purpose of one company to make huge profits by accepting ton after ton of special hazardous waste. The landfill that now operates is near capacity because BFI courted special waste business. There must be a change in the method of waste disposal or the problems we are seeing now will continue to multiply. You should realize that the easy way out for you may not be in the best interest of the citizens. It is time to take care of the situation before it is too late. Regardless of what the Courier says, the Commission does have alternatives. A County-owned landfill. HEA 1240 sets up funds to be used to achieve this. Expert services have been offered at no charge to our County. This alternative would put the control where it belongs. The possibility of a transfer station. Vanderburgh County is small in land area compared to our population. All she heard this election year was the hope of everyone for Evansville to expand and grow economically. Should we burden ourselves with land that in the future will practically have no suitable use. Thirdly, would be consideration of another waste hole. But if the current expansion comes to pass as planned, another hauler would never have a chance to under bid BFI if the site was owned by BFI. A County-owned site would stop the monopoly. Illegal dumping may never be stopped, but she thinks a landfill or facility owned by the County could greatly reduce it. So why not cite a landfill the Commissioners can control. They can work with specific problems of citizens and small businesses. By not courting out-of-County and out-of-State trash we would not need to ruin the amount of acreage they are now planning to ruin. Maybe if the Commissioners treat the residents of Vanderburgh County fairly, instead of allowing them to be dictated to, they will be more likely to treat Vanderburgh County fairly.

President McClintock expressed appreciation to Mrs. Parks for her remarks and asked for further comments or questions. She asked Mr. Wittmer if the Commission has yet received a response from Browning-Ferris Industries. Mrs. McClintock then asked that Mr. Wittmer request Browning-Ferris attend the December 9th Commission Meeting to address the concerns raised by Mr. Wilson concerning the high fees.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the amended Dumping Ordinance was approved for redrafting, including the change from 14 to 7 days and the fact that any apartment unit of two or more units, the owner of the building or units is responsible for containers. So ordered.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the amended Dumping Ordinance is to be advertised for First Reading on December 2nd, and Second and Final Reading on December 9th. So ordered.

#### RE: VANDERBURGH AUDITORIUM

President McClintock said that back in 1989 the Jehovah's Witnesses had booked a date in the Vanderburgh Auditorium for October 10-11 in 1992. In the interim, the Evansville Philharmonic booked the same date. The records are very unclear as to who was first and who was second and What kind of arrangements were made. We cannot really kick the Philharmonic out of the Vanderburgh Auditorium, because it is a major performance of theirs. They have already booked and partially paid the fee for someone appearing with the Philharmonic Orchestra, or perhaps this is something that could be worked out. In talking to the individuals at Jehovah's Witnesses, she indicated to them she would bring to the Commission a proposal that we allow them to use the Gold Room at no charge for their particular event. Or, she has also talked to the Coliseum and that facility is available on those dates and they are willing to work with us to charge the same rent that is charged at the Auditorium. She indicated to him she would notify him, in writing, as to the feelings of the Commission regarding this problem with scheduling at the Auditorium. She would note that this group had the same problem back in March 1990 — so they are not happy customers of Vanderburgh Auditorium. Therefore, she felt it only fair to let them use the Gold Room in an effort to keep them happy. They are a large group and try to utilize the facility at least twice a year — once in the spring and once in the fall.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, permission was granted to let the Jehovah's Witnesses use the Gold Room at no charge for the October 10-11 dates. So ordered.

President McClintock said she will so advise them, in writing, and also let them know that tentative arrangements have also been made for them at the Coliseum -- and they have that other option.

Auditorium Advisory Board: Ms. McClintock noted the Auditorium Advisory Board will be meeting this evening and will have a recommendation concerning the management at the Vanderburgh County Auditorium. As indicated to the Commission all along, once the Advisory Board gets their recommendation narrowed down to two or three recommendations, a session would then be set up for the Commissioners to talk to the top two or three candidates. She would like to try to set up something for sometime next week -- since this is a short work week. She will ask Lou Wittmer to contact all three Commissioners, as she thinks it important that all three Commissioners talk with the candidates.

#### RE: READING OF BIDS/1992 TAX BILLS

Attorney Price said only one (1) bid was received, that bid being from Moore Business Communications Services. The bid amount was \$26,399.25.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the bid was referred to the County Treasurer for a period of one (1) week for review. So ordered.

#### RE: READING OF BIDS/COMPUTER EQUIPMENT

Attorney Price said bids were received from the following companies:

Mini Computers, Inc.
Brookvale Associates
U. S. West Communications Services, Inc.
Computer Systems Corporation
Cable-Com Technologies
Intelligent Data Systems, Inc.

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Emulex Corporation
Philip Lieberman & Associates, Inc.
Digital Computer Equipment
Total Tec Systems, Inc.
Pioneer Standard Electronics, Inc.
ATEK Information Services, Inc.

A bid was also received from Peripheral Computer Parts, Inc., but it did not contain a bond, as required.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the bids are to be referred to Mr. Elliott for review and a recommendation made to the Board at the December 9th Commission Meeting. So ordered.

#### RE: CONSENT AGENDA

President McClintock entertained questions concerning items on the Consent Agenda.

Chief Deputy Auditor Cindy Mayo said the Auditor's office has a problem with an appointment at the County Highway for Carol Gorman. The slot she is being put in is still right now under the Job Study and, in fact, is also under the Job Study for the 1992 Budget. She realizes there were contract talks with the Teamsters, but there has been no change on the Salary Ordinance. Therefore, the Auditor's Office will not be able to pay this until they receive clarification or some change on the Salary Ordinance.

President McClintock said she has a meeting set up with Auditor Humphrey next Monday to discuss what we do. It is her understanding the Board can go ahead and approve it and pay her the lower amount; and if they change it, they will have to pay her back.

Ms. McClintock then entertained further corrections or additions to the Consent Agenda. There being none, a motion was entertained.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the Consent Agenda was approved. So ordered.

#### RE: PUBLIC WORKS - GREG CURTIS

Medical Leave/Eric Acker: Mr. Curtis said an employee at the County Garage (Bridge Crew) is on Medical Leave Extension. Said extension insofar as it is approved by this Board will expire between now and next Monday. He is assuming he will notify us how long he needs to extend the leave by next Monday. At the present time the Commission approved his being on leave and the County paying the employer's share of insurance while he is off (he was in an automobile accident). At the present time he's not paid the employee's share and Mr. Curtis said he wanted the Commission to be aware of that. He also wanted the Commission to advise him as to At the present time he's not paid the what he should advise this employee. If we extend his leave, are we going to consider keeping him on the health insurance? that going to be discontinued? And, of course, he needs to pay his employee's share on the insurance to date. When he talks to him he wants to let him know what is going to happen. Had he remained in employment with no leave of absence he would have had his six month's service in in mid-December and he would be entitled to one week's vacation. However, he's been on leave for approximately 1-1/2 months and there is no way he will have six month's service before the end of the year -- so he will not be getting a week's vacation. He believes the employee's original intent was that his insurance be paid from that. Mr. Curtis said he is not familiar with the policy of employees being on sick leave and their insurance being paid or what the situation is.

Commissioner Hunter said he guesses his problem is with the

employee not paying his share of the health insurance while he was on leave. When he left he was given a document that made him aware of his responsibilities on that health insurance.

Mr. Curtis said he is not absolutely sure, but he believes he was sent a note with a copy of the Commission minutes, which said he would be on leave with the employer's share of the insurance being borne by the County. But that was to be up until this coming Wednesday.

Commissioner McClintock said she believes that with any other employees that have been off where we've paid their insurance they had to pay their employee's share -- and we can't start just letting employees not pay that. We're already doing them a service by continuing to provide that insurance to them. She thinks the Commission should establish a deadline for him to come in and pay his November-December insurance premium. If he doesn't get it in by then, he doesn't have any insurance. It is not fair to the other employees who are working to get their insurance and they are paying for it.

Commissioner Borries asked if Mr. Curtis can report back to the Commissioners on Monday his intention of paying the back insurance premiums?

Mr. Curtis said he is certain he will contact us between now and next Monday, because he has no Leave of Absence approved starting next Monday.

Notice to Bidders/Bridge #34/Outer Darmstadt Rd.: Mr. Curtis submitted Notice to Bidders for approval by the Board concerning Bridge #34 on Outer Darmstadt Rd., stating bids would be received at 6:00 p.m. on December 16th.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the Notice to Bidders was approved and Mr. Curtis was authorized to advertise for bids, with bid opening scheduled at 6:00 p.m. on December 16th. So ordered.

Commissioner Borries asked if we're ever going to re-do and consider the structure on Red Bank Rd. near the improvement this County did last fall in relation to Burdette Park?

Mr. Curtis said they are working on that but do not yet have it ready to bring to the Commissioners. He is uncertain as to the exact status, but will report back to the Board next week.

Mr. Borries said this matter needs to be addressed and this projects needs to be accomplished when Burdette Park is not in full operation.

Notice to Bidders/Kleitz Rd. Culvert: In presenting a Notice to Bidders on this project, Mr. Curtis said bid opening would be on December 9th at 4:30 p.m. He is also requesting permission to advertise for bids for this project.

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

Certification of Employees: Mr. Curtis said he knows Karen Hadfield talked to all three Commissioners with regard to the need for Scott Davis and David Franklin to take the remaining two tests in order to be certified in all areas in the State Certifications for Construction Engineering. He understands all three Commissioners gave their verbal approval for Messrs. Franklin and Davis to go to Indianapolis today and take those tests. The cost of the tests was \$20.00 per test. They were using a County car for travel and that is the expense of that. He is requesting official permission in the record for them to travel to Indianapolis for

purposes of taking those tests.

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

<u>PILOT G.I.S. STUDY:</u> Mr. Curtis said he will be meeting tomorrow with those agencies who expressed an interest in being involved in the Pilot G.I.S. Study. They will be meeting with them to see what kind of preliminary information they would like to see involved in that, so we can develop what kind of scope of work is going to be needed and come up with some idea of potential cost, etc.

<u>Claims:</u> Mr. Curtis submitted a docket of claims for approval (see attached Claims agenda) and recommended same be approved for payment.

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

#### RE: <u>OLD BUSINESS</u>

President McClintock said that Attorney Larry Downs has informed her that he is finally ready to bring back to the Commission the contract with the Teamsters for the Corrections Officers. We need to advertise that, as it needs to be in Ordinance form. She would like to set the dates for advertising that Ordinance for 1st Reading on December 2nd and Second and Third Readings on December 9th.

Commissioner Borries asked if there will be any discussion with Sheriff Hamner regarding the Merit System for those Correction Officers along with that contract?

Ms. McClintock said, "Yes. There is an Addendum to that contract that recognizes there may be a Merit System developed. I don't know whether the Sheriff is going to bring back that proposal at that time, but during the last discussion Larry indicated that is how that particular situation will be handled."

Mr. Borries asked, "Have you or Mr. Downs discussed that with the Sheriff?"

Ms. McClintock responded, "Yes, we both spoke with the Sheriff."

Mr. Borries asked, "And he said?"

Ms. McClintock, "The last time I talked with him he said he was working on it. But it has been some time ago. Each of the Commissioners will receive a copy of the Ordinance as soon as it is in final form, which should be some time this week."

In response to query from Commissioner McClintock, Secretary Joanne Matthews said that unless she can get the Ordinance to the newspaper first thing tomorrow morning, it cannot be advertised until week's end due to the Thanksgiving Holiday.

Commissioner Borries said he doesn't want to make a motion to advertise the Ordinance until he sees it -- so he knows what's he doing here.

Ms. McClintock said all the Board is doing is setting it for First Reading and Second and Final Public Hearing. He wouldn't be moving to approve it -- just to set the hearing dates.

Commissioner Borries said, "We did that today with the Dumping Ordinance, but I saw the Dumping Ordinance."

Commissioner McClintock said the reason the Board did this with the

Dumping Ordinance was because of the wide interest in that Ordinance and it will be advertised in its entirety. Some twenty-five changes were made. We won't be advertising this Ordinance in its entirety, so we can re-advertise it.

Commissioner Borries said he would still like to see the Ordinance before it is advertised.

Commissioner McClintock asked that this be put on next week's agenda -- to set the First Reading for December 9th and the Second and Final Hearing for December 16th.

Commissioner Borries said he also would like a copy sent to Sheriff Hamner as quickly as possible. If they are going to prepare a Merit System Ordinance, perhaps they need to be done on a coincidental basis.

Ms. McClintock requested that Mr. Wittmer remind Attorney Downs to forward a copy to Sheriff Hamner.

#### RE: <u>NEW BUSINESS</u>

Blanket Bond/SBA: Ms. McClintock said when she met with the State Board of Accounts in October a question was raised concerning the Blanket Bond for Employees. The same question was raised again regarding Helen Kuebler, when we had to settle that matter. Norris Robinson has done some research into this. He talked to Rick Hillenbrand of the SBA and they have suggested that we perhaps should not be self-insured up to \$100,000 with regard to employee dishonesty. Currently we are self-insured for the first \$100,000. If an employee who is not bonded steals \$99,000 then we're out \$99,000. Mr. Robinson inquired of Mr. Hillenbrand as to whether we are in violation of any Statute or regulations of the State of Indiana. Mr. Hillenbrand stated, "No, this is simply a recommendation on our part." Mr. Robinson suggested to them that he thought it would be most advantageous to address this matter by getting alternative quotations for self funding for up to \$25,000 or \$50,000 rather than \$100,000 for this portion of the self-funding plan only and to do this when the policies are renewed on February 1, 1992 — the reason for this being that on a renewal is when we get the most advantageous price quotation as opposed to during the course of the policy. She would like some direction from the Commission as to whether they want Mr. Robinson to go ahead and get a price for self-funding up to \$25,000 or self-funding up to \$50,000 to being back to the Commission when they are doing the renewals in February.

Mr. Borries said he would like to see prices in writing before he would make any decision on that.

Ms. McClintock instructed Mr. Wittmer to ask Mr. Robinson to obtain price quotes on the self-funding up to \$25,000 and self-funding up to \$50,000 and bring the matter to the attention of the Board when we do the policy renewals in February.

#### RE: LETTER FROM INDIANA DEPARTMENT OF COMMERCE

Ms. McClintock read a letter from the Indiana Department of Commerce/Tourism and Film Development Commission into the record.

#### RE: PERSONNEL POLICY FOR VANDERBURGH COUNTY

Ms. McClintock said Mr. Wittmer should also put on next week's agenda to set the dates for the Ordinance re new County Personnel Policy, with First Reading on December 9th and Final Reading on December 16th. Mr. Wittmer has been working on this for some time and now has the final revisions. He has provided copies of that to the Department Heads. The final revised copy will be sent to all the Office Holders in the County for their final comments and they

will all be encouraged to come to the First and Final Hearings so we can receive their additional input.

Mr. Borries said since Mr. Wittmer has been so hard at work with the Personnel Policy, before the end of the year he would like a report from Mr. Wittmer as to how much we've spent in relation to the Commission Office with regard to all the computer equipment that has been installed in this particular office. He would like a list of the equipment installed in the Commission office and the cost of same, as well as the purpose of the equipment.

There being no further business to come before the Board at this time, President McClintock declared the meeting adjourned at 5:30 p.m. and said the Drainage Board will convene following a five minute recess.

#### PRESENT

Carolyn McClintock, President
Don Hunter, Vice President
Richard J. Borries, Member
Gary Price, Acting County Attorney
Lou Wittmer/Commission Office
Cindy Mayo, Chief Deputy Auditor
Greg Curtis, County Engineer
Rose Parks
Jan Steinmark/Glenwood Middle School
Michael Wilson
Susan Jeffries/Purchasing Dept.
Roger Elliott/SCT
Others/Unidentified
News Media

SECRETARY: Joanne A. Matthews

| Carolyn McClintock, Pre | sident |
|-------------------------|--------|
| Don Hunter, Vice Presid | ent    |
| Richard J. Borries, Mem | ber    |

# 30ard of Commissioners of the County of Vanderburgh

305 ADMINISTRATION BUILDING CMC CENTER COMPLEX EVANSVILLE, INDIANA 47708





#### **AGENDA**

#### VANDERBURGH COUNTY COMMISSIONERS

#### NOVEMBER 25, 1991

4:30 P.M.



- 1. Call to order
- 2. Introduction
- 3. Pledge of allegiance
- 4. Any groups/individuals wishing to address the Commission
- 5. Action items:
  - a. . Sale of County owned Surplus Property
  - b. Bid openings of 1992 tax bills
  - c. Appointments to Land Evaluation Committee
  - d. Dumping ordinance
- 6. Department Heads
  - a. Ted Ziemer
  - b. Greg Curtis
- 7. Consent Items:
  - a. Request to Travel (2) Voters Registration
    - (2) County Clerks Office
    - (3) Knight Township Assessor Office
    - (2) Vanderburgh County Assessor Office
  - b. Appointment:

John McCullough to Community Corrections Board

c. KATHLEEN HARRISON, PEBSCO SECURITIES

DEFFERED COMPENSATION PLAN -- WANTS PERMISSION TO TALK TO COUNTY EMPLOYEES PE: THREE WEEKS--ONE WEEK IN JANUARY, ONE WEEK IN MARCH

J. ROGER ELLIOTT.

11/2/91

PE: COMPUTER BIDS

e. Employment changes:

#### COUNTY CLERK/RELEASED:

#### CIRCUIT COURT RELEASED:

| JULIE FRIEND/INTERN                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| 11/2/91                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| LEE VANDEVEER/INTERN                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 11/2/91                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| REBECCA SPRINGER/TYPIST                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 11/2/91<br>JASON STOWERS/INTERN                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| 11/2/91<br>DEDE SURBER/INTERN4.25/HOUR                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| 11/2/91<br>JASON DAVIS4.25/HOUR                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| 11/2/91<br>DONALD RIDLEY/INTERN                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 11/2/91                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| JENNIFER CACCAVALLE/TYPIST                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 11/2/91                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| SANDRA WEHR/QMA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 11/2/91                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| CHARLES CAMPBELL/QMA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 11/2/91                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| ELIZABETH PEASE/QMA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 11/2/91                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| PATRICK HILES/INTERN                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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#### HEALTH DEPARTMENT/RELEASED:

| DIANE BISSONNETTE/NURSE/OT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| BURDETTE PARK/RELEASED:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| ERIC WILLIAMS/SECURITY. 12.00/HOUP 11/20/91 LEE ASKINS/SECURITY. 12.00/HOUR 11/20/91 DALE THENE/SECURITY. 12.00/HOUR 11/20/91 JOHN STRANGE III/SECURITY. 12.00/HOUR 11/20/91 SANDRA SCHULER/SECURITY. 12.00/HOUR 11/20/91 JAQULINE TRAIL/SECURITY. 12.00/HOUR 11/20/91 WILLIAM COLEMAN/SECURITY. 12.00/HOUR 11/20/91 STUART VAN METER/SECURITY 12.00/HOUR 11/20/91 PAMELA WEST/SECURITY. 12.00/HOUR 11/20/91 SCOTT MOLDEN/SECURITY. 12.00/HOUR 11/20/91 JOHN LAVANCHY/SECURITY. 12.00/HOUR 11/20/91 JOHN LAVANCHY/SECURITY. 12.00/HOUR 11/20/91 JENNIFER BENDER/CASHIER. 4.50/HOUR 11/20/91 |
| COUNTY HIGHWAY/RELEASED:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| CAROL GORMAN/SECRETARY16,108.00/YEAR                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| CENTER ASSESSOR/AFFOINTMENT:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| DOMNETTA MARRS/PART TIME                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

### CIRCUIT COURT/APPOINTMENT

| JULIE FRIEND/INTERN                                         |   |
|-------------------------------------------------------------|---|
| LEE VANDEVEER/INTERN                                        |   |
| 11/3/91 REBECCA SPRINGER                                    |   |
| -11/3/91                                                    |   |
| JASON STOWERS4.25/HOUR                                      |   |
| DEDE SURBER/INTERN                                          |   |
| 1_/3/91 JASON DAVIS/INTERN4.25/HOUR                         |   |
| -11/3/91                                                    |   |
| DONALD RIDLEY/INTERN4.25/HOUR                               |   |
| 11/3/91 JENNIFER CACCAVALLE/TYPIST4.75/HOURD                |   |
| 11/0/01                                                     | l |
| SANDRA WEHR/QMA6.00/HOUR                                    |   |
| 11/3/91                                                     |   |
| CHARLES CAMPBELL/QMA6.00/HOUR                               |   |
| 11/3/91                                                     |   |
| ELIZABETH PEASE/QMA                                         |   |
| 11/3/91                                                     |   |
| PATRICK HILES/INTERN                                        |   |
|                                                             |   |
| HEALTH DEPARTMENT/APPOINTMENTS:                             |   |
| JULIA OBERHELM/NURSE/PT                                     |   |
| 11/8/91                                                     |   |
| VICKI BENNINGFIELD/INTAKE CLERK13,738.00/YEAR               |   |
| 11/25/91                                                    |   |
| DIANE BISSONNETTE/NURSE                                     |   |
| 37 307 31                                                   |   |
| BURDETTE PARK/APPOINTMENTS:                                 |   |
| JENNIFER BENDER/CASHIER                                     |   |
| COUNTY HIGHWAY/APPOINTMENTS:                                |   |
| RICHARD SEBREE/TEMPORARY REPLACEMENT21,715.00/YEAR 11/25/91 |   |
| CAROL GORMAN/BOOKKEEPER/PAYROLL18,310.00/YEAR               |   |

#### f. Scheduled meetings:

Wed. November 27..Board of Public Works..9:00 a.m..Rm 301
County Personnel Comm..3:30 p.m..Rm 303
County Council Finance.3:30 p.m. Cm 301
Mon. December 2...County Commissioners...4:30 p.m. Rm 307
Wed. December 4...Solid Waste.......5:30 p.m. Rm 307

#### g. Scheduled Office Closing

Thursday, November 28 and Friday, November 29. All City-County Offices

#### "HAPPY THANKSGIVING"

- 8. Old Business:
- 9. New Business:
- 10. Meeting Recessed:

\*\*\*\*\*IMMEDIATELY FOLLOWING: Drainage Board\*\*\*\*\*

# PUBLIC WORKS DEPARTMENT

# **NOVEMBER 25, 1991**

- Employee on Leave —
   Outer Darmstadt Rd. Bridge #34
   Notice to Bidders
- 3. Kleitz Road Bridge Notice to Bidders
- 4. Travel Request S. Davis & D. Franklin \$20/Test Total Fee \$80.00
- 5. G.I.S. Meeting
- 6. Claims:

Green River Road
United Consulting Engineers \$2,170.00
United Consulting Engineers \$2,550.00

Lynch Road Extension
J. Michael & Brenda S. Risley \$1,420.00
Francis L. Miller \$1,350.00
Bernardin Lochmueller \$3,678.40
Bernardin Lochmueller \$6,446.40
Bernardin Lochmueller \$11,581.57

Eickhoff-Koressel Project
Bernardin Lochmueller \$3,230.73
Bernardin Lochmueller \$10,341.02

Union Township Access Project
Chrysler Credit Corp. \$ 586.08

J. H. Rudolph & Co., Inc.
VC 91-08-01 Resurfacing \$49,086.25
VC 91-98-02 Resurfacing \$94,906.37
Heritage Remediation \$5,045.55

Sub Tech, Inc. \$3,690.00

Bernardin Lochmueller \$ 606.50

Bridge Inspection/Phase 2

USI Overpass \$3,420.20

### NOTICE TO BIDDERS

Sealed Proposals, or Bids, for **KLEITZ ROAD BRIDGE** in Vanderburgh County, Indiana will be received at the Office of the County Auditor (Rm. 208) until <u>4:30 p.m. LOCAL time</u> as prescribed by the Acts of the Indiana Legislature in Chapter 172, year 1957, on the <u>9th day of December, 1991</u>, at which time all Bids will be publicly opened and read aloud in the County Commissioners Hearing Room (Rm. 307).

Any Bids received after the designated time, for any reason, will be returned unopened.

Contract documents are on file in the office of the Vanderburgh County Engineer, Vanderburgh County Auditorium 715A Locust Street, Evansville, Indiana.

Bids shall be delivered in a sealed envelope bearing the name and address of the bidder indicating identification of the project and the branch of the work on which bid.

Bids shall be submitted on the Itemized Proposal Form (form enclosed) and Bid Form No. 96 (Indiana Form No. 96, Rev. 1987, provided separately), with a Non-Collusion Affidavit (form enclosed), all properly executed, signed, and sealed. The Non-Collusion Affidavit must also be properly notarized.

Each Bid shall be accompanied by (enclosed in the same envelope) a Bid Bond (form enclosed), Certified Check; Cashier's Check, Bank Treasurer's Check, or Bank Money Order in the amount of five percent (5%) of the total bid submitted.

No Bid shall be withdrawn after the opening of the Bids without the expressed consent of the Vanderburgh County Commissioners for a period of thirty (30) days after the scheduled time of bid opening.

The Contractor receiving award will be required to furnish a Performance Bond (Indiana Form 86A, Rev. 1947) in the amount of one-hundred percent (100 %), which is to remain in effect for twelve (12) months from the date of acceptance of the work.

Attention is called to the fact that prevailing wage minimum salaries and wages are set forth in the Contract Documents.

The Contractor shall list any subcontractors and the percentage of the contract to be performed by each subcontractor in the bid submittal.

Construction and installation shall be in full accordance with the contract drawings, specifications, and special provisions. Applicable sections of the 1988 Edition of the Indiana Department of Transportation Standard Specifications and any current Supplemental Specifications to the 1988 Standard Specifications.

The Vanderburgh County Commissioners reserve the right to reject any and/or all Bids and to waive any informality in the bidding.

#### DATED THIS 25TH DAY OF NOVEMBER, 1991

VANDERBURGH COUNTY BOARD OF COUNTY COMMISSIONERS COUNTY OF VANDERBURGH, INDIANA

ATTEST:

**RECOMMENDED:** 

Vanderburgh County Auditor

Vanderbyingh County Engineer

### **NOTICE TO BIDDERS**

Sealed Proposals, or Bids, for REPLACEMENT OF BRIDGE 34 ON OUTER DARMSTADT ROAD in Vanderburgh County, Indiana will be received at the Office of the County Auditor (Rm. 208) until 6:00 p.m. LOCAL time as prescribed by the Acts of the Indiana Legislature in Chapter 172, year 1957, on the 16th day of December, 1991, at which time all Bids will be publicly opened and read aloud in the County Commissioners Hearing Room (Rm. 307).

Any Blds received after the designated time, for any reason, will be returned unopened.

Contract documents are on file in the office of the Vanderburgh County Engineer, Vanderburgh County Auditorium 715A Locust Street, Evansville, Indiana.

Bids shall be delivered in a sealed envelope bearing the name and address of the bidder indicating identification of the project and the branch of the work on which bid.

Bids shall be submitted on the Itemized Proposal Form (form enclosed) and Bid Form No. 96 (Indiana Form No. 96, Rev. 1987, provided separately), with a Non-Collusion Affidavit (form enclosed), all properly executed, signed, and sealed. The Non-Collusion Affidavit must also be properly notarized.

Each Bid shall be accompanied by (enclosed in the same envelope) a Bid Bond (form enclosed), Certified Check, Cashier's Check, Bank Treasurer's Check, or Bank Money Order in the amount of five percent (5%) of the total bid submitted.

No Bid shall be withdrawn after the opening of the Bids without the expressed consent of the Vanderburgh County Commissioners for a period of thirty (30) days after the scheduled time of bid opening.

The Contractor receiving award will be required to furnish a Performance Bond (Indiana Form 86A, Rev. 1947) in the amount of one-hundred percent (100%), which is to remain in effect for twelve (12) months from the date of acceptance of the work.

Attention is called to the fact that prevailing wage minimum salaries and wages are set forth in the Contract Documents.

The Contractor shall list any subcontractors and the percentage of the contract to be performed by each subcontractor in the bid submittal.

Construction and installation shall be in full accordance with the contract drawings, specifications, and special provisions. Applicable sections of the 1988 Edition of the Indiana Department of Transportation Standard Specifications and any current Supplemental Specifications to the 1988 Standard Specifications.

The Vanderburgh County Commissioners reserve the right to reject any and/or all Bids and to waive any informality in the bidding.

#### DATED THIS 25TH DAY OF NOVEMBER, 1991

VANDERBURGH COUNTY BOARD OF COUNTY COMMISSIONERS COUNTY OF VANDERBURGH, INDIANA

ATTEST:

RECOMMENDED:

Vanderburgh County Auditor

W. Curtis, P.E. Vanderburgh County Engineer

# MINUTES COUNTY COMMISSIONERS MEETING DECEMBER 2, 1991

The Vanderburgh County Board of Commissioners met in session at 4:30 p.m. in the Commissioners Hearing Room, with President Carolyn McClintock presiding.

#### RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

President McClintock called the meeting to order, welcomed the attendees, introduced members of the County Staff, and asked the meeting participants to stand for the Pledge of Allegiance.

#### RE: CAMPAIGN TO SAVE DEPUTY DUCK

Commissioner McClintock asked if there are any individuals/groups here today who do not find their particular item of interest on the agenda. She said she noted that Ms. Jan Steinmark (a teacher at Glenwood Middle School) just entered the room. She then asked Lou Wittmer if the Sheriff was unable to attend the meeting today concerning Deputy Duck.

Mr. Wittmer said he had received no communication as to whether or not he would be present.

Joanne Matthews interjected that a member of the news media just informed her that the Sheriff would not be here, but postponed the matter.

Ms. McClintock asked Mr. Wittmer to determine if the Sheriff is going to come to discuss the matter in the Commission meeting, get it on the agenda, so the Commissioners -- as well as those individuals interested in that particular item -- will know in advance.

Ms. Steinmark said she did get the Petition down to the Sheriff and she has more signed petitions to submit today.

#### RE: SALE OF COUNTY-OWNED SURPLUS PROPERTY

The meeting continued with Ms. McClintock entertaining bids on the County-owned Surplus Property which had been advertised for sale. There were no bids.

#### RE: AWARDING OF CONTRACT FOR 1992 TAX BILLS

Ms. Susan Jeffries advised that only one (1) bid was received last week for the printing of the 1992 Tax Bills, with said bid being from Moore Business Communications Services in the amount of \$26,399.25. The bid appears in order and it is their recommendation that the contract be awarded to the sole bidder.

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

### RE: REQUEST TO ADVERTISE FOR BIDS FOR OFFICE FURNITURE FOR SUPERIOR COURT JUDGE LENSING

Ms. Jeffries requested permission to advertise for office furniture for Superior Court Judge Lensing on December 6th and 13th, with bid opening on December 23rd.

COUNTY COMMISSIONERS MEETING December 2, 1991

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

#### RE: VANDERBURGH COUNTY DUMPING ORDINANCE/FIRST READING

It was noted by President McClintock that this is the third consecutive meeting wherein this Ordinance has been discussed. Generally, on First Reading — this is not a Public Hearing — we do hold the Public Hearing next Monday. However, if there are individuals here who wish to address the Commission re items in the dumping ordinance and feel it appropriate to do it this week because either they can't be here next week or they would just like to suggest some changes for consideration, the Commission would be glad to hear such testimony.

Continuing, Ms. McClintock said Mr. Carl Shepard, President of the Home Builders Association/Vanderburgh County is present this afternoon. They received information from the Indiana Builder's Association and they just had a meeting. We've spoken with Attorney Gary Price (who drew up the Ordinance). They were concerned that they would still be able to store building materials on their site as they are building and also on their site where they are already properly zoned for that kind of storage. Gary had indicated to the Commissioners that in no way will this Ordinance prevent that. As long as you are zoned for commercial materials, then you would be able to continue to store those.

They were also very concerned about the enforcement delay and the Commission, by vote, changed that last week from thirty (30) days to seven (7) days. She noticed that Browning-Ferris Industries, Inc. is here today. She would like for them to consider a reduction in tipping fees for building materials. Apparently there are some other counties in Indiana where there is about a 50% differential in these materials, because apparently they do not have to be covered each night because of the type of materials they are. She's talking about wood, brick and true solid waste. When BFI is looking at tipping fees, they would like BFI to consider this.

Mr. Robert E. Stevens of R. R. #9, 3101 Orchard Rd. (963-3591) approached the podium. He said this Ordinance reads like a contract with a landfill operation. With regard to #8 (Processing), compacting and transportation. That would have to be a sanitary landfill operator. Then you've got the recovery of special colored containers for recycling which we've had in the City for sa sanitary landfill, which would be Browning-Ferris. On B-15 "c' and "u" you've got "manures and crop residues returned to the soil at the point of generation as fertilizers or soil conditioners as part of a total farm operation. As far as he's concerned, they've got two goof-ups there. In the first place you are listing it a total farm operation, which means that him and his 2-1/2 acres couldn't use this material -- which is ridiculous. As far as the point of generation, let's use your leaves and grass clippings picked up by individuals for soil conditioning; turkey droppings, for instance, from turkey farms. Now you're making that all illegal for me to use and that is ridiculous.

It was the consensus that Item 15 (c) will end with the words 'generation as fertilizers or soil conditioners".

Moving to Item #17 -- you've got plastic bags at least six (6) millimeters thick with ties. Does anybody see anything wrong with that thickness? That's almost a quarter of an inch. Plastic is measured in mils -- and one mil is 1/1000th of an inch. So it should be 6 mils.

He believes Mr. Borries asked the Attorney about this -- unauthorized disposal prohibited -- open burning on private property -- and I believe he got the answer that we would still be

permitted to do this. He believes we currently have a City ordinance on this -- limiting up to 5 mi. from town.

Ms. McClintock said that falls under the EPA (Environmental Protection Agency).

Now you've got C.A.T. and weather resistant bags. They can be weather resistant but they're not dog resistant. So if the leaf law were enforced you wouldn't have baby diapers crawling all over the front lawn.

Mr. Stevens said he is concerned why all the things are listed that are already covered under State, Federal, City and County laws. Why not just make it simple?

(D) covers says enforcement will be by the Vanderburgh County Health Department. How many more people do you intend to put on the payroll to enforce this Ordinance?

Ms. McClintock responded, "Zero."

Penalty? Who is supposed to apprehend these violators?

Mrs. McClintock said they will be cited by the Health Department.

Mr. Stevens asked, "Do you really think an increase in the fines will solve this problem?"

Ms. McClintock asked Sam Elder of the Health Department if he would like to respond to the question.

Mr. Elder said, "The increase in fine was suggested by the Sheriff. He felt the \$25.00 fine that the City has is like what was quoted in the paper. He said somebody dumped some back in a person's 5~[5~driveway and he said it was cheaper than taking it to the landfill to pay the \$25.00 which he did pay, for being cited. \$25.00 hasn't seemed to deter them dumping in ditches."

Mr. Stevens asked, "Nobody's being caught, are they?"

Mr. Elder said, "The Sheriff's Department is going to be doing the patrolling. You'd have to talk with him about what emphasis he was going to put on that -- and that is the law now -- that any law enforcement person who sees anybody dumping in the ditch or the road or anything -- but they've added property to it.

Mr. Stevens said that presently there would seem to be a lack of enforcement.

Ms. McClintock thanked Mr. Stevens for his comments.

Mrs. Shirley James of the West Side Improvement Association said she has one question. She notes that on Item C (Solid Waste Containers) they say "standard containers, dumpsters, or weather resistant bags'. She's been informed that apparently in the recycling program they are going to be using paper bags for leaves, etc., since the bags will also compost. She understands they have already purchased these. She understands that either the City or Browning-Ferris (whoever is handling the program) has already secured the bags for the leaf compost.

Ms. McClintock said, "We probably need to say weather resistant or..."

Mr. Hunter interjected, "biodegradable"

Mr. Elder offered brief comments, but they were inaudible since he was speaking from the rear of the room.

Ms. McClintock continued, "What you are saying, Sam, is that condition is covered under the Ordinance -- so we can leave that section the way it is." Ms. McClintock then entertained other comments or specific suggestions on the Ordinance.

Dixie Wagner of 309 Colonial stated she has a few questions. This Ordinance, as she understands it, would apply to everyone equally - correct? Business, individuals, everyone? So it would even apply to a permitted landfill?

Ms. McClintock responded, "Yes."

Ms. Wagner continued, "So if a permitted landfill were found in violation of 3-2-9 I.A.C. then technically someone could call and inform the Sheriff and the Sheriff would come out and take a look at the violation and they would be cited? Or would we have to wait for seven (7) day enforcement period? Or wait for the State Board of Health which, in that period of time, the violation may be undone?"

Ms. McClintock said, "They have seven (7) days to correct the violation whether it is you, personally, or BFI, or whomever. It was thirty (30) days and we changed that to seven (7) days.

Ms. Wagner asked, "They have seven days to remediate the problem?"

Ms. McClintock confirmed that is correct.

Ms. Wagner asked, "After they are cited the first time and they remediate the problem, what if they are cited again for the same problem? Do they have another seven (7) days to clean it up again? As long as you can continually do this you can continually violate the ordinance as long as you clean it up in seven days?"

Ms. McClintock responded affirmatively.

Ms. Wagner continued, "So BFI could be without daily cover on Monday, clean it by the next Monday -- they could be cited every week and never be fined under this ordinance -- technically?"

Commissioner Hunter said, "I dont' see your point -- what's the difference between this and now?"

Ms. Wagner said, "Well, the point is, to not have daily cover on the trash -- regardless of whether BFI has used the excuse in the past that it rained a lot like it did today and they don't want to sink their bulldozers, so they couldn't cover it up. That's not an excuse. The law doesn't qualify that. It doesn't say you have to have daily cover every day unless it rains too much. It doesn't say that. If the trash is not covered it is a violation of 3-1-9-I.A.C. The point I am trying to make is that they could constantly violate this ordinance, but because of the way they operate they have the method by which they can fix it easier than a common person could fix it. They have the equipment there. But technically they could violate this ordinance every week and never be fined."

Ms. McClintock said, "Shirley, I don't know if you want to speak to the purpose of this -- but the purpose of this ordinance is to regulate the serious problem we have out in Vanderburgh County where people are dumping outside of the landfill."

Ms. Wagner commented, "I understand that; but to us it's just as serious a problem to have uncovered trash. Both of them are against the law"

Ms. McClintock said, "And I agree. But to do what you want to do within this ordinance is going to put an unnecessary burden on the ordinary taxpayer who, through no fault of their own, someone had

dumped trash on their property. In this ordinance we are making those people responsible and they have seven (7) days to clean that up. If we try to tighten that up, it's going to put an undue burden upon everybody because of a problem that you are having with Browning-Ferris Industries."

Ms. Wagner said, "Okay; but my question is -- if you would come to my house and I would have trash in my yard and you would say I've got seven days to clean it up and I would clean it up in seven days. In a couple of months -- if you continually had that problem with me, would you continually let private citizens continue to do that as long as -- it looks to me like people could be a minitransfer station and never be fined. They could keep it in their yard for a week and have it hauled off at the end of that week."

Ms. McClintock responded, "Exactly; but those are not the type of violators that we're trying to control with this Ordinance. ANd, speaking from personal experience (and I don't live out in the County -- but in the City) we have a garage behind our home and last summer we had someone (who knows how?) dump about half a garbage truck load of trash behind our garage. Since we live in the City, we were cited by the Health Department (we didn't know it was there because we don't use our grage) we had to bear the expense of cleaning it up. The same thing happened six weeks later. I didn't out it there -- I don't know who put it there. And that happens more than you know. The problem you're talking about is where you have someone who owns the property who is collecting their own acting as a transfer station and that kind of thing. If we knew of that being a problem in Vanderburgh County we could have addressed it in this Ordinance. But we don't hve information that people actually are acting as a mini-transfer station. And I don't think this is the appropriate Ordinance to try to regulate problems with Browning-Ferris Industries."

Ms. Wagner asked, "In other words, we could not use this Ordinance to beef up the lack of enforcement through IDEM?"

Ms. McClintock replied, "It applies to everyone and if they are violating this Ordinance, certainly you can call the Health Department and they will be cited."

Ms. Wagner said, "Along with what Mr. Stevens said -- that this adds no enforcement personnel at all -- you know, it is like you said -- the cost of the clean-up, to me it looks like 90% of the time is going to be put on the person who has been unfortunate enough to live in an area where someone decides to dump something. To catch the person responsible for the problem is very difficult and this Ordinance doesn't help that part of the problem."

Ms. McClintock commented, "There's nothing we can do about that. So we have to make the property owners responsible — and it's modeled after the City's Ordinance. But the problem has been that when the West Side Improvement Association and other groups out in the County have called to try to get dumping taken care of in the County. There he been no vehicle for the Health Department or the Sheriff's Department to use. Previously they were calloing IDEM. You know that we can't even get IDEM to take care of problems at the landfill, let alone be involved with trying to enforce the State and Federal dumping regulations that Mr. Stevens referred to. Yes, they are there — but we can't get them enforced. That is why the West Side Improvement Associationo approached the County and asked that we develop this Dumping Ordinance."

Ms. Wagner asked, "So the Sheriff's Department will answer these calls? The way I look at it, when these fines go up -- I will be the first to agree this is a horrible problem and needs to be dealt with. But I think it is going to tend to make people a bit sneakier. They may go a little further out to dump. But I really don't think this is going to stop the dumping."

Ms. McClintock said, "It will not stop it completely -- no; but it will discourage some people from doing it"

Ms. Wagner said she has called the Litter Hot Line in the City before and it's not a major priority to come out if something falls off the back of someone's truck. She hopes the Sheriff's Department treats this a little differently. If you have someone you have seen dumping on your property — that they are not going to blow it off. With zero added enforcement personnel, she thinks there is going to be an enforcement problem.

In conclusion, Ms. Wagner said she knows there has been a lot of talk about the financial strain this is going to put on the contractors. The Commissioners have asked BFI if perhaps they would be willing to drop their tipping fees for the contractors. She wonders if Ms. McClintock has considered any way to alleviate this problem in the future. She thinks to ask BFI to drop their fees for the contractors -- is that going to have to be in their contract with the City? Or as long as they operating a landfill a<nywhere in the County? Is that going to be a forever kind of thing? She doesn't think they would be willing to do that.

Ms. McClintock responded, "As we've indicated in discussions previously, that is an issue that is more properly addressed byt he Solid Wste Management Committee. That is what they are studying right now -- what is going to happen to the long term future of waste in this community. That is why that separate district has been set up."

Mrs. Rose Parks of 8505 Kneer Rd. approached the podium and said she thinks the fees should definitely be reduced. If we reduce the fees for the contractors, she thinks that would be great. She also thinks the fees for the private, smaller waste haulers should be reduced. It might be hard for the Commissioners to understand, but \$10.00 per month for the people in the County to dispose of four (4) bags of trash would be \$120.00 per year. This amount might buy a couple of coats for a couple of kids that need coats badly. That is a big fee. As far as cleaning this stuff up, if BFI is goig to continue to charge these kinds of prices, they certainly can afford to go out and clean all the trash that is dumped all over.

Mrs. Shirley James noted that under Penalty, Item E.2 -- Does that mean that the only additional funds that will be coming to the Health Department will be through the payment of the fees for violations? Wouldn't there be increased cost for inspectors? What she is trying to ask simply is that this will be an additional expense for the Health Department? Right?

Ms. McClintock responded, "Sam is saying that his current staff can handle the citations on this situation."

Ms. James then asked, "Andany of the fees for violations will go back to the Health Department?"

Ms. McClintock confirmed that this is correct -- for enforcement purposes.

Mr. Mike Wilson of 711 N. 10th Avenue approached the podium. He said he also owns property on Old Henderson Rd. -- that doesn't hve any illegal dumping on it. One of the questions he hadn't considered was just addressed by Mrs. James. Could this proposed Ordinance be changed to where the fines be used to recover the existing problem? In other words, if you collect \$250 or \$5,000 (whatever it is) could that be set up in an account to help the problem?

Ms. McClintock said that money goes to the Health Department to help with enforcement.

Mr. Wilson asked if this money could be used to clean up areas versus having a landowner be responsible for that and then seek litigation through the Courts?

Ms. McClintock said it is not her intention to support that. You would be spending way more money than the County is ever going to collect.

Mr. Wilson then asked if a facility such as the SAFE HOUSE could be used to cean up these sites? They've been used before in different County areas and within the City. That seems to him to be a reasonable alternative toward getting some of the unsightliness taken care of — in fact, he sees them all the time out on U. S. Highway 41. He supposes they are funded through the County. If they could go out and work in the County a bit, that miight help Mrs. James' problem.

Ms. McClintock advised we've used SAFE HOUSE inmate to do a lot of cleaning, both in the City and in the County. Yo cannot be guaranteed that they will be available in any particular number or on any particular basis, because of the other projects they are involved in.

Mr. Wilson said, "It might be that this Ordinance could help make them available."

Ms. McClintock countered, "We cannot do that, because they are not under our jurisdiction. We cannot tell Judge Young where he has to use his SAFE HOUSE inmates. We can ask for them and request them."

Mr. Wilson said he thinks this might help clean up some of the unsightliness -- at least that which is visible on some of the major roads.

With regard to Item 14, where it defintes yard waste -- is he right or wrong in understanding that this can or can't be deposited on private lands?

Ms. McClintock said that it can be.

Mr. Wilson said he thought the things that are **not** excluded were down in the next paragraph in #15, where it says, "However, the term solid waste does **not** inclue.." In other words, if he has property and he trims a bunch of limbs and obtains permission from a friend of his who owns property out in the County to dump the limbs -- will that be legal or illegal according to this ordinance? If he has several trees he wants to cut up and use for firewood, is that legal or not legal? And what about bags of tree leaves -- is that legal or illegal?

Under "u" (solid waste containers) -- for instance, you say a dumpster can't sit for more than seven (7) days -- is that the intent of this? Does that include dumpsters?

Ms. McClintock addressed Mr. Elder and asked if a dumpster is in place for more than seven days -- it would **not** be in violation of this ordinance. Is that correct?

Mr. Elder said you have to use a lot of judgment on that. If someone is remodeling a house and he has a dumpster and it is just construction debris, there wouldn't be any complaint on that. If he throws it all over the yard like some of them do -- they possibly could be cited. But as long as you use a little common sense with it...

Ms. McClintock said this ordinance is more or less not intended for construction debris. But a week in the summertime is too hot for household garbage to sit in a dumpster. This is pretty much the way all the similar ordinances are written.

Ms. McClintock advised Mr. Wilson that Attorney Gary Price spent a good deal of time with him on the phone and made a lot of the changes suggested by Mr. Wilson.

Ms. James again approached the podium and said that the West Side Improvement Association is starting a program whereby they can use the delinquent youth to clean up some of these areas and they will undertake some of the expense and supervise -- so if any of the people on Old Henderson Rd. have need for this servic, contact WIA after the frist of the year.

Ms. McClintock said she has asked Attorney Wilhite to look at #14 (yard waste). In the interim, she would entertain a motion to change #15-C to read, "Manures or crop residues returned to the soil as fertilizers or soil conditioners" and "u" simply to "Yard waste". Then the Attorney can work on the definition of yard waste a little further and have that for next week.

Mr. Wilson asked, "If we have a situation where illegal dumping is going on and the authorities are called and a violation is cited (it will be through the Health Department or the Sheriff)?

Ms. McClintock said if it is after Health Department hours it would be the Sheriff's Department.

Mr. Wilson asked if this is a per day violation after that insofar as fines go?

Ms. McClintock said, "Each day a violation exists shall be considered a separate violation and the Court may assess a monetary penalty for each day the violation exists."

Mr. Wilson said, "In other words, you have a period of seven days in which to do something with it and then another violation can occur?"

Ms. McClintock asked if it's another after seven days -- or the eighth day, Sam?"

Mr. Elder said, "Actually, after you issue the citation -- if a person is not going to clean it up, it is up to the Judge. He can just fine him the minimum amount if he wants to. But it makes it possible if it's a violator who does it all the time for Judge to fine him for every day. Or, he could fine him for just the one day."

Mr. Wilson asked why the 30 day grace period eliminated? He can understand the garbage and the smell, etc., of decomposing food. But a lot of the things that WIA is upset about doesn't have anything to do with garbage. It's construction debris and refrigerators and they don't smell. He would like to ask for more time to get it cleaned up.

Ms. McClintock stated the Commissioners took a vote on that last week, unless he can get one of the Commissioners to make that motion. She then entertained a motion to pass the revised Vanderburgh County Dumping Ordinance on First Reading. It has been set for Second and Third Reading and Public Hearing next Monday -- December 9, 1991.

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

In response to query from the audience with regard to the fees charged by BFI, Ms. McClintock said she is not going to base her vote on this ordinance according to what BFI does. She then asked Mr. Post if information with regard to dumping fees will be available next week.

Mr. Harold Post of BFI approached the podium, identified himself, and said to answer that question -- it comes under the landfill jurisdiction. They are doing a feasibility study and putting demolition material on top of the landfill to re-contour the top. That feasibility study will be done in a few months and a request will be made to IDEM. Whether or not a new fee will come with that will depend upon the feasibility. But the study is under way. To say there will be an answer next Monday, he doesn't think so.

#### RE: PIGEON CREEK GREENBELT/ JOHN F. W. KOCH

Mr. John F. W. Koch said he is here this evening on behalf of the Pigeon Creek Greenbelt Committee to present to this body the following Petition:

"We, the undersigned Petitioners, certify tht we are freeholders of Vanderburgh County, Indiana, residing in the vicinity of Pigeon Creek. We respectfully request that the Board of Commissioners of Vanderburgh County, IN declare the following portion of Pigeon Creek a navigable stream the entire length of Pigeon Creek in Vanderburgh County from its mouth at the Ohio River to the intersection with the County Line."

Mr. Koch said they respectfully request that the Commission act on this in a hasty manner.

Ms. McClintock said the Pigeon Creek Greenbelt Committee has been working on this for several months. Fortunately, Robert Brenner, the County Surveyor found a way that the County could finally take responsibility for an area that has been pushed from one side to the other -- State, Federal, City and County agencies -- for as long as all of those agencies have existed. She did want Jeff Wilhite to comment on the legality of what we're considering and if we could set a date for a vote.

Attorney Wilhite said he reviewed the statute and the Petition seems to comply. The Commissioners now have an obligation under the Statute to ask that a report be prepared to be presented to the Commission to determine the length of Pigeon Creek from the Ohio to the County Line that can be declared navigable. Thay may already been done -- he doesn't know. But it needs to be in writing in a report to the Commission. The Surveyor's office could do that.

Mr. Brenner indicated his office can do that.

Continuing, Attorney Wilhite said Statute 13-2-4-2 defines what needs to be in that report. At that point he would suggest a Resolution saying that beed upon that report it is resolved that it be declared navigable. If the Commission does vote to declare it navigable, what it does is give to the County the ability to find and enforce obstructions of that navigable way -- just as they would have powers if it were obstructing a highway. Right now under State Law it would be a Class "C' Infraction, which is \$250 per day for violation. Again, it is a daily violation and it would be some teeth to put into the enforcement mechanisms.

In response to questions from Mr. Stevens concerning a definition of navigable, etc., Attorney Wilhite said it is not definied in the statute. Mr. Brenner said it is navigable right now -- before we do anything to it. Mr. John Koch said when he was studying, in his surveying class they were told anything that would float a shingle was considered navigable. There was brief discussion indicating that it was the intention of the Pigeon Creek Committee to coordinate and cooperate with the Levee Authority and Parks Department to develop a greenway along the length of Pigeon Creek and that use would primarily be recreational in use. They do not anticipate ever spending the money to make that into a channel that could accommodate a yaht -- merely fishing, hiking, walking, nature

walks and that kind of thing. There are no plans for any marinas along Pigeon Creek. It's for a canoe launch. To do these things takes the vote of the full Commission in a public meeting and those items would have to be budgeted by Council in a public meeting. They anticipate at this point that the initial clean-up would be by volunteer effort -- because there is at this point no money budgeted to do that.

Commissioner Hunter said in researching Pigeon Creek, no one has ever assumed any responsibility. The Corps of Engineers doesn't want to assume responsibility -- in fact, they don't even like to come over here. The DNR in Indianapolis doesn't want to assume any responsibility. As a result, in some cases Piugeon Creek has almost been an open cesspool. It has been the stepchild of the County. This particular movement will permit us to have some local authority if we feel it is necessary, instead of depending on the Federal or State agencies and having nothing accomplished.

Commissioner Borries said he would like to see a copy of the Ordinance. Does this make it different than a legal drain?

Surveyor Robert Brenner stated there is no comparison. On a legal drain, the people's water who flows through it pay for it. In this case, you can use funds from the highway; you can appropriate general funds if you wish. But the statute basically says you have the same rights over this as you have over a County road. You can use bridge funds to remove log jams, etc., right now -- if it's endangering a bridge in some way.

Commissioner Borries asked, "If no one has ever taken any responsibility for Pigeon Creek, how come the Army Corps of Engineers has spent millions of dollars on flood control?"

Mr. Hunter countered, "On flood control, not dumping."

Mr. Borries responded, "Okay, but let's clarify it for the record. I think it's misleading to say no one has ever taken any responsibility. We need to clearly state here that a lot of work has been done on Pigeon Creek -- let's don't mislead folks."

Mr. Brenner said they contacted the DNR and, to their knowledge, no County had ever enacted this ordinance -- but they'd never heard of it either. It is still on the books and after they researched it they felt quite certain it would work and thought it was a good idea.

Mr. Brenner will get a report to the Commissioners and Mr. Wilhite will prepare a Resolution and this matter will be placed on the Commission Agenda for December 16th.

#### RE: RECOVERY OF LOST FUNDS/VANDERBURGH AUDITORIUM

President McClintock advised that we did recover \$229.32 from Richard Higgins from the Auditorium.

#### RE: RENEWAL PROPOSALS

Ms. McClintock said each Commissioner should have in his packet some exhibits from Norris Robinson. Mr. Robinson was then recognized.

Mr. Robinson said there are really no changes in the nature of the coverage being provided. We have the same providers (Blue Cross/Blue Shield, Physicnans Health Network and the Welborn HMO), The only change is thaet during this past year PHN discontinued their relationship with Deaconess Hospital and some of the Deaconess-based physicians. The rates have gone up (Welborn -12%) and this is 12% over a two year period. In the other cases, it is a 10% increase. There are four separate contracts for Blue

Cross/Blue Shield and only one on the others. This is for a one year period.

In response to query from Auditor Humphrey, Mr. Robinson said he believes funding is in place to cover the anticipated increase. This is renewal time.

Commissioner Borries said we need to double check to be certain funding is in place.

#### RE: REVISED AGREEMENT WITH SOUTHWESTERN INDIANA HIGHWAY COALITIO

Ms. Susan Sauls of the Chamebr of Commerce was present and Ms. McClintock said they are requesting that we change fiscal year -- other than that, the agreement is the same -- no additional funds. Ms. McClintock said she believes we can just ask the Attorney to prepare an Addendum to the agreement.

#### RE: <u>CORRECTIONS OFFICERS CONTRACT ORDINANCE</u>

Ms. McClintock said that each of the Commissioners should have been provided with a copy of the subject contract for review. Larry Downs is present today. He was involved in the negotiation of said agreement, as well as Chuck Whobrey of the Teamsters. Ms. McClintock then entertained questions.

Commissioner Borries asked, "Who will hire these persons under this -- does the Sheriff have any input under this contract? Would Mr. Downs want to comment on this?

Attorney Larry Downs responded, "Commissioner Borries, my understanding would be that the hiring procedure would be unchanged from the current procedure. My understanding of the hiring procedure is that the Sheriff makes recommendations to the County Commissioners as to who should be hired and the County Commissioners take action on his recommendations."

Ms. McClintock interjected, "Throughi the pink slip process."

Mr. Borries asked, "Is thaet written in here at all?"

Attorney Downs said, "Commissioner Borries, it provides that the County -- I believe the employer is referred to as the County and since the County is technically the employer of the Corrections Officers the County retains the right who to hire."

Mr. Borries asked, "But there is no mention at all of the Sheriff of Vanderburgh County Sheriff in relation to that thaet I see. But that is what you say you cite."

Attorney Downs said, "That is one place clearly, Mr. Borries, that it would be present in the agreement."

Mr. Borries asked, And then, is there anything -- about the aspect of drug testing here that is part of this agreement -- is there any particular line item you can cite to me that would have to do with like a pre-employment physical to find out if these persons were physically fit to handle the stress and the nature of that particular job?"

Mr. Downs resoponded, "Commissioner Borries, the Union (and it doesn't matter whether it is the County Highway Contract or the Corrections Officers Contract) has nothing to do with a person until that person is hired. That person can be put through a preemployment physical. That person can be given a pre-employment drug test. That person could be given a pre-employment physchological test. The union is nor bargaining for people before they are hired."

Mr. Borries asked, "Shouldn't there be some mention of that? It's not going to be in the contract someplace at this point so there would be a process here where the County's interests were fairly represented?"

Attorney Downs said, "Commissioner Borries, I would suggest that if that if there are particular concerns with Corrections Officers because of their duties, and I think that concern is shared by all—that perhaps that should be considered in the Personnel Policy as to a procedure for the screening of persons before they are hired as Corrections Officers. In terms of explicitly stating in that contract that the union has nothing to do with employees before they are hired, I have practiced labor law for seventeen years and it's my experience that it's by implication that nothing is said that the County is protected and by definition of "employer" in the contract they are protected. This contract in that regard is written in the same fashion as any other collective bargaining agreement and it's not necessary to write it in the agreement."

Mr. Borries asked, "Was the Sheriff or his designee able to participate at all in this contractual agreement?

Attorney Downs responded, "Commissioner Borries, I can speak for my own involvement. I don't have a file with me at this point. There was a meeting, I believe in February, in my office and the meeting lasted several hours in which the Sheriff participated and he, himself, provided input as to what he wanted in the agreement or felt was appropriate so that the rights of the County would be protected. Prior to that time there were meetings not only with the Sheriff, but with representatives of the Sheriff who were actually assigned to the Jail. That is my own personal involvement with the Sheriff and his representatives."

Ms. McClintock said this has to come to a Second, Third Reading and Public Hearing. She has asked Larry, once we get these dates set, to be available to answer specific questions as to why particular things are either included or excluded from the contract. We need a motion to set the dates to advertise for a public hearing -- First, Second and Third Readings for the Corrections Officers Contract Ordinance. The earliest we could do that would be the 9th and the 16th. Or do we need to do the 16th and the 23rd?

Ms. Matthews said if she could get it in tomorrow morning it could be the 9th.

Motion to this effect (hearings on the 9th and 16th) was made by Commissioner Hunter, with a second from Commissioner Borries.

(Note: No Ordinance was provided to the Secretary for advertising purposes. In telephone conversation with Attorney Wilhite on Tuesday, December 3rd, he advised the Secretary not to advertise anything at this point. He had not seen an Ordinance and was not certain it had yet been prepared.)

#### RE: REDISTRICTING ORDINANCE

Commissioner McClintock said this Ordinance has not yet been prepared, but she hopes to have it available next week. She was hoping we could go ahead and set the date for 1st Hearing on December 16th, with Second and Third Readings on December 23rd. This has to be advertised, as well.

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

(Note: Subsequent to the meeting, Attorney Wilhite advised the Redistricting Ordinance does not have to be advertised.)

#### RE: VANDERBURGH AUDITORIUM

Commissioner McClintock said that Mr. Tom Heaton, a member of the Auditorium Advisory Board, is present today. He had agreed to Chair a Sub-Committee regarding the management at the Auditorium. They met last Monday and had a vote regarding management at the Auditorium and Mr. Heaton will now discuss same.

Mr. Heaton said that in preparing to make this recommendation, the process began several months ago and their goal was to find a direction under which to bring the Auditorium under more professional management and to have it run more like a business is run -- and to potentially look at ways that the operation and running of that business might be removed in some way from politics and that there be some sort of consistency in the management of that facility year after year after year, regardless of what happened within the political situation of the County. To do that they took two steps. First, they sought proposals from private management firms to manage the facility. Secondly, they advertised in local publications, as well as in various trade publications for a professional manager. While the letters of application and resumes were coming in for the professional managers, they interviewed all three firms that responded to Request for Management Proposals from a private management firm and those got to be quite extensive. Each had an opportunity to make a presentation and answer questions from the Advisory Board concerning the proposals received from them. Following those interviews a few days passed and all the applications were in. group of two reviewed the applications from individuals both locally and nationally interested in the management position. Within all the applications they received (and he believes there were twelve) two of the individuals were obviously the type of individuals we were looking for -- who had a background and a history in professional management of Auditoriums and arena type facilities. We had asked that a salary requirement be included in the application and, interestingly, both of these applications had a \$45,000 salary requirement. With anywhere from \$5,000 to \$10,000 in benefits, it would be a \$50,000 to \$55,000 position. After reviewing all notes and minutes from the meeting with the management firms, they voted to recommend to the Board of Commissioners that they retain Ogden Allied Management Services to manage the Auditorium with a professional management contract. That recommendation comes for a variety of reasons, one being the company has a very good track history. They are professionals in that this is what they do for a living and were not afraid to give us the names of any facilities or key contact people within those organizations they are currently managing. Secondly, because they are a national firm and have experience doing this all across the country and we found they have tremendous resources with which to pull and help in getting professional management started at the Auditorium. They also had systems in place which they developed over years of managing other facilities which impressed them considerable -- systems insofar as audits on concessions and concessionaires -- both food concessions as well as sales of souvenirs from shows, etc. And last, but not least, they found Ogden to be tremendously flexible. No matter what type of question was posed to them, nothing seemed to be a particular problem for them in dealing with same.

Mr. Heaton said Ogden is the firm that the City has retained for the management of Roberts Stadium and Mesker Music Theater. It is his understanding that that contract with the City is ready to be signed any day now -- if the Parks Board hasn't already voted on it. There have been some hold-ups in getting that done, but in talking with Jim Hadden and the Parks Department, they had nothing but very high praise for them during that process and the main hold-up has to do with careful wording in the contract in relation to how it may or not affect the bonds that have been let for the Stadium improvements. Of the five member Advisory Board, there

were three votes in favor of Ogden. There was one dissenting vote and that had to do with a concern that the Board member felt there was a potential conflict of interest between managing City-County facilities. The other three Board members did not see that as a problem. There was one abstention from Councilwoman Betty Hermann, who felt that she had a vote when it came before Council regarding appropriation of funds and did not feel it appropriate to vote both times. The Auditorium is a 2,000 seat facility. Mesker Music Theater can accommodate about 6,000 and the Stadium, 12,000. He doesn't see a conflict. A promoter is going to select the facility they can get most cost effectively and sell the most tickets to cover that overhead. Obviously, if it is a 2,000 person draw they will no book the Stadium. In fact, the Stadium probably wouldn't even let them book the facility -- it would be unaffordable. Mesker is a very cost effective place to hold an event (no pun intended) -- it has very low overhead. It has no overhead. This was his personal feeling.

Ms. McClintock said that it has been indicated all along that once the Commissioners got a recommendation from the Auditorium Advisory Board that we would (and Council has requested that they also be included) talk to the firm recommended, and perhaps the other two firms who submitted proposals. Ms. McClintock expressed appreciation to Mr. Heaton and asked that he pass that along to the Advisory Board, because they have worked very hard on this and have made a firm recommendation re private management versus hiring a person to come in. A decision needs to be made as a Commission that this is the direction in which we do want to go. Then the Commission needs to make a decision as to whom they want to get to the table to discuss specifics. She is anxious to get this done as quickly as possible, because Council certainly needs to have information for the 1992 budget. Her preference would be to go ahead and set a time to talk with the three private management firms (Ogden Allied, Givens, Spindler & Aiken, and Reis Catering).

Mr. Heaton said the Auditorium Advisory Board also made a recommendation to the Commission -- all the people they talked to they made the recommendation that there be some sort of consistent in house catering involved with the Gold Room and the food area of that building. They felt that way for a variety of reasons, but probably the most obvious was that if someone comes in to an event at that facility and has a bad meal, it is not "X Catering" that had a bad meal it's "they don't have good food at the Gold room". Therefore, they felt there was a need to have a consistent caterer involved in catering events. Someone who was contracted with to provide that service. Their recommendation would be that if the Commissioners decide to go that route -- that they look at a local source to provide that service and in the process of doing that, look at providing some sort of exemption and contract arrangements with not-for-profit groups (such as Southwestern Indiana Council on Aging, who self cater their own meals so they might be able to deal with a different funding mechanism for catered events. Anyone and everyone on the Advisory Board will be happy to answer questions and participate with the Commissioners to share the knowledge they have learned along the way in this process.

Commissioner Borries expressed appreciation to Mr. Heaton for his work. He does share some concerns. He thinks these kinds of proposals can be something we can certainly consider. To say that it is going to be operated just like a "private business" is a bit too simplified. This is a community facility used by a wide variety of groups (such as SWIRCA) who have special needs and who, in all likelihood, may not be able to find quite that kind of convenient facility downtown all on one floor -- which provides a marvelous experience for them. Despite the repeated bashings of the Auditorium for all of its inadequacies, you find that it is used very, very often and, he thinks, with a great deal of positive experiences. This probably doesn't hit the media as much as we hear a few of those other things. But be that as it may, he would

concur with Mr. Heaton's remarks -- because it is a public facility and something where we need to be sensitive to some community groups who have special needs and who, certainly, pay their taxes to support this facility. Mr. Heaton finds that Ogden is the most cost effective proposal -- even though they modify (they had Roberts Stadium plus the Auditorium) -- that changed all their configurations insofar as the cost of just strictly managing the building?

Mr. Heaton said the Board made this recommendation following their pending agreement with the City. They would not have made this same recommendation to the Commissioners had Ogden not entered into that agreement with the City. Although they felt very strongly about the firm, it would have been cost prohibitive for the County to have entered into that type of management agreement. If they did not have the contract with the City, he believes they wanted something slightly over \$100,000. Because of their contract with the City, they have some cost efficiencies involved and their management fee halved itself, he believes, which made it very appealing to the Auditorium Board -- again, given the tremendous resources they have to bring things into the facility.

Mr. Borries asked, "Then they would have a staff there full time?"

Mr. Heaton said that is his understanding.

Commissioner McClintock commented, "But that management fee does **not** include any staff. That is for managing -- not for staff -- and that is the way all of the proposals are."

Mr. Heaton said that is correct.

Commissioner Hunter said he thinks Commissioner Borries' comments are well taken. He looks at this word "proposal" for what it is -- it is a proposal and a proposal is something that is negotiable.

Mr. Heaton remarked, "That is correct -- they are tremendously flexible. The other thing we looked at -- they have experience in putting together these financial statements on projected incomes and revenues and one of the things we looked at was the tremendous cut in deficit operation they were projecting to make even during their first year of managing the facility. I would encourage the Commission to hold them accountable for that, should you decide to enter into that -- because that was a big factor in our making that recommendation to you."

It was subsequently the decision of the Commission to interview all three firms on Thursday, December 12th at 3:00 p.m. in Room 307, and the Secretary was instructed to advertise same. (In response to query from Commissioner McClintock, Attorney Wilhite determined an Executive Session is **not** necessary.)

#### RE: <u>PUBLIC WORKS - GREG CURTIS</u>

Medical Leave/Eric Acker: Mr. Curtis said Mr. Acker's back-to-work examination has been rescheduled for tomorrow afternoon. He has been released by his doctor, but it was felt he should be examined by our Occumed Service, as well. There was some indication there was possibly limited release. The doctor would not clarify that on the phone. Therefore, it was felt we should have him examined by our physician.

Transfer of Funds for Additional Radios: Mr. Curtis said he is checking the budget re possible transfer of funds for the purchase of additional 2-way radios -- so all equipment will have the radios for purposes of communication -- regardless of the size of the crew or where they are -- in the event of a breakdown or whatever. We had a number of call outs over the long weekend (downed tree limbs, etc.). What happened was that the foreman was paged and

went out on call. They had additional calls and he did not respond, because he was out in the middle of nowhere taking care of the first complaint and no way for him to communicate with Central Dispatch. They have suggested and he is requesting that he be allowed to purchase a portable hand-held 2-way Walkie-Talkie that will communicate with them. It will go along with the pager and whichever foreman is on call will have the Walkie-Talkie and if such occurrence did happen he simply could call Central Dispatch and ascertain the details on the additional call out. The cost of that is approximately \$2,000 -- but it is something of a safety nature. This past weekend we had three foremen out, because the second and third were called at their homes because the first foreman could not get back to them in what they considered a satisfactory time period. It takes six weeks delivery. If permission is granted, he wanted to place the order tomorrow.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, permission was granted to purchase the additional radios contingent upon availability of necessary funds.

Corrective Action Plan/County Highway Garage: Mr. Curtis said it is his understanding from Donan Engineering that they we need additional information. They feel it is very likely that we may be able to go with a more cost effective option of disposal and possibly reusing some of the rock, asphalt, etc. for a paving material for the County Garage lot, which would save us some money. But also, this additional testing and sampling would allow us to have a better handle on what the cost is going to be once we start that remediation. With the site characterization and testing that has been done, we really don't have a good grasp on what is going to be required near the building, as well as in the area that is expected to be those pits where the asphalt was, over the years, drained out of the trucks. He would request that a change order on their contract in the amount of \$3,500 be approved. He does not have the agreement, however, as he just talked with them at 3:30 p.m.

Mr. Borries asked, "Wasn't some of that information given by Heritage? Why would we select one firm down here then -- if they had all that information and might have been to provide it and we wouldn't have to ask for another \$3,500.?"

Curtis responded, "The infirmation Heritage obtained was obtained outside the areas that both Donan and himself feel it is necessary to do additional sampling and testing. No sample was taken anywhere near the building and that could be very costly remediation if it is significant. In Heritage's defense, they did the minimum amount of testing they could do and get the approvals from the State. But one of the main reasons we are wanting to go with the testing is that we have no idea what the cost is going to If we proceeded as is, we could get into the project and it could double in cost -- just simply because no determination has been made in those areas. We have no idea as to the extent of contamination in these areas and therefore can make no projections of costs whatsoever. We will have to have some sort of contract that we ask money to be appropriated for prior to awarding the If that contract were to increase significantly, we contract. likely would get half way through with the remediation and have to stop until the following year.

Mr. Borries said it just seems that Heritage had collected and developed so much information -- information that IDEM itself approved as part of the whole remediation plan and it seems we are now trying to change the scope of what we are trying to do. He doesn't understand why some of this information wasn't shared before we selected somebody who maybe did not have any idea or only a slim idea of what Heritage had done. There isn't any way Heritage will share that information?

Mr. Curtis said he doesn't think IDEM or Heritage could care less what costs the County incur -- they just want things properly taken care of and he thinks that was Heritage's primary instruction -- to get that delicate issue handled with IDEM. But IDEM doesn't care what it costs us. All they want is to know the information is there to show what type of remediation can be done. We have no idea what those costs are going to be and we have no idea what extent of contamination we have up near the building which, if that contamination extends underneath the building, we could have a very significant cost problem. And also, an area not addressed in the report was the potential of how we were going to deal with what we have been told by hearsay -- is the pit referred to a number ofttimes that has the asphalt in it. That was not addressed in Heritage's report.

Ms. McClintock asked if Mr. Curtis can put together a report for the Commissioners as to exactly what he needs -- so each of the Commissioners can look at what Heritage gave us and know that this is new information -- and the Commission can vote on that at next week's meeting?

Mr. Curtis said he will do this.

#### RE: CONSENT AGENDA

<u>Travel Request:</u> Ms. McClintock said she has an addition to the Consent Agenda and that is a travel request for three (3) individuals to attend the A.I.C. Winter Conference (Greg Curtis, Gary Kercher, and Scott Davis) at cost of \$150.00.

Ms. McClintock then asked if there are additions or questions concerning the Consent Agenda. There being none, a motion was entertained.

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

#### RE: OLD BUSINESS

Request for Letter/Cletus Muensterman: Commissioner Borries said he believes Cletus Muensterman has requested a letter of indication as to the nature and status as to his dismissal. Certainly, in fairness to him -- and the Commissioners certainly have some differences as to how fairly he was treated -- he deserves that. Mr. Borries said it is his understanding that Mr. Muensterman has communicated that request to Ms. McClintock previously. Has she referred that to the County Attorney, or what are we going to do?

Ms. McClintock responded, "It is something I am working on and, Rick, I just haven't gotten it done. I'll do it, I promise -- this week."

Mr. Borries said, "Well, it certainly would be appreciated by him."

Ms. McClintock reiterated, "I'll get that done."

Claim/Unemployment Comp: Auditor Humphrey noted they have a claim in the Auditor's Office for unemployment compensation and we have \$398.72 in that account. The claim for November is \$4,196.00 and will probably equal that in December, which makes that account about \$8,000 in the hole. Do the Commissioners have money in some account to transfer into that account?

Ms. McClintock said, "I think you, Sandi and Lou need to get together and figure out where you need to get it from."

Sale of Surplus Property: Mr. Humphrey said he noted article in Sunday's Evansville Courier concerning the house Sam Gates purchased from the County for \$5.00. In the body of that article

toward the end it says, 'County Commissioner Carol McClintock said it would have been County Auditor Sam Humphrey's responsibility to make the Commissioner aware of any interest Mr. Gates would have had in the house and he didn't.'

Mr. Humphrey said there is no place in the law that requires him to notify anybody of anything. He has all the laws concerning it and all of them pertain to the Auditor before the tax sale and including a tax sale and delivering deeds according to a Court Order -- all of them. There was a reference in the body of the article that said something to the effect that a person who had lost the property at tax sale was ineligible to buy it. He is ineligible to buy it -- he cannot acquire title to property at such tax sale -- at tax sale -- it doesn't say anything about when the County gets money or sells the property. And that is case law. That is the only reference to a person having lost it through a tax sale acquiring it through a tax sale. It would be a suggestion of his that this body could make a condition of purchase of County property. That would be something for the Attorneys to work through. But in no case is it the Auditor's responsibility to make the Commission aware of it. The law took us out of that business. We don't even run an abstract. That is the purchaser's prerogative and requirement. We give them a list of requirements and cite them the laws, etc. Then the Court orders disposition of the properties. We don't have anything to do with it -- you don't have anything to do with it. The Court does. And that occurred three years ago. Four and five years ago we did have to run abstracts -- we supplied those to the Courts.

Attorney Wilhite commented, "I respectfully disagree, Sam. There is a County Surplus Property Statute that lists who is eligible and who is not eligible to buy that property. And included in the statutory of people who cannot buy property are these people who owed those taxes. In fact, I am looking at the Notice of Sale of Surplus Property and the notice, itself, states that the properties may not be sold to a person who is ineligible under I.C. 36-1-11-16 and that is the statute that says you can't sell at a County Surplus Sale to people who owed those taxes. I don't have the exact cite in front of me, but I did review this when the newspaper reporter called me and I do think there is a requirement that it is the County Auditor's responsibility to find if the person bidding owes those taxes. I disagree with you."

Mr. Humphrey said, "That is a matter of public record. But at the point the County sells it, that's a Commissioner problem -- not an Auditor problem."

Commissioner McClintock said, "We don't have those records, Sam. Your office is responsible for keeping those records. That is where the people go when they go to pay for the property. I don't know how you can reach to that the Commissioners are responsible. Then if we kept all the records, why would we need the Auditor?"

Mr. Humphrey responded, "The County Auditor audits the claims you have and that is what we do. We're not going to take any of your jobs. Unless you can give me a cite in there that gives the Auditor responsibility then we'll be doing something we've never done before in the history of the Auditors."

Attorney Wilhite said, "I don't know what has been done in the past. It doesn't matter to me. I'm telling you, Sam, that clearly under Indiana Law, selling property to these people who owed property taxes on it is not allowed."

Mr. Auditor said, "They don't owe property taxes on it at the time you sell it in here."

Attorney Wilhite said, "It doesn't matter, Sam. The law clearly says that if they are the people who lost it originally because of

the Tax Sale...."

Mr. Humphrey said, "Then it's not a legal sale to start with."

Attorney Wilhite said, "That's right. This statute says it's void."

Auditor Humphrey said, "Then go get it back."

Attorney Wilhite said, "I agree. The point is, I disagree with you that those people can buy it. They can't buy it period."

Auditor Humphrey said, "But the Commission sold it. I didn't sell it. These things happened three or four years ago.

Ms. McClintock suggested, "Let's get a legal opinion on it. Any other business?"

Auditor Humphrey said, "To finalize that, unless you show me an Ordinance and the State Board agrees with you that we are responsible for notifying this body of names of people where this happened three or four years ago, who happened to buy property that may have gone through one or two hands (and that is what the article in the paper says happened) — unless that happens, this Auditor isn't going to do it. That is not my responsibility. That is the Commissioners' responsibility. If you have a problem with that, then you have a problem with it. And you can correct it by simply having them sign an affidavit that they didn't buy any property or haven't lost the property on tax sale. That would be a simple solution. But for me to put people on it to notify yo of persons who have lost their property in a tax sale and sit here when Sam Gates walks into the meeting rom — no way."

Ms. McClintock said, "Nobody is suggesting that."

Mr. Humphrey countered, "That is what you're suggesting."

Ms. McClintock responded, "No, no, no, no. If somebody buys a piece of property, before you give them the Deed somebody ought to be checking to see if they were the ones who had the back taxes on it in the first place. I'm not suggesting you go back and research every piece of property -- or that anybody do that. I agree that would be a waste of time."

Auditor Humphrey commented, "Well, I just told you what this Auditor is going to do -- and if you can supply me with that and convince me of it -- and I'll check with the State Board -- that's fine and we'll do it at that point. But until that happens, we won't do it."

Attorney Wilhite said, "I'll get back to you. I'm not sure what the State Board has to do with anything."

Mr. Humphrey said, "And if you can give me the cites."

Mr. Wilhite said, "I'd start with 36-1-11-16."

Ms. McClintock then entertained further matters of business to come before the Board.

Orchard Rd. Bridge: Mr. Stevens again approached the bench and said it has been nearly two years since residents attended a meeting at Central High School concerning the bridge on Orchard Rd.

Ms. McClintock said she wishes Mr. Stevens had asked about that when Greg Curtis was here. However, they are going to Court on December 6th. We've been held up by a property owner who does not want to sell to us. We've had to take the owner to court for condemnation. Gary Price is the Attorney handling that for the

COUNTY COMMISSIONERS MEETING December 2, 1991

County. He is going to vigorously plead with the Judge that these people have held up a project of important public interest. Hopefully we will get this resolved in December and be ready to move forward on this project.

Attorney Wilhite said that typically in these matters the Judge doesn't take it under advisement for a lengthy period. The Judge usually takes only a few days or a few weeks to resolve it. Hopefully we will have something in the near future that says we have a right to the property.

Ms. McClintock said we are to be under construction on that project this coming spring.

Mr. Stevens said this is a long time for a bridge to be out, and Commissioner Hunter agreed. The latter said it is inexcusable.

There being no further business to come before the Board at this time, Commissioner McClintock declared the meeting recessed at 6:30 p.m.

#### PRESENT:

Carolyn McClintock, President Don Hunter, Vice President Richard J. Borries, Member Jeff Wilhite, County Attorney Sam Humphrey, County Auditor Lou Wittmer, Supt./County Bldgs. Greg Curtis, County Engineer Gary Kercher, County Engineer's Office Jan Steinmark/Glenwood Middle School Susan Jeffries, Purchasing Dept. Robert E. Stevens Shirley James/WIA Dixie Wagner Rose Parks Katheryn Parks Vickie McBride Mike Wilson Harold Post/BFI Sam Elder/Health Department Robert Brenner, County Surveyor John F. W. Koch Carl E. Shepard Norris Robinson Larry Downs/Attorney Tom Heaton G. O. Thompson Bret Townsend/Health Dept. Susan Sauls, Chamber of Commerce Others (Unidentified) News Media

**SECRETARY:** Joanne A. Matthews

Carolyn McClintock, President

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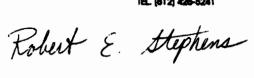
on Hunter, Vice President

Richard J. Borries, Member

## Board of Commissioners

County of Vanderburgh 306 ADMINISTRATION BUILDING CMC CENTER COMPLEX EVANSVILLE, INDIANA 47708





#### **AGENDA**

#### VANDERBURGH COUNTY COMMISSIONERS

DECEMBER 2, 1991

4:30 P.M.

- 1. CALL TO ORDER
- 2. INTRODUCTION
- 3. PLEDGE OF ALLEGIANCE
- 4. ANY GROUPS/INDIVIDUALS WISHING TO ADDRESS THE COMMISSION
- 5. ACTION ITEMS:
  - a. Sale of County owned Surplus Property
  - b. Dumping Ordinance.. First Reading
  - John Koch--Petitions to declare Pigeon Creek a navigable stream
  - d. Glenn Deig recovery of funds owed to State of Indiana from Richard F. Higgins \$229.32
  - e. Renewal proposals from B/C-B/S and Welborn HMO
  - Southwestern Indiana Regional Highway Coalition Inc. Re: Contract revisions
  - Corrections Officers contract ordinance.

    Re: Set dates to advertise for public hearing and first, second and third readings
  - h. County Redistricting ordinance
    Re: Set dates to advertise for public hearing and first, second and third readings
  - i. Award Bid for 1992 Tax Bills 26

J Approval to Advertise — approved — Pe: Furniture for Superior Court (Judge Lensing

#### 6. DEPARTMENT HEADS

- a. Jeff Wilhite
- b. Gred Curtis
- d. Jack Kirw<mark>e</mark>r

#### 7. Consent Items:

- a. Request to Travel (1) Area Plan Commission
- b. Pete Swaim--Request use of Bishea Building for Holiday Party with a waiver on the standard fee for rental.
- Employment Changes:

#### AREA PLAN COMMISSION/RELEASED

Virginia Wirthwein/Dep. Admin. 19,042.00/yr
12/4/91 (emergency medical leave)

#### HEALTH DEPARTMENT/RELEASED

Cory R. Greening/Vector Control Tech 5.00/hr 11/16/91 William Hess/Vector Control Tech 5.00/hr 11/16/91

#### SUPERINTENDENT OF COUNTY BEILDINGS/RELEASED

Louis Wittmer/Supt. 21,574.00.00.yr
11/27/91

#### SUPERINTENDENT OF COUNTY BUILDINGS/APPOINTMENT

Louis Wittmer/Supt. 22,653.00/yr 11/27/91 (6 month step)

#### VANDERBURGH COUNTY AUDITORIUM/APPOINTMENT

Mike Jones/Security 12.00/hr

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#### VANDERBURGH COUNTY HIGHWAY/APPOINTMENT

Dee Riat/Secretary 12/3/91 16,068.00/yr

d. Scheduled Meetings:

Wed. Dec. 4 Board of Public Works..9:00 a.m. Rm B0: County Council......3:30 p.m. Rm B0:

Mont. Dec. 9 County Dept. Head Mtg. 3:30 p.m. Rm 303 County Commissioners...4:30 p.m. Rm 307

8. OLD BUSINESS: \_ Aieport

9. NEW BUSINESS:

10. MEETING RECESSED

#### NOTICE OF PUBLIC MEETING BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY THURSDAY - DECEMBER 12, 1991 3:00 P.M.

The Vanderburgh County Board of Commissioners will conduct a public meeting in Room 307, Civic Center Complex, Evansville, Indiana at 3:00 p.m. on Thursday, December 12, 1991.

Purpose of said meeting will be to interview those management firms that responded to a Request for Proposals with regard to the operation of Vanderburgh Auditorioum.

Carolyn McClintock, President Don Hunter, Vice President Richard J. Borries, Member

ATTEST:

Sam Humphrey, Auditor Vanderburgh County

APPROVED BY:

Jeff Wilhite County Attorney

#### NOTICE OF PUBLIC HEARING DUMPING ORDINANCE DECEMBER 2 AND DECEMBER 9, 1991

The Vanderburgh County Board of Commissioners has scheduled the following hearing in Room 307 of the Civic Center Complex, Evansville, Indiana with regard to the Dumping Ordinance to be included in the Vanderburgh County Code of Ordinances.

The First Reading will be at 4:30 p.m. on Monday, December 2, 1991, with second and final reading to be heard at 4:30 p.m. on Monday, December 9, 1991.

The Ordinance reads as follows:

(Insert Ordinance Here)

SAM HUMPHREY, AUDITOR VANDERBURGH COUNTY, INDIANA

Courier & Press: November 29, 1991

#### VANDERBURGH COUNTY DUMPING ORDINANCE

## (A.) Definitions

- (1.) "Composting" means the controlled and intentional biological decomposition of organic solid waste under aerobic conditions. This shall not include any environmentally harmful organic materials.
- "Contaminant" means any solid, semisolid, liquid, or gaseous matter, or any odor, radioactive material, pollutant as defined in the Federal Waste Pollution Control Act, hazardous waste as defined by the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), as amended, or any combination thereof, from whatever source, that:
  - (i) is injurious to human health, plant or animal life, or property, or;
  - (ii) interferes unreasonably with the enjoyment of life or property.
- (3.) "Disposal" means the discharge, deposit, injection, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that the solid waste or any constituent of the solid waste may enter the environment or be emitted into the air, or discharged into any waters, including ground waters. (P.L. 143-1985, SECTION 77) (Dispose means to do the above actions.)
- (4.) "Garbage" means all putrescible animal solid, vegetable solid, and semisolid wastes resulting from the processing, handling, preparation, cooking, serving, or consumption of food or food materials.
- (5.) "Hazardous Waste" means a solid waste or combination of solid wastes that, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may:
  - (i) cause or significantly contribute to an increase in mortality or an increase in serious irreversible illness; or
  - (ii) pose a substantial present or potential hazard to human health to the environment when improperly treated, stored, transported, disposed of, or otherwise managed; or

- (iii) any substances that the disposal or handling of which is regulated by the State or Federal Government.
- (6.) "Open Dump" means the consolidation of solid waste from one or more sources or the disposal of solid waste at a single disposal site that does not fulfill the requirements of a sanitary landfill or other land disposal method as prescribed by law or regulations, and that is established and maintained without cover and without regard to the possibilities of contamination of surface or subsurface water resources. (Open Dumping-the act of.)
- (7.) "Person" means an individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, municipal corporation, city, town, school district, school corporation, county, any consolidated unit of government, political subdivision, state agency, or any other legal entity.
- (8.) "Processing" means the method, system, or other handling of solid waste so as to change its chemical, biological, or physical form or to render it more amenable for disposal or recovery of materials or energy, or the transfer of solid waste materials but excluding the transportation of solid waste.
- (9.) "Recovery" means obtaining materials or energy for commercial or industrial use from solid waste or hazardous waste. (Includes recycling).
- (10.) "Recyclables" means materials which still have useful, physical or chemical properties after serving their original purpose and that can therefore be reused or remanufactured into additional products.
- (11.) "Sanitary Landfill" means a solid waste land disposal facility designed to accommodate general types of solid waste, excluding waste regulated by 329 IAC 3, and operated by spreading the waste in thin layers, compacting it to the smallest practical volume, and covering it with cover material at the end of every working day.
- (12.) "Waste Tire" means a tire that is not suitable for the tire's original purpose.
- (13.) "Waste Tire Storage Site" means a site at which five hundred (500) or more waste tires:

- (i) are accumulated in the outdoors at a single location; and
- (ii) are not completely enclosed within a structure or vehicle.
- (14.) "Yard Waste" means grass clippings, leaves, prunings, stumps, brush and other natural organic plant growth materials.
- (15.) "Solid Waste" means any garbage, refuse, waste tires, white goods, yard waste, sludge from a waste treatment plant, sludge from a water supply treatment plant, sludge from an air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations or from community activities. However, the term "solid waste" does not include:
  - (a) solid or dissolved material in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges, which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act Amendments (33 U.S.C. 1342).
  - (b) source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).
  - (c) manures or crop residues returned to the soil at the point of generation as fertilizers or soil conditioners as part of a total farm operation.
  - (d) uncontaminated rocks, bricks, concrete, road demolition waste materials, or dirt, otherwise known as clean fill, which must be free of natural growth, building materials, or refuse.
  - (e) land application materials regulated by 327 IAC 6 and 327 IAC 7.
  - (f) confined feeding control by-products regulated by I.C. 13-1-5-7.
  - (g) waste-water discharge by-products regulated by 327 IAC 5.

- (h) recovery materials, except for incineration, in which the waste, other than tires, has been segregated from the general waste stream prior to arrival at a processing site.
- (i) sawdust which is derived from processing untreated natural wood.
- (j) coal ash, transported by water, into an ash pond which has received a water pollution control facility construction permit under 327 IAC 3.
- (k) coal ash at a site receiving a total of less than one hundred (100) cubic yards per year from generators who each produce less than one hundred (100) cubic yards per year.
- (1) coal waste as exempted from regulation in P.L. 103-1988.
- (m) iron and steel-making slags including the use as a base for road building, but not including use for land reclamation.
- (n) foundry sand which has been demonstrated as suitable for restricted waste site III under the provisions of 329 IAC 2-9, including the use as a base for road building, but not including use for land reclamation.
- (o) hazardous wastes, including used oil, which are regulated by and shall be treated, stored, and disposed of in accordance with 329 IAC 3, if generated in quantities more than one hundred (100) kilograms per month.
- (p) wastes which meet restricted waste site type IV criteria under 329 IAC 2-9-3, and shall be disposed of as specified by 329 IAC 2-14-17.
- (q) infectious waste which is defined, regulated, and shall be disposed of in accordance with I.C. 16-1-9.7.
- (r) used lead acid batteries, 6 volts or more, which are regulated by and shall be disposed of in accordance with I.C. 13-1-15.

- (s) waste tires stored in a waste tire storage site which holds a valid permit issued by an agency of state government under I.C. 13-7-23.
- (t) materials being used in a composting operation.
- (u) yard waste which has originated on the property where it is being deposited.
- (v) materials which, by the existence of a verifiable market for sale or a demonstrable legitimate reuse, can be classified as recyclables.
- (16.) "Solid Waste Facility" means all contiguous land and structures, other appurtenances, and improvements on the land, used for processing, storing in conjunction with processing or disposal, or disposing of solid waste, and may consist of several processing, storage, or disposal operational units, e.g., One (1) or more landfills, surface impoundments, or combinations thereof.
- (17.) "Standard Container" shall mean a leak-proof container of at least twenty (20) gallon capacity with a lid and side handles of sufficient strength to allow lifting of the container when filled to a total weight of sixty (60) pounds, or a plastic bag with a thickness of at least six (6) millimeters and security tie to contain the waste.
- (18.) "White Goods" means large household appliances such as refrigerators, washing machines, stoves, air conditioners, microwave ovens, and any other large household appliance.

# (B.) Unauthorized Disposal Prohibited

No person shall cause, allow, or be legally responsible for the storage, processing, open burning, disposal, deposition, dumping, leakage, or spillage of solid waste or any objectionable or regulated materials onto public or private property, street, thoroughfare, stream or lake unless such property is a solid waste facility operating under and within permits or approvals granted by the appropriate state and local agencies including, but not limited to, the Indiana Department of Environmental Management, the

Department of Natural Resources, the Army Corps of Engineers, the Vanderburgh County Solid Waste Management District, and the Area Plan Commission of Vanderburgh County.

#### (C.) Solid Waste Containers

The occupying owner or occupying tenant of any dwelling unit, apartment house, building, structure, or business, public or private, may place at a convenient location on the same property which the owner or tenant occupies, standard containers, dumpsters, or weather resistent bags for the temporary containment of solid waste or garbage awaiting disposal. Such containers shall be constructed, handled, and placed in a way that will not promote health or animal public nuisances. Such solid waste or garbage shall not be in place for more than seven (7) days awaiting disposal.

An owner of any apartment house having more than two dwelling units shall be responsible for, and provide to that apartment house an adequate number of standard containers, dumpsters, or weather resistent bags for the temporary containment of solid waste or garbage awaiting disposal.

#### . (D.) Enforcement

The Board of Commissioners of Vanderburgh County shall designate the Vanderburgh County Department of Health (the "Enforcement Agency") as the enforcement agency for this ordinance.

- (1.) The Enforcement Agency may give notice of a violation by issuing a citation stating the nature of the violation.
- (2.) The Enforcement Agency may commence a civil action to enjoin any person from violating any condition of this ordinance through an action by the County in the Circuit Court of Vanderburgh County, the purpose of which is to impose a penalty and seek remediation.
- (3.) If a condition violating this ordinance exists on real property, officials of the County may enter onto that property and take appropriate action to bring the property into compliance. However, before an action to bring compliance may be taken, all persons holding a

substantial interest in the property must be given a reasonable opportunity to bring the property into compliance. If an action to bring the property into compliance is taken by the County, the expense involved may be made a lien against the property.

#### (E.) Penalty

- (1.) Any person who violates any provision of this ordinance:
  - (i) may be charged with a Class B Misdemeanor and/or subject to a fine of not less than two hundred fifty (\$250.00) dollars and not more than two thousand five hundred (\$2,500.00) dollars for each violation;
  - (ii) each day a violation exists shall be considered a separate violation, and a court may assess a monetary penalty for each day the violation exists; and
  - (iii) may be subject to all court costs and legal fees incurred by the County in connection with the violation.
- (2.) The Board of Commissioners of Vanderburgh County shall designate the Vanderburgh County Department of Health as the county officials who may accept the payment of a monetary penalty provided by this ordinance from the person responsible for the violation prior to initiation of litigation if the county official deems it to be in the best interest of the county that a higher penalty not be sought through litigation.

#### (F.) Rights of Landowner

A landowner, public or private, on whose land garbage or other solid waste has been dumped without the landowner's consent may, in addition to any other legal or equitable remedy available to the landowner, recover from the person responsible for the illegal dumping:

- (1.) Reasonable expenses incurred by the landowner in disposing of the garbage or other solid waste; and
- (2.) Court costs and legal fees incurred due to the illegal dumping.

PASSED by the Board of Commissioners of Vanderburgh County, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_\_, 1991, and upon that day signed and executed by the members of the Board as appears by their respective signatures and all attested to by the Auditor of Vanderburgh County, Indiana.

BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY

Carolyn McClintock, President

Don Hunter, Vice-President

Richard J. Borries, Member

APPROVED AS TO FORM:

Ted C. Ziemer, Jr., County Attorney Sam Humphrey, Auditor Vanderburgh County, Indiana

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# MINUTES COUNTY COMMISSIONERS MEETING DECEMBER 9, 1991

The Vanderburgh County Board of Commissioners met in session at 4:30 p.m. on Monday, December 9, 1991 in the Commissioners Hearing Room, with President McClintock presiding.

#### RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

President McClintock called the meeting to order, welcomed the attendees, introduced members of the County Staff, and asked the group to stand for the Pledge of Allegiance.

#### RE: <u>DUMPING ORDINANCE</u>

In response to query from President McClintock as to whether there were individuals/groups in the audience who did not find themselves listed on the agenda -- but who wished to address the Commission -- Mr. Ron Steinkamp, a farmer in Union Township and a property owner, identified himself as the individual who appeared in a photo in today's paper concerning roadside dumping and the owners being responsible.

President McClintock said the Dumping Ordinance will be discussed later in the agenda and Mr. Steinkamp will have an opportunity to speak at that time.

# RE: STATE OF INDIANA/DEPARTMENT OF CORRECTIONS/DIVISION OF INDUSTRIES AND FARMS

Mr. Sam Wilkerson, Sales Representative from Pendleton, IN for the subject agency distributed literature to the Commissioners for their review, indicating his agency makes a large variety of items, all of which are made in the State Correctional facilities. The reason he is here is because this agency offers a couple of advantages. It is not necessary to go through the bid process with this agency and any order over \$300 is shipped free. Since many people come to the Commissioners for suggestions or the Commissioners hear about items to be procured, he felt it important for the Commissioners to know about this program. As an example, they do a lot of office furniture for people all over the State. In the past they dealt with State agencies and any counties that called on them. Now that they've listed the hiring freeze, they are able to go out and call on all the counties and make the county officials aware of this program.

Ms. McClintock expressed appreciation to Mr. Wilkerson.

# RE: SALE OF COUNTY-OWNED SURPLUS PROPERTY

Commissioner McClintock entertained bids on the County-owned surplus real estate that had been advertised for sale. There were no bids.

#### RE: <u>DUMPING ORDINANCE (SECOND & FINAL READING)</u>

Commissioner McClintock said the Board had a rather lengthy session at the First Reading concerning this Ordinance last week and some changes were incorporated. The Board had also discussed this Ordinance prior to that date. Ms. McClintock then asked for comments from those present who wish to discuss the Ordinance.

Mr. Ron Steinkamp said the photo in the morning paper illustrates a perennial problem created by the river and holes washed out that are handy to throw items into. They work with the County Highway Department in covering it up, picking it up, etc., so they expect to get dumping there. However, dumping is occurring all over the county. It is especially prevalent in his area because it is an isolated area and some of the dumping during winter can go for up to a month. It seems this ordinance is directed at property owners and he feels this is unfair in that this is a taxpayer problem. The property owners are paying taxes for police, security, and taking these violators to Court. He feels the violator is the problem -- not the property owner. He feels the property owner should not be penalized for owning property. What if you woke up one morning and found a 55 gallon drum of hazardous waste? It's around and this is occurring up east. This and similar instances could perhaps mean you're looking at \$5,000 or \$10,000 to clean up the area. He talked with several other farmers this morning -they don't understand that this Ordinance has more implications than they realize. We already have the laws in place to do the He's not knocking the Judges, the Police, or the Sheriff -but the enforcement is not being done. You see road signs saying \$500 penalty for littering and he's never heard of anyone being penalized for littering. When the dumped items wind up on his property (it usually occurs on the right-of-way) in the field they pick it up all year around. He gets at least half a dozen televisions, couches, and Lazy-Boy Recliners. He probably mows about 50 miles of right-of-way per year, which defrays the County's expenses; cleans his tree lines, and does what he can -- as do most other farmers -- and it probably cost them around \$1,000 to do that. The thing is, he owns the piece of land shown in the morning newspaper that they're dumping on -- and he will get it cleaned up again. He currently has a complaint filed with the Sheriff's There are witnesses to the people dumping, so there Department. should be no excuse for that not being prosecuted and he hopes a stiff penalty is enacted. Again, it's a taxpayer problem -- not a property owner problem.

Ms. Dixie Wagner of 309 Colonial stated she agrees with a lot of things Mr. Steinkamp said -- with the main thing being there needs to be an upgraded enforcement -- that ultimately that is the answer. You pay your taxes for this protection and without enforcement the Ordinance is not going to work. She prepared a statement concerning the contractor's problems, as follows:

"Last week the financial problems that will affect contractors of this area due to this Ordinance were addressed. A BFI representative stated that BFI was looking into the possibility of alleviating that problem. Last week they said they were looking at possibilities, but did not really outline what their plan was. One of the purposes of this Ordinance is to deal with the eyesore that uncovered trash BFI's approach to the contractor's problem, as causes. reported in Saturday's Press will only move the eyesore to the top of a huge hill in a residential neighborhood which, because of its height, is highly visible. Even though the contractors' need a financially feasible way to dispose of their debris this proposal by BFI is unacceptable. They have have already been denied a vertical expansion. already exceeded their allowed height and IDEM is now investigating other violations. It was stated here last week that IDEM is hard pressed to control waste issues in our County already. As Commissioners, you must at some point take control and stop practices which degrade the quality of life for all residents in Vanderburgh County. To simply move the problem to another location will only serve to delay a solution. BFI has publicly stated they are running out of space and this proposal may help them conserve landfill area. Their poor planning is no excuse to allow them to violate their permit conditions and

employ methods which are not in the best interest of the community. The financial aspects for contractors must be addressed, but BFI's proposal to address it is no solution -so other avenues need to be explored. This Ordinance is a very important tool for the community. BFI should not be allowed to use to further impact the residents who are already forced to deal with a degraded quality of life in the area of the current landfill. I may not have explained this. What I am talking about here is the idea of basically, the way it read in Saturday's Press was to use this construction demolition as some kind of cover. I know they were pleased and said it could be financially workable, because there is no requirement it be covered. It looks terrible on the west side in a gully; it looks terrible on the east side in a ditch; and if you just move the construction demolition debris to the north side and have it uncovered in a highly visible area -- it is not going Thank you." to look any better.

Ms. Rose Parks of 8505 Kneer Rd. stated she feels strongly about this matter. She cut the photo out of the morning paper and it looks like it is just plain old household trash. How the County is going to stop this, she doesn't know. BFI more or less has a monopoly on the trash business. Small trash haulers cannot be competitive. High dumping fees will continue as long as BFI has control. When all of the small trash haulers have been run out of business by BFI, the City of Evansville will be in the same boat as Vanderburgh County residents. Their fees will be out of sight like ours are. County residents who cannot patrol their property twenty-four hours a day will go to Court before they willingly pay out big fines to clean up the trash of other people that is illegally dumped on their property. As long as Vanderburgh County refuses to site a landfill where the dumping fees are controlled by the County, she feels it is unconstitutional and illegal for the County to fine the property owners. The County is helping BFI to run small trash haulers out of business. The residents want a County-controlled landfill where the dumping fees are fair. As elected officials, why have the Commissioners not done this?

Ms. McClintock entertained further comments.

Mr. Charles Luecke of 2361 Schutte Rd. said he wanted to clarify a few items and proceeded to query the Board concerning Site Type 4 Waste, which is exempted from this Ordinance as it is written. Hazardous waste is also exempt, because as he understands it it is not included in the definition of solid waste. He would like verification from the County Attorney to clarify that. He also wonders if the possibility exists for individuals to clean up solid waste from their property without being fined for a period of time. Is that correct?

Ms. McClintock confirmed that this is correct.

Mr. Luecke said he very much supports this Ordinance and thinks it is a good Ordinance. He feels bad that landowners will ultimately be held responsible if we can't find who did the dumping -- but in the end somebody has to clean up. He wishes there was some way that the people responsible for the illegal dumping could be held ultimately responsible -- and maybe government can work with people who do have to clean up their property since government will be collecting fines.

Ms. McClintock said it her understanding that contractors' waste and hazardous waste are exempt.

Attorney Price said hazardous waste is exempt in this Ordinance; but there are State statutes.

Ms. McClintock asked, "So the scenario defined by Mr. Steinkamp

that if someone dumped a 55 gallon drum of hazardous waste on his property, the State of Indiana is ultimately going to hold those property owners responsible? And this Ordinance doesn't do anything to change that?"

Attorney Price confirmed that this is correct. Also, under 'Unauthorized disposal prohibited', it says 'solid waste or any objectionable or regulated material.' So hazardous could also possibly fall into that definition.

Ms. Shirley James of the West Side Improvement Association said that as of the first of the year the EPA had declared that the originators of hazardous waste were held responsible forever. Does that law have more authority than our local Ordinance?

Attorney Price responded that this would not conflict with that -- no.

Mr. Mike Wilson, a local contractor, stated he resides at 711 N. Tenth Avenue and also in a house down on Old Henderson Rd. With as much publicity as this proposed Ordinance has received, he noted there were two new deposits this past weekend down on Old Henderson Rd. Again, he doesn't think this Ordinance is going to keep that from happening. He thinks what will happen is that people who own the property (such as Mr. Steinkamp) are going to be forced to clean up or face a fine. He thinks this is unfair to property owners. On the personal side, the way the Ordinance is written -- construction debris which, in most cases is completely safe, will not be allowed to be deposited except out at BFI. He would request that the Commission not take any action on this Ordinance and said that the Commission not take any action on this Ordinance and seek further input. He thinks one of the basic rights of Americans is being eliminated. Although the IDEM concept sounds good to begin with, when you start getting into it there are a lot of worms in it. He would like this Second and Third Reading to perhaps be strung out to next week or the following week. He questions why there is such a strong push to get this Ordinance passed. He's just been made aware of it for less than thirty days. Had it not been for the newspaper and other media presenting it, he doesn't think anyone would have been aware of it -- or at least to the extent that there is. Mr. Steinkamp stated he talked to a lot of people who didn't realize how this is going to affect them. If more time were allowed, he believes the Commissioners would see a stronger showing on behalf of the landowners, as well as the construction industry. They have not had time to organize. If this Ordinance is passed, he thinks that in a sense their rights have been violated. His suggestion would be to see if perhaps 10 cents or 15 cents couldn't be tapped onto the dumping fees at the cents or 15 cents couldn't be tapped onto the dumping fees at the existing landfill and that be put in a fund to help clean up some problem areas that WIA has been so concerned about. Mr. Wilson said he thinks serious consideration should be given toward the article in the Wall Street Journal. That captured his attention and since it brings forth almost the identical issues being discussed and that is the monopolistic attitude that the landfills have now. In this case, they will have a complete monopoly in virtually every sense of the word. Why has this Ordinance been shoved at us so quickly?

Ms. McClintock responded that we've been working on this Ordinance for almost a year. It was first discussed at a regular Commission Meeting in January or February of 1991. This is the fifth meeting wherein this Ordinance has been discussed, which is an extensive period of time. She spoke with the President of the Home Builder's Association in her kitchen yesterday afternoon and he said that they didn't have a problem with the Ordinance.

Mr. Wilson said he hated to disagree with Ms. McClintock, but the President called him on his car phone today and wanted him to be sure to attend the afternoon meeting. Following very brief comments, Mr. Wilson said he will not take any further time from

the Commissioners.

Commissioner Hunter said it is the County's responsibility to clean up the debris dumped on the roadside when it is on County right-of-way -- and it will continue to be their responsibility. But he hopes the residents are aware that the County pays the same tipping fees as the residents do when they go to BFI. We don't just simply go there and dump the stuff. It is out of the taxpayer's money, but the County is paying the same amount as anyone sitting here. If we pay 10 cents or 15 cents additional to cover clean-up costs, then it is coming out of the taxpayers' pocket. What it boils down to is that if people like Mr. Steinkamp are willing to take time and clean up debris, etc., for they have no responsibility -- they're just being a good citizen because they think it is the right thing to do. A lot of what he sees in this Ordinance is not designed to in any way infringe upon the rights of the good citizens. Rather, it is an attempt to try to get some kind of teeth into the folks of our community who are not good citizens. Continuing, Mr. Hunter said we all need to get involved as good citizens. The purpose of the Ordinance is to try to make it a little more undesirable for those folks who do dump and who hopefully will get caught from time to time. We're not going to catch a lot of these people. We don't catch them now, and how are we going to catch them later. Perhaps if people are more aware of this and are willing to become actively involved, we can slow some of these problems down.

Ms. Dixie Wagner also offered further brief comments, with specific mention of sludge as cover, etc.

Commissioner McClintock offered brief comments prior to asking for a motion, including the fact that Attorney Price earlier stated this Ordinance cannot supersede either State or Federal Law -- and much of what can already be seen in the Ordinance is State and Federal law. The problem Mr. Steinkamp described would be a Federal law. The problem Mr. Steinkamp described would be a problem whether or not we had this Ordinance. The other major concern heard throughout the series of hearings is in regards to construction materials. It has been indicated on several different occasions that it is not the intent of this particular Ordinance to hurt the construction industry in any manner and it is not the intent of the Ordinance (nor does it say in the Ordinance) that this will prevent the storage of construction materials at the business location, at the location of the construction -- and those were the areas expressed as concerns by representatives of the construction industry. The issues regarding the landfill are, she thinks, very legitimate concerns. She spoke with the Chairman of the Solid Waste District Committee this afternoon and indicated to her that she needed to review the minutes from these five different meetings and make those excerpts available to each member of the Solid Waste District Committee so they would understand that there is a continuing growing concern out in the community regarding the tipping fees that are being paid by residents and also the operation of the landfill, itself. And those are issues that operation of the landfill, itself. should be addressed by the Solid Waste District Committee.

This Commission was presented with a problem that was perceived by a group of residents. What we are attempting to do here is provide a vehicle so that the Vanderburgh County Sheriff's Department can cite and we can fine individuals who are continuing to dump on private property and County right-of-way throughout the County. She is sorry the Sheriff could not be here this evening -- he was unavailable. He is very supportive of this Ordinance and said his enforcement will step up and he feels it will deter some individuals from dumping in the first place and that it should reduce the amount of clean-up that has to be done by private property owners. As property owners, whether or not we have this Ordinance, we are ultimately responsible for what is on our property. She then asked Attorney Price if there is anything specific he feels the Commission needs to put into the record which

would further outline what the intent of the Ordinance is.

Attorney Price said the main concern was on the construction materials and he believes the record now reflects that the intent of the Ordinance was not to hurt the contractors -- and that is really the main concern he has heard. The yard waste issue has been addressed in the Ordinance.

Mr. Steinkamp said the main problem is enforcement; has that been discussed?

Ms. McClintock said they discussed this meeting before last. They had met with the Sheriff -- because there is no need to pass an Ordinance unless they are going to enforce it -- and what he indicated was that this would make it so much easier to enforce because it is all in one document; it is local.

Mr. Steinkamp reiterated we don't need a new law -- what we really need is enforcement of what is already law.

Ms. McClintock said the Sheriff has indicated to the Commissioners that they need this Ordinance in order to clean up the problems which have been presented to the Commissioners by the West Side Improvement Association -- and that the fines were too low. The fine in the City right now is only \$25.00. This is considerably more than that.

Mr. Steinkamp said it looks like it is a direct slap in the property owner's face. It looks like it's going to be directly on the property owners' shoulders. The Commission is creating a thing that ultimately the property owner is going to have to carry. They're creating a thing that ultimately the property owner is going to have to cure. If the 55 gallon barrel is in the property owner's yard and he doesn't roll it out on the street -- then he is going to have to do something about it -- unless he takes his tractor and physically bulldozes this stuff out on the road and then the County will have to do something about it. He shouldn't have to do that and the County shouldn't have to do that. There's got to be a better way. What we're doing is just moving stuff around. The real ass isn't being caught. He's sneaking down there and anytime you see anybody going along with a big load he's heading for somewhere. If he isn't headed for the landfill -- he's headed for somewhere else -- and we shouldn't be punished for that In their wisdom, he hopes the Commission can come up with something better than laying it on the property owners -- because it just isn't fair. While he has to clean it up now -- he doesn't officially like to be held accountable for other people's actions --- and that is what he is being asked to do in this Ordinance. The residents pay taxes to have laws enforced and have the Judicial process. These people aren't being put through this process -they are escaping through a lot of loopholes because enough
pressure is not being brought to bear. Maybe the Sheriff is doing all he can do -- but he isn't getting enough support afterwards.

Mr. Hunter said that to him this is really Step #1 to try to put some teeth in the enforcement aspect. In response to Mr. Steinkamp's query concerning hazardous waste, Mr. Hunter said Attorney Price had stated earlier that the State of Indiana is totally responsible -- not the property owner.

Attorney Price commented that the State of Indiana is the body that has laws regarding that particular issue. This Ordinance does not necessarily address that.

Mrs. Shirley James commented that back when IDEM was first established they did designate that local Commissioners can make rulings to enforce State law here, because there aren't that many available at the State to come down and do the enforcing.

Ms. James said she was also wondering about another thing — since the EPA made the originators of hazardous waste responsible, would there be some possibility of putting in a clause whereby we could make the originators, if known, responsible forever and then if no originator can be located then the responsibility would fall to the property owner? She's talking about just garbage now — not hazardous waste. That would mean that if a bill or something was found in the waste that would identify the owner. What they've had problems with is that many people allow individuals to come and dump on their property on purpose to fill in areas — and this has created problems, plus the fact that in many instances those persons who have dumped — if we do find something like a name and they go after them — they say they gave it to an itinerant hauler and he dumped. When you ask his name they say they don't know and can't remember. Consequently, it ends up that nobody is responsible for the dumped garbage. But if you were to find the individual's name on a bill and you said this is their responsibility — and it is in the Ordinance that the originator of the garbage would be held responsible — if no originator could be located the property owner would be responsible.

Both Mr. Hunter and Ms. McClintock said that is the way the Ordinance works. You do not go to the property owner first.

Ms. Dixie Wagner offered comments on hazardous waste, pointing out the difference between hazardous and special wastes.

Ms. McClintock responded by citing that the definition of hazardous waste is given as any substances that the disposal or handling of which is regulated by the State or Federal governments -- and all Special Waste is regulated.

Ms. Wagner commented that she agrees with Mr. Wilson in requesting input other than just this meeting and the problems. She believes a lot has been said about the intent of the Ordinance. The idea is to stop the problem, which is very, very difficult. Problems may arise that may not have been foreseen a month or six months ago. Now that these are being brought forth she thinks people need to get in touch with people they feel would be impacted by this Ordinance and they need a little more time. She knows time is important, but doesn't think you can deny a request like that to just make people more aware that something is going on that is going to affect them and their property. Lastly, to the idea of taking some of the financial pressure off the property owner that the financial burden should not be all theirs, because there are some people who didn't see the person dump or whatever. If we had a solid waste disposal system more controlled by the County or perhaps totally controlled by the County, some of the violations that occur there that are not being fined now by IDEM, she knows the Commissioners have it within their power to fine. If BFI is operating a County-owned landfill then the Commissioners could fine them for violations and maybe that money could be put into a general County clean-up fund, whereas if we can't track down the person responsible for the dumping at least there would be some kind of financial base to help the individual out if they did not have the means to do it themselves.

Following further brief comments by Mr. Wilson, he said he wasn't aware of this in the beginning; no one from the construction industry was aware of it; many of the large landowners are not aware of it to this day. The other night he asked Ms. James why the contractors were not consulted in helping to draw up this ordinance. He sees this as going to benefit a special interest group and BFI. He is asking the Commission why this could not be put as a referendum and at least air everyone's views about this matter and not just a select group? This is what he is asking.

Mrs. Rose Parks said she thinks the Commissioners need to realize that the reason so many people want and have to dump this stuff

someplace else is because they cannot afford to go and put it in the dump. As far as fining the property owners what they are telling her is this -- you have to patrol your land twenty-four hours a day to make sure nobody dumps. She can't afford to have the trash removed. It's like saying somebody came in and stole her van and then went out and killed somebody and the police re going to say she should have been watching to make sure nobody got into her van. The Commissioners are definitely punishing the property owners because they cannot patrol their property twenty-four hours a day. She's had people dump on her property and there is nothing she can do, because she can't be all over that place. She thinks it is unfair to the property owners. The dumping needs to be taken care of, but she thinks it is unfair to fine the property owners.

There being no further comments a motion was entertained. Motion to approve the Ordinance on Final Reading was made by Commissioner Hunter, with a second from Commissioner Borries.

Ms. McClintock then asked for a roll call vote: Commissioner Borries, yes; Commissioner Hunter, yes; and Commissioner McClintock, yes.

Mr. Hunter said he voted yes with one stipulation. This ordinance is not carved in stone. If the Mr. Wilsons and the Mr. Steinkamps find this creates problems -- the Commissioners are very willing to amend the Ordinance -- and he hopes everyone here understands this. "We're going to run into things on this that we've never even dreamed of. So let's say this is a beginning; let's work towards this as enforcement. And we can amend the ordinance if need be.

Ms. McClintock declared the ordinance approved. So ordered.

#### RE: REDISTRICTING ORDINANCE

Ms. McClintock said this Ordinance needs to be approved prior to the end of the year and we need to set those hearing dates: First Reading for December 16th and Second, Third and Final Reading on December 23rd.

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

Ms. Matthews said it her understanding that this Ordinance does not have to be advertised.

Attorney Price confirmed that this is correct.

Commissioner Borries asked, "Will we see this at any time?"

Attorney Price said, "I have it right here. There are also two maps. There are two Ordinances here -- one for the Commissioners and one for the Council. He has the maps for both of these; it's just a matter of where the Commissioners want these to be -- in the Commissioners' office?

Ms. McClintock indicated that would be fine.

In response to query from Commissioner Borries as to whether the Commissioners will have an opportunity to read the proposed Ordinance prior to the First Reading so they will have an opportunity to properly prepare themselves prior to voting, Attorney Price indicated he has copies of the Ordinances with him today and will have copies of the maps in the Commissioners' office by tomorrow.

#### RE: UPDATE ON USI PROJECT AND OTHER FEDERAL PROJECTS

It was noted by Commissioner McClintock that both Tom Bernardin and

David Eisley of Bernardin-Lochmueller & Associates are present today to provide the Board with an update on the USI Project and other Federal Projects.

Mr. Tom Bernardin said he wants to give the Board an update and progress report on all the Federal Projects and the USI Interchange project, which is in various stages of development. Mr. Eisley will provide information with regard to the environmental aspects of these projects. He has a series of written Progress Reports, followed by Progress Charts of a graphical nature on each project. He will be glad to answer any questions the Commissioners might have.

Lynch Rd. Project (Phase I) from Oak Hill Rd. to Burkhardt Rd.: This area is about two miles long. The design on the two bridges is complete, with checking about 70% complete. Detailed drawings are about 80% complete and will be rechecked as the design checks are completed. These bridge plans will be included with the grading plans for the roadway. The necessary DNR and Corps of Engineers permits have been obtained. The final road grading plans were submitted to the INDOT on November 15, 1991. The corrections were minor and they will be completed when the bridge plans are incorporated into the final plans. The final tracings for the grading and the bridge plans should be submitted around March 1992. The critical path at this point in time is really the right-of-way. It's not the design plans. The design plans will be done in plenty of time for the letting. They are also planning to let the grading plans — since there is so much dirt work and this is conventionally how it is done on larger jobs like this — that you let the dirt work settle for a while and it is monitored until it is only settling a little bit or not at all — and then you go on with the paving contract. They anticipate the grading work to take about a year. That gives it time to be constructed and then settle out — so we don't go and pave it and have a bumpy road. The followiong year we do the paving work.

The paving plans are about 75 % complete. Once the road grading tracings are complete these paving plans will be completed. This contract will be let approximately a year after the grading contract. Consequently, it is not in a critical path.

The right-of-way engineering (the title work, plats, etc.) and the descriptions is 90% complete.

The right-of-way services will commence upon a signed agreement. He has an agreement ready to give to the Commissioners on this. The services include appraising, review appraising, the buying and the management and supervision. BLA would be doing the managing and supervision in house and would be sub-contracting the appraising to David Matthews; the review appraising to Bob Reed; and the buying to Francis Miller. The agreements are ready for review and approval by the Commissioners at their convenience.

Ms. McClintock asked Mr. Wittmer to schedule that on next week's agenda.

Mr. Bernardin said they can commence as soon as the agreements are approved.

They are continuing to work with the utilities to obtain the utility agreements. They've been working with the water & sewer and are meeting with mixed success; but they might need some help from the County to prod the Board of Public Works along. What BLA needs is their plans for relocation of some sewers and water lines.

Ms. McClintock asked Mr. Wittmer to contact the Board of Public Works concerning this matter.

Continuing, Mr. Bernardin said SIGECO has said they cannot get to

their plans until April -- so they might need some assistance there. What BLA needs is to have all the utilities cleared by June; not moved, but the plan and the utility agreements between the County and the uitility companies executed on how the work is going to be performed.

In response to query from Commissioner Hunter due to his concern about the increased runoff as development occurs along this corridor and the possibility of a drainage problem similar to that experienced on the Lloyd Expressway, Mr. Eisley said that all that land use has been taken into account. They got the numbers from EUTS Study. All the new anticipated growth is included in the traffic when they looked where the turn lanes should be, etc. Drainage-wise he will have to turn to Tom Bernardin.

Mr. Bernardin said this is a question where there is no yes or no answer, because in some cases the water is running toward the roadway and in others it is running way from the roadway. He would like to look into that and get a clearer answer for Mr. Hunter. They do design the ditches in the instances where the water is running onto the right-of-way to accommodate that in its current state. Generally speaking, they are not anticipating great increases in additional water. It is generally the developer's responsibility if he is going to increase runoff, there is a County ordinance that he maintain a before and after condition that is the same insofar as deep storm water detention. So they are not anticipationg increased rates of runoff onto the right-of-way. But he will look into this in more detail specifically. The two bridges go over Pigeon Creek and the Crawford-Brandeis Ditch.

With regard to Pigeon Creek, Mr. Hunter asked if there is any way the construction of this bridge will compound the drainage problems that are presently plaguing the folks along North Green River Rd.? There has been a lot of concern voiced to him.

Mr. Bernardin said he has seen some of the correspondence in that regard -- perhaps most of it. Just to put it in a nutshell, they have studied that to death and went into great detail upstream and downstream taking 1,000 ft. and 1,500 ft. cross sections and sending that through the DNR, meeting all the requirements for the State and Federal agencies -- and they seem to be satisfied. They designed it so there should be no more head up than 1/10 of a foot, which means that due to the constriction of the bridge the water shouldn't back up more than that. We're talking about probalistic theory here; you can't be that precise in terms of scientific evaluation here. There should not be any deterioration in the drainage situation out there.

The funding on this project -- he thinks they anticipate at this time a late fall letting (perhaps November 1992). The right-of-way relocations, which are geneally the most lengthy acquisitions are well under way. The Federal 1993 fiscal year begins October 1, 1992. So that would be good timing that we come right out of the box and get the monies to do the job. The key though is that it does get programmed for 1993 funds. We did miss the boat a little bit. We could have gotten some Federal Aid for the right-of-way acquisition for 1992 -- and it was not programmed.

<u>USI Interchange</u>: Mr. Eisley said the USI Interchange is all good news. We're moving along faster than anticipated. The field check is next Tuesday (December 17th) to make sure there are no surprises out there. They're looking to schedule a public information meeting in January. The design aspect is moving right along.

With regard to the environmental side, he talked to the Federal Highway Administration and they were reading the 106 Historic Site Information today. It went through the State fine and is now with the Feds. Hopefully, Charlie Elliott will feel good about it and feel we addressed all his concerns. He will give him a call in

another week to make sure and he will send it over to the people at Historic Preservation. They are known to be a little slow from time to time, so he will contact them and encourage them to move as rapidly as possible. If he encounters problems, he will let the Commissioners know as quickly as possible so we can get this finalized and move in and finish the environmental side of it.

164 Overpass/Grade Separation: Mr. Borries asked if we're talking with IDOH at this point on the grade separation there on the overpass on 164?

Mr. Bernardin said that is what he refers to as Phase II of Lynch Rd. and that is part of the design and will be incorporated in that correspondence with the State. It will all be covered. They've finished the survey and are in the process of plotting up the plans at this time.

<u>Eickhoff-Koressel Rd. (Phase I):</u> This extends from the USI Interchange up to S.R. 66 or Diamond Avenue. They are just about to finish the Field Survey. It will be concluded this month and that information is being placed on the plans for the plotting and they will be beginning their grade review plans for that. There were some slight shifts in alignment which affected the environmental.

Mr. Eisley said that since the environmental for this was written along with the USI Interchange, this is all one package. It is being updated altogether and not affecting the speed of the design. The environmental assessment is being updated to accommodate both the Interchange and the shifting alignment. The reason they shifted it is because according to the Green Book (the Bible for design engineers) on Hogue Rd., the new Eickhoff Rd. was going to be too close to the old Eickhoff Rd. and the Feds said we couldn't do that. We had to pull the intersections apart a bit, which is why we had to shift the alignment which, of course, meant they had to go back and re-do the environmental impacts.

Eickhoff-Koressel from S.R. 66 North: All the information received back since the Public Information in March -- they're trying to accommodate all those people's concerns. They are looking at two other alignments, trying to minimize the effects on some of the residences out there and trying to improve the road a little bit. The biologists are out there now trying to be sure we're not going through any wetlands or historic sites or anything like that. They will probably be in contact with Greg during the next month. They did have five possibilities and are trying to narrow it down to one or two which they feel are pretty good, based upon the comments they got back from the Public Information Meeting.

Ohio Street Bridge: Mr. Bernardin said that he met with Greg Curtis about a week ago to discuss the scoping on the project. There were a few things with regard to the soils and the exploration of the hazardous waste they had some questions on. The Commissioners will be seeing a contract coming through on that within the next couple of weeks.

Mr. Borries asked if BLA has met with the City of Evansville regarding a possible realignment of Ohio Street?

Mr. Bernardin said that is part of the project. The actual new bridge we're tentatively planning will be two or three hundred feet north of the existing bridge -- so that will take that kink out of the road.

McClintock said that is all being coordinated.

In conclusion, Mr. Bernardin said that either he, Mr. Eisley or both of them will provide the Commissioners with an update the second meeting of every month.

<u>Various Projects:</u> Ms. McClintock said she received information from Veach, Nicholson, Griggs re the Fulton Avenue Bridge, Orchard Road Bridge, and Green River Rd. South. She will give the report to Lou Wittmer and ask that he make a copy for each Commissioner.

She also received a report from Three I Engineering concerning Bridge #214/Darmstadt Rd. over C&EI Railroad.

For the record, the |Fulton-5th Avenue Bridge project should be complete in the Spring of 1992; Orchard Rd. Bridge -- the right-of-way acquisition is currently going on; and Green River Rd. South the right-of-way acquisition is currently being conducted by the County Engineer's office. Three I is just waiting for their notice to proceed.

#### RE: AWARDING OF CONTRACT/COMPUTER EQUIPMENT

Police Chief Art Gann said he is here this evening on behalf of the Data Board to ask that the Commission award a bid for the upgrade of the hardware equipment currently utilized by the City and the County. They went out on the RFP several weeks ago and have reviewed the bids as they came in. It is the recommendation of the Data Board that the bids be awarded to U. S. West for seventeen (17) of the nineteen (19) sections; to Pioneer Standard for one (1) of the nineteen (19) standards; and to Intelligent Data Systems for one (1) of the nineteen (19) standards. The estimated cost on the award as they see it right now is \$900,194.00. The bid responses — the efforts of the Data Board have been reviewed by Attorney Price, as well as City Attorney Winternheimer and both have expressed comfort that the process is fair and thorough and complete. The recommendation was passed by the Board of Public Works last Wednesday. Funding is available in both the 1991 and 1992 budget. Pending favorable action by the Commission they will commence negotiations with the primary vendor Wednesday morning at 9:00 and they will try to get back yet this year with a contract for the County and the City.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter the contract was awarded, as recommended by the Data Board. So ordered.

# RE: READING OF BIDS FOR LIQUID ASPHALT & TIMBER MATERIALS

The meeting proceeded with Attorney Price reading the following bids into the record:

<u>Liquid Asphalt:</u> Only one (1) bid was received, that being from J. H. Rudolph & Co. in the amount of \$17,185.00.

<u>Timber Materials:</u> Only one (1) bid was received, that being from American Timber & Bridge, and they quoted a per board foot price. Both bids appear to be in order.

Motion was made by Commissioner Borries to take the bids under advisement, with a second from Commissioner Hunter. So ordered.

#### RE: BIDS ON KLEITZ ROAD BRIDGE PROJECT

With regard to bids received on the Kleitz Road Bridge project, Attorney Price read the following into the record:

| Phoenix Construction Co.  | 64,173.00       |
|---------------------------|-----------------|
| K&K Excavating Co.        | \$<br>92,682.70 |
| Deig Bros. Construction   | \$<br>69,820.00 |
| Koberstein Trucking Co.   | \$<br>61,900.00 |
| Key Construction, Inc.    | \$<br>74,598.75 |
| Southwest Engineering Co. | 62,800.00       |
| Sam Oxley & Co.           | \$<br>84,634.20 |

Happe & Sons, Inc. CLR, Inc.

\$ 90,827.00 \$ 84,130.00

Motion to take bids under advisement for one (1) week was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

# RE: AWARDING OF FOOD CONTRACT/JAIL/SZABO FOOD SERVICES

Motion to approve the Amendment to the current agreement with Szabo Food Services was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

#### RE: COUNTY ATTORNEY - GARY PRICE

Attorney Price reported there are no action items on his written report. One item mentioned earlier, Orchard Rd. Bridge Project — there was a Hearing last Friday and there was an Order of Appropriation rendered by the Court and the next step will be the appointment of three (3) appraisers in order to determine the damage and that will be about the end of it at that point. While it will be up to the Court to determine how much time to give the appraisers, the Commission can anticipate at least thirty (30) days and hopefully within a week we can get the appraisers set. We're probably talking between 45 and 60 days.

# RE: BURDETTE PARK/BAD CHECK

Commissioner McClintock advised Mr. Tuley that the bad check he is holding should be referred to Glen Deig; he's doing all the collection work for the County.

#### RE: <u>COUNTY ENGINEER - GREG CURTIS</u>

#### Plans/Advertisement/:

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

<u>Kleitz Rd. Bridge/Re-Bid:</u> Mr. Curtis advised this project was re-evaluated after the project had been advertised. They plan to send out an Addendum to all those contractors who picked up plans that the bid opening date has been changed to December 23rd. He also has revised the plans for this project and is seeking approval on same. He is also seeking permission to re-advertise, with bid opening on December 23rd.

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

Proposed Agreement/Three I/Rehabilitation of Bridge #214: Mr. Curtis said he has reviewed this agreement, which is the standard State form. The items are basically identical to the contracts we have with the other Consultants, with the exception that this is not a Federal-Aid Project and pertinent language thereto has been removed. The total fee is not to exceed \$13,500 and he is in hopes of having the project out for bid by April of 1992. He would recommend approval of the agreement.

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

Green River Rd./Supplemental Agreement with United Consulting Engineers: Mr. Curtis said that just prior to the Green River Rd. bids being received they had a pre-bid meeting with a number of contractors concerned about some matters on this project. At that point in time he instructed that the plan be modified. It was his hope that this could be paid out of the Construction Engineering, which is reimbursed 75%-25% through the State with Federal Aid.

However, the State has denied that and we have to supplement the original agreement we had with United Consulting Engineers. This changed the not-to-exceed fee by \$7,800 from the last supplement that made to that contract. He would also recommend approval of this.

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

Change Order/Corrective Action Plan/Highway Garage: Mr. Curtis directed the Commissioners' attention to a drawing, which has the buildings, etc., on it and said the black dots indicate where we had taken samples. The areas that we were concerned about (large ovals with star at each end) -- the area we referred to from time to time as the pit. The other location that has been starred is over near the building and while from the Petrex survey we know the area is contaminated, we really don't know the extent of it. Those are the areas we feel additional information is needed to try and budget for this remediation. If we get into that project and the money is not available we, by State regulations, have no choice but to do this work. One of his concerns is to make sure we will have money available. With the present tests being taken, he doesn't think we will get a grasp on that with the information we have.

Ms. McClintock said, "You indicate that the end result would be the selection of a remedial alternative which may be more economical than bio-remediation. So in the long run this may save us money.

Mr. Curtis said it may save us money. But even more so, one of the problems that we have is that we have a large amount of equipment at the County Garage which needs to be replaced. We have a paving budget next year of approximately \$1 million. If we get to June or July and have already spent that money, then we have no money to draw from with which to pay for this remediation if it ends up being significantly at the upper end of what it might be. He thinks rather than waiting until then to find out, it would be best if we could plan on that and have a better grasp of what that is going to turn out to be.

Commissioner Borries said that in terms of contamination he would see one other major thing that is of concern. Are they going to do any testing near the area that is referred to here as the salt pile?

Mr. Curtis said the levels obtained around Buildings 2-A and 2-B, as well as No. 1, did not indicate levels of contamination that Heritage felt would be of concern. They didn't go over close to the salt pile to do that, because they knew the content right where the salt is would be very high; but the concern with the salt pile is whether that is migrating into the sub-surface and it was Heritage's position that it wasn't. He believes it was kind of a passing note when they did that, but he thinks they made that statement in their report just prior to the Petrex. It was kind of a passing notation because that wasn't the purpose of the work they were doing. But we did ask them to look into that.

Mr. Borries said, "Had Heritage been retained as the Consulting Engineers on this particular problem, is it Mr. Curtis' opinion that there still would have been a Change Order that would have had to have taken place here for this amount of money?"

Mr. Curtis said, "What I am saying is that I feel we need to get a better handle on what this is going to cost, because next year before e start paving we need to know whether that money can be spent or whether we are going to have to go back and repeal those funds. The same goes with equipment. We need to know those things. And he thinks this work covered by the Change Order needs to be done (whoever did it) needs to be done for that purpose. It was Heritage's feeling that bio-remediation was the only

alternative that they thought we should consider. So the answer is yes -- but Heritage would have argued with us as far as from anything other than determining the farther extent for budgeting purposes."

Ms. McClintock entertained a motion to approve the Change Order.

Motion to this effect was made by Commissioner Hunter, with a second from Commissioner Borries, who asked for a roll call vote: Commissioner Borries, no; Commissioner Hunter, yes; and Commissioner McClintock, yes. Change Order approved by a 2-1 vote. So ordered.

#### RE: <u>BURDETTE PARK - MARK TULEY</u>

Mr. Tuley introduced Jerry Grimes and Joyce Taylor of Channel 14, who wished to speak to the Commission about a promotion that would benefit Burdette Park. He then turned the floor over to the aforementioned individuals.

Mr. Grimes expressed appreciation to the Board for the opportunity to see Government in action today. They do have something kind of unusual to present to the Commission today. Channel 14 is entering into a special community service project designed to raise funds for our local schools. This project would also help to promote Burdette Park as a recreational facility and the asset that it is in our county and, hopefully, increase attendance. The purpose of this program is to raise in excess of \$1/4 million for our local system, which is a tall order. Their sister station has done this same project -- which is called Helping Our Kids -- in Montgomery, Alabama and raised nearly \$1/2 million. It is a very simple project and involves the sale of a Coupon Book. The difference between this and other coupon book sales is that 85% of the funds raised will go right back into the schools. That compares to sometimes as little as 20% or 30% for the typical fund raiser. It is made possible because Channel 14 is not making money off this -they are doing it completely as a public service project. The way the coupon book works is that they get retailers and, in this case, the retailer they are talking about is Burdette Park to purchase advertising space in the book for a \$1,000 fee. They get pages in the coupon book, which will be limited to 24 such retailers or businesses. This enables the person who buys the book to have 24 different places they will frequent more than once, which is good not only for the business involved (Burdette Park) but also good for the purchaser, since the majority of us have a number of places we go to and it has been proved over the years that this has been done in other markets to be much more successful than having hundreds of pages with hundreds of different people in the book.) The books will sell for only a \$10.00 donation. The retail value of the books will, however, be closer to \$500.00 -- so it will be Channel 14 has been here for 38 years and has an a good deal. excellent ability to reach the people who will be buying these books -- parents and neighbors of students in the school systems -- and they will be promoting this book quite heavily on the air with their own advertising, as well as the fact that their news department will be promoting this as a public service project and will be mentioning it on the newscasts, which will heavily promote the book and get people interested in purchasing the coupon books before the kids even go out on the streets to sell them, which will take place January 30th through February 14th. \$8.50 of each book will stay in the school where it is sold and the funds will be used by that local school as they see fit within guidelines of School Board policy, etc. Right now they have all the schools in the immediate area signed up, including the Evansville-Vanderburgh County Schools, the Evansville Diocese Catholic Schools, Evansville Christian School, Evansville Lutheran School, and a number of other schools in the Evansville area, as well as schools in Newburgh, Warrick County Schools, schools in Gibson County, Vincennes, Posey County, etc., etc. -- representing around 50,000 students.

their research and the way this has been done in other markets, they have found that sales of two or three books per child can be expected -- and right there we should more than achieve our \$1/4 million goal. If we're able to do that, that obviously would be very beneficial to the schools. It would also be beneficial to WFIE -- they would stand to be recognized as a community leader in television and also as someone who did something to help the problem of education rather than just talking about it -- and that is their stated goal. Burdette Park would also stand to benefit from the public relations aspect and the County and the Park would get the right to use the **Helping Our Rids** logo in its advertising and make full use of the coupons in any way they saw fit -- which will draw new customers into the Park because of the way these books are going to be sold in the surrounding counties. It is very difficult to find a way to niche-market those kinds of people very effectively and this is a golden opportunity for Mr. Tuley to do that for Burdette Park. Therefore, he is requesting permission for Burdette Park to participate and would entertain any questions from the Commission at this time. In addition to the coupons, there are ten (10) television spots which will be created. Burdette Park will be guaranteed a mention ten times per week minimum in those spot announcements. Again, 85% of the money stays with the schools. One thousand dollars collected from each retailer will be used to pay for the printing of the books up front so they can make the program 100% risk free and no printing bills hanging around after the project is completed. Fifteen (15) percent of the money will be used for administrative cost, sales cost and all the other things that go into fund raising. It is an excellent program and WFIE is very proud to bring it to Vanderburgh County and the schools in the Tri-State area.

In response to query from Commissioner McClintock as to whether he has \$1,000 in Burdette Park's advertising budget, Mr. Tuley responded in the affirmative.

It was the consensus of opinion among the Commissioners that this is an excellent opportunity. Mr. Hunter said the 85% return is greater than anything he has ever dealt with in the area of fund raising in the schools during the years he's been teaching.

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

Mr. Tuley is to provide the Board with a copy of what he and Mr. Grimes decide upon in the way of coupons for Burdette Park to be included in the book.

Expiration of Contract with Trading Post: Mr. Tuley noted that the contract with the Trading Post will be expiring this spring. He has had discussions with the Commissioners over the past three years as to whether we want to bid this out again -- the County has been inclined to take over a few of these services over the last few years. At the request of Commissioner McClintock, he has begun to explore the possibility of the County taking over this area and in that connection he has a proposal received today from a Consultant (one of the leading experts from the World Waterpark) re setting up this type of business. She is willing to come in here for a fee to show us how to set up, how to make our first buys, etc.

Ms. McClintock requested that Mr. Tuley get the proposal to the Board and it will be placed on next week's agenda for consideration.

#### RE: CONSENT AGENDA

Commissioner McClintock entertained questions re the Consent Agenda.

County Assessor: Mr. Borries said he received documentation on December 6th from Mr. Angermeier wherein he asked that his Real Estate Deputy be allowed to attend the Annual Training Conference in January and also that the Commission could consider appropriating expenses for LaTosha Pitt to be paid lodging per diem -- and he doesn't see that on the Consent Agenda.

Ms. McClintock said she just received this today and she put it on the agenda for December 16th.

<u>Welfare Department:</u> Ms. McClintock said that with regard to Item (d), the Welfare Department is requesting permission to advertise on December 12th and 19th, with bid opening on January 6th.

<u>Data Board:</u> Mr. Borries asked if Ms. McClintock received a letter from Mr. Parsons and if the Commission is going to act on this matter today.

Ms. McClintock said she didn't think it required action by the Commission.

Mr. Borries said he thinks it involves some clarification on Mr. Parson's part. When he read it, if he is correct, the Welfare Department is now an agency of the State of Indiana. He doesn't see where Mr. Parsons would have any conflict. He is a member of a local Computer Board -- which is a totally different unit of government.

Ms. McClintock suggested Attorney Price review the letter.

It was noted this is a special project for the Child Welfare Department and does entail County-appropriated funds for and all administrative activity is covered through the State of Indiana on the Welfare Department.

McClintock said an employee in the Co-Op Extension Service: Ms. McClintock said an employee in the Co-Op Extension Service had used all of her sick leave and is asking for medical leave without pay from December 9th through January or until her doctor releases her. She didn't want to pass this without putting some kind of limit on it. Also, if the Commission is interested in the County paying her insurance we need to clarify that she will continue to pay her portion. Should it be limited to January 30th and not leave it open ended until her doctor releases her? The record needs to reflect that the Medical Leave is approved December 9, 1991 through January 30, 1991 and during this period the County will pay their portion of her health insurance, with the employee paying her share.

Motion to approve the Consent Agenda, with noted changes, was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

### RE: OLD BUSINESS

Commissioner McClintock entertained matters of Old Business to come before the Board.

<u>Sheriff's Sub-Station:</u> Commissioner Borries said that next Monday he would like some clarification re the status of the Sheriff's Sub-Station.

<u>Letter for Cletus Muensterman:</u> Mr. Borries said he believes that last week he asked Ms. McClintock about a letter to Cletus Muensterman.

Ms. McClintock said the letter to Mr. Muensterman is in the mail and the Sheriff's Sub-Station is already scheduled on next week's agenda. In fact, she is meeting with Ed Hafer on Wednesday of this

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week to review the plans in an effort to come up with some final cost figures.

#### RE: <u>NEW BUSINESS</u>

Civic Theater: Commissioner McClintock said she is meeting with the Civic Theater Board this evening to review a proposal that the Theater District has made regarding the Vanderburgh County Auditorium & Gold Room. All she is going to do is tell them the Commission needs to know if there is any interest in a Little Theater in this community that would be in the Gold Room -- so if there is interest the Commission will know and can make some kind of decision. As background information, the Theater District came in and their big plan said the Gold Room was going to become a Little Theater. They did not talk to the Board.

Mr. Borries said he'd never heard anything about that and thus had some very big concerns.

Ms. McClintock said she, too, had concerns. She met with Tom Tuley and Rita Eykamp two weeks ago and they are wanting to proceed. They assumed the Civic Theater people were the ones who were going to want to move in there — and they don't even know if they're interested. She is going to meet with the Civic Theater Board to make them aware of the proposal and ask them what they think is going to happen so that can come back to the Commission — if there is going to be a proposed change for a decision. If they're interested, they need to sit down with the Commission and discuss this.

Commissioner Hunter said he has some real reservations about that, particularly in light of the fact they're talking about some kind of management. This is something the new management at the Auditorium would need to know up front before they come in here -- because their bids and ideas are all based on that room as it sits now.

#### RE: PERSONNEL ORDINANCE

In response to query from the Board, Attorney Price said the new Personnel Ordinance will be ready by Wednesday.

Commissioner McClintock asked that this be scheduled on next week's agenda to set advertising dates and that copies of the Ordinance be given to each Commissioner as soon as it is received from Attorney Larry Downs.

There being no further business to come before the Board at this time, President McClintock declared the meeting recessed at 6:15 p.m.

# PRESENT:

Carolyn McClintock
Don Hunter
Richard J. Borries
Gary Price
Sam Humphrey/Auditor
Lou Wittmer/Commission Office
Greg Curtis/County Engineer
Dixie Wagner
Rose Parks
Art Gann/Police Chief/Data Board
Roger Elliott/SCT
Charles Luecke/WIA
Ron Steinkamp

COMMISSION MEETING December 9, 1991

Sam Wilkerson
Shirley James/WIA
Tom Bernardin/Bernardin-Lochmueller Assoc.
David Eisley/United Consulting Engineers
Mark Tuley/Burdette Park
Jerry Grimes/WFIE
Joyce Taylor/WFIE
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews

Carolyn McClintock, President

Don Hunter, Vice President

Richard J. Borries, Member

# MINUTES COUNTY COMMISSIONERS MEETING DECEMBER 16, 1991

The Vanderburgh County Board of Commissioners met in session at 6:00 p.m. on Monday, December 16, 1991 in the Commissioners Hearing Room, with President Carolyn McClintock presiding.

### RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

President McClintock called the meeting to order, welcomed the attendees, introduced members of the County Staff (Wittmer, Wilhite, Borries, Mayo, Matthews, and Althaus) and asked the meeting participants to stand for the Pledge of Allegiance.

### RE: WELCOME/BOY SCOUTS/SCOTT SCHOOL

Commissioner McClintock extended a special "Thank You" to Clint Beck and Don Wells, the leaders of Boy Scout Pack #350 from Scott School, who were present for purposes of observing government in action. She then asked Brad Young of Pack #350 to come forward to lead the group in the Pledge of Allegiance.

Ms. McClintock proceeded by asking if there are individuals/groups present who wish to address the Commission but do not find their particular item of interest on the agenda.

An unidentified gentleman in the audience queried the Commission concerning the production of **Ohl Calcutta** scheduled at the Vanderburgh Auditorium.

Ms. McClintock said that matter is scheduled on next week's agenda. This will give the County Attorney an opportunity to conduct some research. Both sides will have an opportunity to speak at that time. That meeting is scheduled at 4:30 p.m.

#### RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

Ms. McClintock entertained bids on the County-Owned Surplus Real Estate which had been advertised for sale. There were no bids.

#### RE: BIDS/BRIDGE #34/OUTER DARMSTADT ROAD

In response to query from Commissioner McClintock, it was noted that the bids on this project are scheduled for opening next week.

#### RE: OLD COURTHOUSE - FAYE GIBSON

Ms. Faye Gibson, Executive Director of the Old Courthouse Preservation Society, was recognized. She said she is present to follow up on a Grant Request that the Society made to the Council and the Commissioners in August. Specifically they requested \$50,000 for operating expenses for the Old Courthouse during 1992. The main reason for the request is a shortfall in income from tenants leasing space in the building. They have experienced a dramatic decrease in tenants, where in actuality income from that source alone \$31,000 in revenue has been lost. The \$50,000 request would help to make up that loss and help with continuing maintenance and improvements to the building. The Commissioners have received a copy of the official

proposal.

Ms. McClintock acknowledged receipt of the proposal and stated they did have a meeting to discuss all groups that had asked for funding from the Commission. She then entertained questions.

Commissioner Borries asked if Ms. Gibson has a list of items that these funds would be used for.

Ms. Gibson said a portion of the funds would be used to offset a loss. She then distributed a list of projections and said it looks as though 1991 will bring an \$11,000 loss to the operating budget. Unfortunately, part of that money would be used to sustain that operating budget. There are other grant requests from other sources which have been approved which amount to \$55,000 and part of that money would be to supplement those. For instance, replacement of windows in the building is targeted for 1992, in addition to painting all the exterior of the windows. While they had requested \$40,000 from one source, they were granted \$30,000 -- so \$10,000 of the \$50,000 requested would be used to supplement that grant request so they could finish this project.

Mr. Borries said he understands about capital improvements, but would like additional information. He is not clear on how the money would be used and in what areas.

Ms. Gibson pointed out that looking at the Old Courthouse being utilized strictly as an office building, they are actually realizing a loss of about \$73,000 per year -- and that is simply because regular income from tenants in your normal office building functions only amounts to about \$5,400 per month. Expenses run about \$11,500 per month, however. They are not here for the entire \$73,000, because they are able to make up that deficit via their own fund raising efforts -- annual craft shows, membership donations, corporate gifts, State gifts, etc. They project they can make up about \$66,000 of that next year. At this point they still have a projected deficit budget for 1992 because of lack of tenants in the building. In 1989 they had their tenant revenue build up to an annual revenue of \$76,000 and it is now down to \$45,000. In response to query from Commissioner Borries as to why this has happened, Ms. Gibson said there have been various factors involved. Somebody wants to move to an east side location, for instance. But overall she thinks the thing that hurts most is the downtown syndrome. A lot of other office buildings in the downtown area are experiencing the same vacancy rate. There are also a lot more competitive prices downtown than there used to be, because there is an awful lot of office space downtown to be had and she thinks this is what is hitting them the hardest.

Ms. McClintock asked if it would be fair to say that \$11,053 of the \$50,000 is to cover the 1991 deficit and \$6,400 would be to cover the operating deficit for 1992? That would give us \$17,423?

Ms. Gibson said that would be assuming their projections come in as projected. When you're dealing with the general public, the donated dollar can be critical.

Ms. McClintock asked if it would be helpful if the Commission would, pending the availability of funding, go ahead and approve \$17,500 to cover the operating deficit and Ms. Gibson come back to the Commission with a proposal with the balance and a list of specific projects the money would be used for?

Ms. Gibson said that is a possibility, but the thing that worries her most is that 44% of their entire year's budget for utilities will be spent during the First Quarter and that is because of the nature of the building. And the \$66,000 projected for the year is

for the entire year. The First Quarter is always the toughest quarter to get through, but because of their deficit for the two year period, their cash assets are now \$16,000 and that is not a reliable reserve to fall back on. But to answer Ms. McClintock's question, the \$17,500 would help.

Following further discussion, upon motion made by Commissioner

Borries and seconded by Commissioner Hunter, the Board approved the request in the amount of \$17,500, pending approval of funding by County Council, with a request that the Old Courthouse Preservation Society come back with a specific budget by line item for the balance of the \$32,500. Mr. Borries said he feels an obligation for this building since it does belong to the County and he does understand there are problems over there. But he would hope that we also could address those in a way in which it is very easy for us to understand where our tax dollars are going. In response to query from Ms. Gibson, Mr. Borries said he would rather see the funds for enhancing the building in some capacity other than paying the utility bills. Perhaps other funds can cover the utility bills and the grants from the County be used more for one time requests.

President McClintock said the Board will look forward to receiving information with regard to the \$17,500 and the \$32,500.

In conclusion, Ms. Gibson said that as mentioned in the grant proposal, the Old Courthouse Preservation Society would like to have more County offices back over there -- they're always putting that pitch in.

Ms. McClintock said we're working on that.

#### RE: ORDINANCE RE COUNTY PERSONNEL POLICY

Commissioner McClintock said Attorney Larry Downs is present today with regard to the subject matter. She and Larry had an opportunity to go through the Personnel Policy today and there are some changes -- either requested by department heads, officeholders, or employees. Also, Larry had some recommendations which would make this Personnel Policy more businesslike and brought it into compliance with Indiana law -- because some of the laws have changed. Since it is a significant document, what she is prepared to suggest today is that the Commission go ahead and set it for First and Second, Third and Final Hearings on December 23rd and January 6th, respectively -- but that a session be scheduled with Attorney Downs and the Commissioners to go through any changes in the Policy so everyone is clear as to specifically what those changes are and discuss recommendations made by Mr. Downs.

Attorney Downs said he doesn't believe the Personnel Policy has been reviewed in total for several years, even though there were amendments in recent years in certain areas. Beyond the matters mentioned by Commissioner McClintock, there have been changes in the Federal Laws in the areas of handicapped persons, etc., which will be effective in January 1992, as well as in areas such as the rights of women who are pregnant and the obligation of the County versus pregnant employees. Additionally, the County reviewed the policy primarily from an aspect of how this ordinance works in practice, which required changes in certain areas -- as well as suggestions for the future. As a result, changes were necessary throughout the ordinance and he would be happy to explain them in a meeting with the Commissioners or however they want that handled.

It was subsequently determined a meeting with Attorney Downs will be held at 3:30 p.m. on Friday in the Commission Office to answer any and all questions the Commissioners might have with regard to the Personnel Ordinance. Motion to this effect was made by Commissioner Hunter, with a second from Commissioner Borries.

So ordered.

Ms. McClintock said they really wanted this to take effect January 1, 1992, but that will not be possible since we do not have time to advertise it for two different dates. She then entertained a motion to have First Reading on December 23, 1991 and Second, Third and Public Reading on January 6, 1992.

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

#### RE: ORDINANCE RE CORRECTION OFFICERS CONTRACT

Commissioner McClintock said each Commissioner had a copy of the contract and Attorney Downs has subsequently provided to each Commissioner a revised section re the grievance procedure, which would change one sentence to read, " All grievances to be valid must be presented within ten days from the date the employee contends he was aggrieved."

Attorney Downs said he and Commissioner Borries discussed concerns expressed by Commissioner Borries.

Commissioner Borries said he might have further questions -- but, of course, the Board will have another opportunity to review the changes.

In response to query from Commissioner McClintock, Attorney Wilhite advised there will be no problem in making any desired changes next week.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the changes submitted in writing concerning all grievances must be presented within ten days from the time the employee contends he was aggrieved to be valid (pp. 14-15).

were approved for inclusion in the policy. So ordered.

# RE: SHERIFF'S MERIT ORDINANCE

Attorney Downs said he would point out that there are three or four matters he brings to the Board for their consideration. One is that he sees no definition in this Ordinance as to who will be on the Board, nor does he see any numbers stated concerning the composition of the Merit Board -- three persons, five persons, or how many. Secondly, the Ordinance provides for a right of appeal to the Board on any suspension less than fifteen days. He would also point out regarding the area of discipline and termination, which the Merit Board addresses, is in conflict with the Correction Officers' matter which we just discussed in which all disciplinary matters, including suspension and discharge, are subject to the grievance procedure which, in terms of further review of the Merit Board Ordinance shows that there is no appeal from a Merit Board Ordinance decision as provided in the Statute. He believes in contrast that Merit Board matters dealing with City law enforcement officers provide for appeal to Circuit Court -- so there isn't a right of appeal beyond the decision of the Merit Board. There is no such provision in this particular Merit Board Ordinance. Finally, this particular Ordinance, as he interprets it, addresses only hiring and termination matters. It does not address training matters at all in terms of input into what is the proper training that Correction Officers should go through, which he thinks in other situations at least for law enforcement type officers -- matters in which the Merit Boards do have some input.

Ms. McClintock commented, "As we discussed this afternoon when you brought these concerns to my attention, I indicated we wanted these Ordinances to move through as a pair. We felt that was important. Larry, you indicated these were issues you could get with the Sheriff on and get proposed amendments to us by the end of this week so the Commissioners will have an opportunity to look at those prior to Monday's meeting,."

Attorney Downs agreed to do so.

#### RE: SHERIFF'S SUB-STATION

Ms. McClintock said she met with the Finance Chairman of Council last week regarding the funding for this proposal and she still had some concerns about the cost of the Sheriff's Sub-Station. Ms. McClintock subsequently met with Ed Hafer, the architect for this project, and they went through and made some proposed changes to the project which would reduce the cost, but Ed did not feel these would substantially at all take away from the integrity of the project. For instance, they took \$1.00 allowance out of the ceiling allowance; a \$1.00 of the allowance per square yard out of the flooring. Ed felt those estimates were high, because we will be using some materials in there that will be of much lower cost. The flooring, for example, was all based on a very high grade commercial carpeting. However, there will be some areas where we will be using ceramic tile (the bath room, for example) which is much cheaper than \$27.00 per square yard. They reduced slightly the size of the entry plaza by 3 ft. on one side and 5 ft. on the other and reduced the cost of the \$6,000 flag poles to something a little more reasonable. We do not have to have a sprinkler system in this building. It is basically a concrete block building. We can bid that as an alternate and see what the bid comes in at. He is recommending we reduce the landscape allowance from \$40,000 to \$30,000 -- which is still a lot of money for landscaping. We also can bid that as an alternate. What we had agreed to -- and she thought everybody was all in line and ready to go -- on Wednesday was (and she mentioned this at the public meeting on Thursday night) was that we could get the Commission to go ahead and say yes we want to do this project and they could go ahead and start work this week. That has made the Airport Board very nervous. They want to have a signed contract before they start work. As a result, the two attorneys did not get together and finalize and put a number of square feet nor a dollar figure in the contract.

Commissioner Borries queried Ms. McClintock as to Ms. Jerrel's concern here in terms of cost.

Ms. McClintock said they had two problems. First, the per square footage for the Sheriff's SubStation was \$102.00. The average for construction for a building like this is \$87.00. They wanted us to get closer per square foot wise to the \$87.00, which would bring us more in line with average rental rates in that area. They also wanted to look at an annual cost of \$130,000 per year or less and we were looking at about \$150,000. Ed Hafer assured her in their meeting that we could do that. We do want to move along on it, because right now if we bid (and that is why we wanted to bid some of those things as an alternate) it is a great to be bidding construction projects -- because the construction industry is so far down. She is all in favor of the project. The way it was left at 4:00 p.m. today was what the Commission could do this evening was to make a motion and pass it that we intend to build a Sheriff's SubStation; and in that motion request that the Attorney bring to the December 23rd Commission Meeting the final document ready to sign.

Commissioner Borries said it is critical that this thing move forward. He would concur that construction is very attractive right now to many people who would certainly want the business and it seems to him that if there were some funding concerns here that any of the Council had that perhaps we should have been able to address same a little sooner here so that the planning could have moved forward in a much more timely fashion. He would definitely want this finished and ready in final form by next week and he will so move to that effect.

Commissioner Hunter seconded, saying he agrees with everything Rick has said.

Ms. McClintock said, "So what we are indicating is that we are going to construct the Sheriff's Sub-Station; that we want the Airport Board to do that; and we want the final agreement here on December 23rd for the Commissioners' signatures. So ordered.

In conclusion, Ms. McClintock said there have been several meetings with the Airport Board. She's been to five meetings with Council and the Airport Board and has met with the architect on three other separate occasions. She regrets the week's delay. When she left Wednesday she thought everything was going to be worked out and then the Airport Board got cold feet today. They didn't want to leave it open ended without a contract.

Commissioner McClintock said the other thing she should point out is that funding for this project will come from payment made by the State and Federal governments for prisoners that are housed in our jail. This will **not** come out of local tax dollars. It will come from repayment for those prisoners.

Mr. Borries asked, "So what was Council's concern then, that Ed Hafer had designed a building that was too expensive?"

Ms. McClintock responded affirmatively, saying that when you look at the per square footage cost compared to the average building of that type it was a little high.

Commissioner Borries said it may or may not be -- he hasn't talked with either the Sheriff or Ed Hafer about that particular item. But he also knows it is a Sheriff's Sub-Station; it is not a house; nor, in some cases, usual construction. So I hope we haven't cut off our nose to spite our own face in relation to shortchanging something that would hurt the overall construction on this.

Ms. McClintock said, "Well, Rick, I'm sorry -- and I do not know why Ed is not here. The last time I talked to him (at 4:30 p.m.) he was supposed to be here. When I say the average is \$87.00 -- I'm not talking about construction cost of everything. I'm talking about the construction cost of Sheriff's and Jail's offices and buildings. We're not trying to compare the sub-station to a house or anything else."

Mr. Borries asked where Ms. McClintock obtained those figures.

Ms. McClintock said they came from the National Building Data -- Council got those figures. Ed Hafer provided that information to the Council following one of their meetings. If Mr. Borries would like the information on the average costs, he should call Mr. Hafer, because he seemed very pleased.

Mr. Borries said he did call him and Mr. Hafer seemed a little confused as to what was going on. But he will talk with him again.

#### RE: REDISTRICTING ORDINANCE

Commissioner McClintock said the maps for the Redistricting Ordinance are up on the easel (the Commission had these in the office beginning last Tuesday for anyone to come in and review). The Commission Districts are identical to what they are now - no changes proposed in the Commission Districts. Basically, this proposal changes the County Council Districts back to the way they were prior to the last Redistricting.

Mr. Borries commented, "Which, by the way, was done in 1970. May I ask, is there an updated..."

Ms. McClintock interrupted, "No, Rick, it wasn't in 1970, because I voted on it. It was done prior to the last County election."

Mr. Borries commented, "That's right -- but when they were changed prior to that time they had not been changed for twenty years. May I ask -- I'm not sure I have all the updted information here. Is the County Council Ordinance changed any?"

Ms. McClintock responded, "No, the Ordinance is not changed, but the District is changed. Basically the fickle finger thing that was drawn in at the top of District 4 that included this area (pointing to the map) was not contiguous at all to District 3 -- was added in to District 3. And an area that was very contiguous to District 3 was taken out of District 3 and placed in District 5. Basically what we have done here is that according to State Law we have to follow the natural boundaries and we have to have Council Districts that are contiguous. So we have given three back to that area that was taken from that District and given four in District 4 back to that area that was taken from District 4."

Ms. Borries said, "Well, it may have been a fickle finger of fate as you call it, but there was some substantiation behind why that was put in there. Would you want to go through -- you know the whole thrust of the Ordinance -- what you've talked about in terms of contiguous and compact -- terms of natural boundary lines -- are, in my opinion, far, far superfluous to the spirit of the law. And the law says that they have to be as nearly as possible equal population in Districts 1 through 4. Now, what is the equal population according to what you see here? If you'd like to read those to me. Maybe my math is a little bad here. We've got some Scott School students in here and maybe they will be able to see what the spirit of the law that was called one person one vote had to do with here. So read these to me -- I guess I got confused."

Ms. McClintock proceeded, "In District 1, the numbers are 30,952; District 2 is 38,922."

Mr. Borries said, "The original said thirty-two -- now I don't have that, see? Things seem to change..."

Ms. McClintock interrupted, "Wait, Rick, let's do this. Since you want to follow the spirit of the law, let's do the way that the Democrat-controlled Commission did it two years ago first, okay? Want to do that? In District 1 -- currently -- 30,952. In District 2 -- 38,922. In District 3 -- 33,599. In District 4 -- 61,490."

Mr. Borries said, -- No, I definitely will try to come up with -- I can see some other figures there -- because I will assure you when you have a County that has approximately 168,000 people, it is very easy to be able to try to draw that into fourths and come up with approximately 42,000 in each District. Now, where your numbers are coming from, I don't know. But go ahead. These Republican fickle finger fate districts are what then -- eliminating the fickle finger of fate, as you said. Sò your's go to 32,000 and then what?"

Ms. McClintock continued, "I gave you 39,021; 38,922; 44,466; 51,323."

Mr. Borries commented, "Well, that's different from the Ordinance that I got last week. This is the Ordinance I'm looking from and they have 56,000 versus 30,000 - so a person basically in District 4 -- their vote counts approximately half as much as a person in District 1. I just don't see that. That's the whole purpose of..."

Ms. McClintock interrupted, "But you didn't have a problem with that back in 1988."

Mr. Borries said, "Well, certainly; it wasn't 1988 -- they were done before the 1990 election and it is certainly my recollection that they were much more equaled out. So,

again, I don't know what kind of figures you're using there, but they're not the figures that I recall."

Ms. McClintock countered, "Well, if you look at the Districts as they are drawn, obviously the two smaller in population (District 3 and District 4) are the population centers of Vanderburgh County. The other two Districts are obviously those areas in the County that are going to experience growth over the next several years -- because there isn't any area that the other Districts can grow in population."

Mr. Borries said, "The law says you do not do Districts (that might be the law according to Carol McClintock) -- but it says 'contain as nearly as possible **equal** population. It does not say anything about the future. Then we have to wait for the Census of the year 2000. We are not equal. Item 4 is not in this Ordinance an equal population ordinance. When you have 30,000 -- you know, unless you have some hidden economic development agenda that I'm not aware of -- I don't see it growing to 56,748 in ten years -- but maybe it is. And even if it does, then it would have to be redistricted at that point. It is just not correct.

I also have questions in terms of the precincts. I've not had an opportunity to look at all of them -- but I know in the County Commissioner Redistricting Ordinance that I had, I couldn't find Precinct 6-18 in any of them. I don't know where it is. But if someone could help me find in the County Commission Ordinance Precinct 18. Not necessarily on the map, Carol -- it's not in the Ordinance.

Ms. McClintock said that should be in District 1. She then retracted that and said in the 3rd District is where that should be listed.

Mr. Borries said he doesn't see it -- perhaps she can help him find it.

In comparing Ordinances, it was noted by Commissioner Borries that he has a different version. He has the one he was handed last week. He thinks we've changed this again. and he doesn't know what he is dealing with. Which ones does he study? We've spent time on this and then all of a sudden -- and he finds 11 on there twice.

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Ms. McClintock said he obviously is dealing with the First Draft.

Mr. Borries asked, "Well, where is it? Does that say 'First Draft'?"

Mr. Hunter interrupted, "May I suggest that since Mr. Borries has several questions on this -- "

Ms. McClintock said, "We have to do this by December 31, 1991."

Mr. Hunter continued, "That we go ahead and pass this First Reading tonight and maybe the questions and the current copies can be..."

Ms. McClintock commented, "By law we have to do this by December 31st."

Mr. Borries remarked, "By law, we have to draw them one person one vote -- that is what we have to do to follow the law. We're not doing that. I'd be happy to -- I mean that clearly is -- if that is as nearly as possible equal population -- we've got some Scott school students here who can do a better job than what someone has tried to do here. Don't talk about the fickle finger of fate and talk about politics, because obviously if you've got one District that has 30,952 and one that has 56,748 and you're giving me different statistics -- they ain't equal."

Ms. McClintock asked, "Are you going to second the motion, Rick?"

Mr. Borries responded, "No -- because I'm so confused at this point. Not only can I add these Districts -- I don't even know what numbers we are dealing with here."

Ms. McClintock continued, "I will second and so order. Jeff, will you call Gary Price first thing in the morning and make sure he Faxes Commissioner Borries the correct Ordinance?"

Ms. McClintock stated in conclusion that this Ordinance is set for Second, Third and Final Hearing on December 23, 1991.

### RE: RESOLUTION DECLARING PIGEON CREEK A NAVIGABLE STREAM

The meeting continued with Ms. McClintock stating the Commissioners should have in front of them a Resolution declaring Pigeon Creek a navigable stream from its mouth at the Ohio River to the Vanderburgh-Warrick County Line. She then proceeded to read the Resolution (copy attached hereto).

Commissioner Borries said he would like information on this.

Ms. McClintock responded, "We had a discussion about this at our meeting two weeks ago. What specific information do you need?"

Mr. Borries said, "By declaring this a navigable stream, what does this mean in terms of funding and how County finances would be spent? Can you give me some information on that please?"

Ms. McClintock replied, "This provides the County the opportunity if we so desire to expend County funds to clear, clean and maintain the Creek. We are not at this time proposing any expenditure of funds nor are we requesting County Council to provide those funds."

Mr. Borries asked, "From whence would those funds come and who would do the cleaning?"

Ms. McClintock responded, "They would eventually have to come from the County General Fund, but the point is we are not asking for any funds at this point. As to who would do the cleaning, that could be done by volunteer groups (there have already been some groups out there who have been cleaning). If the County would so choose and be so directed by the Commission, we could use employees from the County Garage and employees from other departments within the County if we so choose and so direct We're not saying we're going to do that at this point."

Mr. Borries stated, "I don't know of any reason and how the State Board of Tax Commissioners could authorize County Highway Funds being used within the City Limits of Evansville. I don't see how the County through the State Board of Tax Commissioners -- I can see perhaps some kind of designation for the portion of Pigeon Creek outside the City Limits still in Vanderburgh County -- but in no way can I see any kind of response, I think that opens up a tremendously dangerous precedent here -- something, frankly, I don't think the State Board of Tax Commissioners would go for."

Ms. McClintock: "Okay. Well, Rick, that is not what we are discussing this evening."

Mr. Borries interrupted, "Also, the navigable -- well, it is -- because we are discussing Pigeon Creek inside the City Limits throughout Vanderburgh County and using potentially -- you are talking about using highway crews who are paid out of a County Highway Fund which, in my opinion, would be totally illegal. We do **not** use highway funds -- we don't pave in the City Limits -- and that is not, in my opinion, a viable

situation here. Also, you know I'm sure Mr. Koch was a bit in jest in terms of a navigable stream for being able to maybe just put a shingle down there -- but what about other little streams that might not be legal drains that are in the City Limits? Do they fall in this same Ordinance -- this same law?"

Ms. McClintock responded, "No."

Mr. Borries asked, "Why not?"

Ms. McClintock said,. What we're talking about this evening, Rick, is Pigeon Creek - the area defined in the Resolution. We're not talking about spending any money..."

Mr. Borries interrupted, "We're talking about determining this as a navigable stream. Upon what criteria? Why couldn't we do this with any stream -- maybe not even a legal drain?"

Attorney Wilhite commented, "Rick, your general concerns about the State Board of Tax Commissioners -- as a general principle I agree with you -- it seems odd. But there happens to be a very clear, specific statute, Rick, that no one knew about until someone found it and there just happens to be, Rick, this very specific statute that allows everything you say seems different -- and it does seem different -- but it is very clearly allowed -- specifically spelled out -- that the Board of Commissioners specifically do that -- whether it is also within the City Limits or not -- and it equates it to public highways. So I understand with your years of experience it seems different -- it is different. But there just happens to be this specific statute that I don't think there is any question allows it."

Commissioner Borries said, "Well, I respectfully disagree. I don't know of any way I would want to feel comfortable authorizing County highway funds. I certainly commend and would support efforts to clean Pigeon Creek -- but I think that within the City of Evansville we have the City of Evansville and a unit of government here that must do that. And we have all kinds of right-of-way problems that, I assume, from reading your minutes that you're working on in terms of determining who owns this and, in fact, what their responsibilities are in relation to the rights-of-way along there. But I think this opens up a Pandora's box here for other kinds of streams that may not be legal drains and I understand what ordinance it has in terms of County crews or Bridge crews or Surveying crews that work with legal drains. But to say that you could use County Highway funds or even County Bridge funds within the City Limits of Evansville on Pigeon Creek...."

Ms. McClintock interrupted, "Well, that is not what we are saying."

Mr. Borries continued, "I just don't see that. I have some real reservations about that. I know the County Highway trucks have to pass through the City Limits of Evansville and I have been told long, long, long and hard that we don't do things inside the City Limits of Evansville in relation to dedicated funds of that nature. We have responsibility for bridges throughout this County and that includes the City and 500 ft. either way."

Commissioner Hunter moved the acceptance of the declaration to make Pigeon Creek a navigable stream and approve the Resolution, with a second from Commissioner McClintock. Ms. McClintock said that since this is a Resolution there will be a roll call vote: Commissioner Borries, no; Commissioner Hunter, yes; and Commissioner McClintock, yes. Motion carried with two affirmative votes. So ordered.

Commissioner Borries asked if Attorney Wilhite can provide him some cites and some State tax advice in relation to how and what kinds of County monies would be expended -- should they be expended? We're not talking, as Carol points out here,

about money yet. But yet we are talking about money, because we've done something here wherein the next step is going to be funding and he would like to see how that funding is going to take place.

Attorney Wilhite commented, "My understanding is that somebody has already done that. Carol, who was that? Wasn't the State Board of Tax Commissioners already contacted? Did Brenner do that?"

Ms. McClintock said, "The Surveyor talked to them, yes."

Mr. Borries asked, "Does he have something in writing?"

Mr. Wilhite said, "I don't know if it is in writing, but he has the contact information."

Mr. Borries said, "Well, he didn't put much in writing here other than draw Pigeon Creek in yellow -- but whatever."

Ms. McClintock said she apologizes, but she has to attend a meeting at WNIN and will ask that Commissioner Hunter proceed to Chair the meeting.

### RE: COUNTY ATTORNEY - JEFF WILHITE

Turning to Department Head Reports, Commissioner Hunter said he believes Attorney Wilhite has already distributed copies of his written report. Does the Attorney have any comments?

Attorney Wilhite said he thinks the report speaks for itself. The only thing is that at some point -- and the Commissioners don't have to do it tonight -- he would draw the Board's attention to Item #4 in the written report with regard to Code Enforcement. "Joanne, as a practical matter, when property is sold at a County Surplus Sale, we prepare the Deeds but physically give the Deed to the Purchaser? The question raised by the City Code Enforcement or their Attorney was that sometimes those Purchasers don't actually record the deeds."

Ms. Matthews responded, "That is why the County records them and then calls the individual or sends them a letter advising the Deed is ready to be picked up."

Attorney Wilhite asked, "So we do actually record them?"

Ms. Matthews responded in the affirmative.

Attorney Wilhite said, "For some reason the City Code Enforcement people think that is not happening. Have we always done that, Joanne? Do you know?"

Ms. Matthews responded, "No we have not always done that. Problems were experienced in some past years and subsequently, rather than leaving it up to the individual to have the Deed recorded, we started having them recorded and then advising the new owner when the Deed is ready for pick-up."

Attorney Wilhite said, "Thank you, Joanne. That was my only point -- to make sure we do it. I think we're going to find copies of some old ones and we're going ahead and record them now -- so I may be bringing some of those to you."

### RE: COUNTY ENGINEER

Mr. Gary Kercher appeared in behalf of Mr. Curtis and said he has three matters for the Board.

<u>Kleitz Rd. Project:</u> We had a little problem with the soils report when it was returned. Thus, they would like to go ahead and re-bid this project with new specs and give all the contractors a fair chance to bid.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, permission was given to re-advertise for bids on this project. So ordered.

Malibu Park Subdivision/Acceptance of Streets: Mr. Kercher submitted letter re acceptance of streets in Malibu Subdivision (Sunnybrook Drive, Caribou Drive, Malibu Drive and Deerfield Drive). The roads were actually built in 1979 and they have done extensive repairs in order to get the streets accepted. The Highway Services Manager and Greg Curtis have both signed off on these streets.

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

Agreement re Right-of-Way Services/Lynch Rd. Extension, Phase I: Mr. Kercher then submitted agreement with Bernardin Lochmueller & Associates to do the appraising and the buying for Lynch Rd. right-of-way. The total for appraisal and buying fees is \$38,410.00. It is the recommendation of the County Engineer's Office that the agreement be approved.

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

### RE: AWARDING OF CONTRACT/TIMBER MATERIALS

With regard to the sole bid received on timber materials for bridges from American Bridge & Timber, which was opened December 9th, they have reviewed the bid and it appears to be in order. It is a line item bid -- so they gave us a certain price per board foot on certain materials. It is their recommendation that said bid be accepted for 1992 materials.

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

### RE: AWARDING OF CONTRACT/LIQUID ASPHALT FOR 1992

Mr. Kercher said it is their recommendation that the Commission also accept the sole bid of J. H. Rudolph & Co. for liquid asphalt for 1992. That was a base bid of \$17,185.00.

Motion to accept said bid was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

### RE: BID ON PIPE FOR 1992

Mr. Kercher said that with regard to the bids on pipe which were opened December 9th, we had three different bidders bid on three different things. Midwest Concrete has bid on concrete only. And we have other things -- guard rail and aluminum pipe. The County Engineer's Office is requesting permission to continue to review the bids until next week. They're trying to figure out what to do with them. We could go ahead and accept the concrete pipe bid -- but they have to figure out the other two.

Motion to defer this matter to next week was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

### RE: COUNTY HIGHWAY/CHRISTMAS PARTY

Commissioner Borries said he has a question to ask Mr. Kercher (although he knows Mr. Kercher has no control concerning same). Is there going to be any kind of party for the folks at the County Garage this year?

Mr. Kercher responded that there is -- and it will be next week.

Mr. Borries asked how that is being financed?

Mr. Kercher said, "From what I'm aware of, money is being collected from vendors and contractors and consultants who have done work for the County in the past."

Mr. Borries said, "Back on April 1st -- I'm sorry Carol isn't here -- but I didn't want to interrupt, we've had so many other things going here. I questioned how this special Non-Reverting Educational Fund for County employees was going to go and how we were going to ask certain vendors to contribute to this and what would be the justification and why, maybe, the County didn't need to do this ourselves. On April 1st she asked, 'Well, Commissioner Borries, what is the difference between asking a business to contribute to an Employee Education Fund and asking them to buy turkeys for employees at the County Garage?' I responded, 'Well, maybe no difference. Maybe we need to stop buying turkeys at the County Garage.' Ms. McClintock said, 'I've never bought turkeys at the County Garage, but that was done under a former administration.' For the record, it is being done under this administration, as well. Is that correct?"

Mr. Kercher responded, "Right. Right."

Mr. Borries said, "So we are buying turkeys -- good. So we'll have some turkey then - just for the record."

### RE: BURDETTE PARK - MARK TULEY

ACCEPTANCE OF PROPOSAL/RMD, INC.: Mr. Tuley said that when he was here last week one of the items discussed was a proposal from RMD., Inc. in regards to helping us and doing some consulting work if the County decides to pursue setting up our own Trading Post or merchandising shop. Commissioner McClintock requested he drop the proposals off for review. He is here today for a decision from the Commission.

One proposal would be for Patsy Cartwright of RMD, Inc. to come into Evansville some time the early part of January (the 4th or the 6th) and spend the day reviewing the operation of the shop and preparing a written proposal to send to the Commission, with her recommendations. Total cost would be \$1,404.00.

The other proposal would be to basically help us with the first-time buy. Setting us up with the companies and making recommendations as to what we should sell and putting that first purchase together for us. That is to be billed at \$75.00 per hour not to exceed six (6) hours or \$450.00. It is his recommendation that we accept both proposals, not to exceed \$2,000 -- and he believes it will be less than that.

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

### RE: COUNTY CORONER - CHARLES ALTHAUS

Coroner Althaus stated he received a Certified Letter from Dr. John Heidingsfelder about a week and a half ago stating that effective January 1, 1992 related to the 90 day clause we have in our contract that he wanted to break our contract. This is not because he is leaving Vanderburgh County. It is only to change the contract insofar

as finances are concerned. Also, the present contract states that if he agrees with the present contract without any notification it would continue for another year. When we contracted with Dr. Heidingsfelder it was based on the number of autopsies averaged for four years prior to 1989. At that time the caseload was an average of 77 cases per year. At that time we quoted a price to him of 52,745.00. However, in 1989 we had 92 autopsies; in 1990, 80 autopsies; and in 1991 to date, 97 autopsies. This means that Dr. Heidingsfelder has been doing 17% to 20% of his work free. Mr. Althaus went before County Council at their last meeting and they voted to have the liaison individual (Jim Manning) meet with one of the Commissioners to see what we could work out with Dr. Heidingsfelder. He doesn't know whether Curt Wortman has spoken to either Commissioner Hunter or Commissioner Borries. He believes a meeting is scheduled tomorrow at 9:00 a.m. and that Ms. McClintock is supposed to be present at the meeting. It was determined that neither Commissioner Borries nor Commissioner Hunter were aware of the meeting.

Mr. Althaus said it is his recommendation that we pay Dr. Heidingsfelder on a per case basis henceforth. The average per case was \$685.00 and that is his recommendation -- that we pay Dr. Heidingsfelder \$685.00 per case.

Continuing, Mr. Althaus explained that Life Flight Paramedics from all the surrounding counties causes a big increase -- because each one of those individuals who are flown in here are brought in here by ambulance. If they die in Vanderburgh County, it is our County's responsibility to pay for all of those fees and to do the autopsies and determine the cause of death. In 1987, the number was ten. In 1991, there were twenty-seven and we had another one the other day which made it a total of twenty-eight to date and we paid out \$18,495.

Mr. Borries asked if we're recouping some of this?

Mr. Althaus said we are recouping some -- but the only way we can recoup is if manufacturers or businesses such as Pyro Mining Co. reimburse us. But we have no other recourse. Following jump in 1987, he went to Dennis Avery and Joe O'Day and they, in turn, went to someone else. But anyway, it is a State Law that anyone who dies within your County, it is that County's responsibility to do the autopsy. There is nothing we can do about it.

Mr. Borries asked if Mr. Althaus thinks we're seeing any kind of a trend here -- where we're getting some of these in a deliberate way? He doesn't understand.

Mr. Althaus responded, "There is not another County as small as Vanderburgh County that has the medical facilities that we have. We're not the only County that suffers this in Indiana. But there isn't a hospital or medical facility in this entire area that can handle the people that our local hospitals can handle -- the brain patients, etc., etc.,"

Mr. Borries asked if some of these are moved in while they're still alive?

Mr. Althaus said, "They're all alive. They're pronounced here."

Mr. Borries said it doesn't seem right. On some counties, didn't Mr. Althaus set up some kind of reimbursable fund or something wherein some of these counties reimburse us?

Mr. Althaus said those are cases where they are now bringing to the County Morgue and we are charging \$50.00 for the use of the Morgue; \$12.00 for each X-Ray that needs to be taken, and we're charging for the histology. In the past six months he's taken in about \$1,500.

Mr. Borries asked if there are other Counties participating for Dr. Heidingsfelder.

Mr. Althaus said that Dr. Heidingsfelder is working with 23 other counties.

Mr. Borries asked if they pay a portion of his expense.

Mr. Althaus said they pay him a \$685.00 fee per case.

Mr. Borries said he would be happy to work with Mr. Althaus and he will discuss this with Mr. Althaus -- but he guesses his concern is that it just doesn't seem right to him for all of this to fall on Vanderburgh County. He thinks Dr. Heidingsfelder does a fine job and it is certainly a needed service. He would like to see some way in which our County could recoup some of these expenses and he would like to work with Mr. Althaus on this law.

Mr. Althaus said he tried -- even with the Forensic Science Commission -- four years ago -- and had no luck. Basically, there are too many legislators from the small counties who would out vote those such as Marion County, Lake County, LaPorte County, etc. We have many counties in the state with a population of only 7,000, 10,000 or 25,000 people and there are legislators from those areas. This is why even Dennis Avery told him there would be no way to win on this -- even if it was brought before the Legislature. Terre Haute, for instance, gets a number of cases from Illinois. We may have a gun shot wound from any other County and they would come in. When we talked to the law enforcement agency in the County and it was definitely a suicide, a homicide, or an accidental death -- depending on those circumstances -- would we autopsy. We don't autopsy everybody because they die. We're not allowed to do that.

Commissioner Hunter asked if there is any way the fees we charge for the X-Rays, etc., could be increased to offset some of this -- or would we be putting a burden on someone else?

Mr. Althaus said the reason we did not was, first of all, because we wanted to get all these counties to come in here with their cases. At the present time Dr. Heidingsfelder is doing a lot of on-the- road-work and we're trying to work those people in here. If we set the fees too high to start with, then we were afraid none of them would come. That is why the fees are as low as they are.

### RE: CONSENT AGENDA

With regard to the Consent Agenda, Commissioner Hunter noted that Item "e" (Vanderburgh Auditorium to be used free at the request of the Evansville Football Coaches Clinic). This is **not** to be free, but at a charge of \$250.00.

Item "f" (Indianapolis Holidays Committee/1991 Tree Sponsorship). Apparently the last several years the Commissioners have kicked in \$50.00 to buy a tree to be decorated in Indianapolis. It was on Saturday, December 14th -- and the letter did not come into the Commission Office until December 11th. He's sure no children from Evansville went to Indianapolis to decorate a tree.

Mr. Borries said children from Vogel School went -- he doesn't know whose tree they decorated, but they did go to Indianapolis.

Mr. Hunter said the minutes of the December 2, 1991 meeting also need to be signed -- but he can't find them.

Ms. Matthews advised the Commissioners approved and signed the minutes for December 2nd on December 9th.

There being no further questions with regard to the Consent Agenda, a motion was

entertained.

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

RE: MEETING AGENDA/GENERAL

<u>Rezoning Petitions:</u> Mr. Borries queried Mr. Hunter concerning the rezoning tonight - was there a delay?

Mr. Hunter said all the Board has is the 1st Reading on Lost Bend Lane. The other rezoning was withdrawn.

Mr. Borries said it wasn't put on the agenda. He asked Mr. Wittmer if he has any explanation on this?

Mr. Hunter said the only thing he understands is that the people who were making the petition for McCutchanville wanted to renegotiate with their neighbors or something to that effect.

Mr. Borries said he thinks it would be helpful if it were on the agenda and possibly Mr. Wittmer can suggest to whoever types the agenda that it be listed and explanation given (withdrawn, delayed, or whatever) if it is not to be heard.

### RE: OLD BUSINESS

Public Official Bonds: Mr. Borries said it is his understanding that in the past the Commissioners' budget has paid for Public Official Bonds. However, it is the right of a public official to determine what agency carries that bond. Apparently Norris Robinson has sent letters out and he is not sure that was approved on the Consent Agenda. He would ask that Joanne Matthews research this. Perhaps he inadvertently approved it -- and that is the down side of these "Consent" agendas -- because he doesn't recall doing that. What he does want is to have his Public Service Bond be continued with the Helfrich Insurance Agency. They've always done his bond and, in his opinion, it will be paid from the Commissioner's Office. While the Commission budget pays for the bonds, that is not an automatic. It is the right of the public official to determine which agency they want to handle the bond. In fact, Helen Kuebler had her's at one agency at one time. He would want to put this Board on record and if Mr. Wittmer will advise Mr. Robinson that he does not consent at this point that his Public Official Bond be moved to another agency. inadvertently approved this on a Consent Agenda, then it was not intentional on his part and, again, he brings that up because at this point he is not willing to have his Public Official Bond held or taken care of by another agency. And there may be other officials -- particularly Democrat officials -- who feel the same way.

### RE: <u>NEW BUSINESS</u>

<u>Dumping Problem:</u> Ms. Rose Parks of 8505 Kneer Rd. submitted photographs to Commissioner Hunter, noting that four days after the Commissioners passed the Dumping Ordinance she took these photos on Mohr Rd. It appears that instead of stopping to dump the trash that the individual(s) had somebody in the back of the truck who just shoved the trash off the truck as they went down the road. The trash was strewn in piles ever so many feet for some distance. This happened at 2:00 pm. and the Sheriff was called shortly after 2:00 p.m. She also called the Health Department and told them the trash was covering one lane of traffic completely -- and this was 20 ft. to 30 ft. from the overpass. She took photos and a man from the County (Dave) said the Sheriff called him to come out and look at it. She then went on home. She returned around 5:00 p.m. and there was a huge County dump truck

and the same person was there and they were tossing the trash into the ditch. And that is where it is now -- in the ditch. First of all, the Sheriff's Department didn't even bother to come out there when one lane of traffic was obstructed.

Commissioner Hunter said if the trash was on the County right-of-way it should have been cleaned up by the County and, according to Ms. Parks photos, it was removed from the right-of-way. He then asked Lou Wittmer to call the County Highway Garage in the morning to find out why they put the trash in the ditch. That's ridiculous. This is on Mohr Rd. between St. Joe Avenue and the Mill Rd. Overpass. He then thanked Ms. Parks and apologized, saying it should have been taken care of no matter how the trash got there -- dumped off, fell off, or whatever. It is dangerous all the way around and should have been cleaned up.

There being no further business to come before the Board at this time, Vice President Hunter declared the regular meeting recessed at 7:45 p.m.

### REZONING PETITIONS

<u>VC-11-91/Petitioner, AMOCO Pipe Line Co.:</u> Commissioner Hunter advised requested rezoning is from Ag to C-4.

Commissioner Borries noted that there is not the usual amount of information (the Staff Report from Area Plan, etc.). Usually, the Secretary in the Commission Office has included information in the meeting packets. It's unusual that a petition is not passed on First Reading, but from time to time there are such matters that demand a little explanation.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter VC-11-91 was passed on First Reading and is to be forwarded to the Area Plan Commission. So ordered.

There being no further business to come before the Board, Commissioner Hunter declared the meeting recessed at 7:55 p.m.

### **PRESENT:**

Carolyn McClintock, President Don Hunter, Vice President Richard J. Borries, Member Jeff Wilhite, County Attorney Cindy Mayo, Chief Deputy Auditor Lou Wittmer/Supt. of County Bldgs. Gary Kercher/County Engineer's Office Mark Tuley, Manager/Burdette Park Barbara Cunningham/APC Charles Althaus/County Coroner Faye Gibson/Old Courthouse Preservation Society Clint Beck, Don Wells & Boy Scout Pack #350/Scott School Larry Downs/Attorney Rose Parks Others (Unidentified) News Media

SECRETARY: Joanne A. Matthews

Carolyn McClintock, President

Don Hunter, Vice President

Richard J. Borries, Member

## MINUTES COUNTY COMMISSIONERS MEETING DECEMBER 23, 1991

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# MINUTES COUNTY COMMISSIONERS MEETING DECEMBER 23, 1991

The Vanderburgh County Board of Commissioners met in session at 4:30 p.m. on Monday, December 23, 1991 in the Commissioners Hearing Room, with President Carolyn McClintock presiding.

Ms. McClintock welcomed the attendees and said she would begin the meeting by wishing each and every one and their families a Very Happy Holiday!

### RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

The meeting continued with President McClintock introducing members of the County Staff (Lou Wittmer, Ted Ziemer, Don Hunter, Rick Borries, Cindy Mayo, Chief Deputy Auditor; Joanne Matthews, Secretary to the Commission; Jack Kirwer, Greg Curtis and Gary Kercher). She then asked the group to stand for the Pledge of Allegiance.

President McClintock subsequently asked if anyone is present who wishes to address the Commission who does not find their particular subject on today's agenda. There was no response.

### RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

Commissioner McClintock entertained bids on the County-Owned Surplus Real Estate which had been advertised for sale. There were no bids.

### RE: <u>AUTHORIZATION TO OPEN BIDS/OFFICE FURNITURE FOR</u> SUPERIOR COURT

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the County Attorney was authorized to open bids received on office furniture for Superior Court, with said bids to be referred to the Purchasing Department for their expertise and a recommendation at the next meeting. So ordered.

# RE: <u>AUTHORIZATION TO OPEN BIDS/REPLACEMENT OF NESBIT STATION</u> RD. BRIDGE OVER BIG CREEK & BRIDGE #34 ON OUTER DARMSTADT RD.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the County Attorney was authorized to open the subject bids, and authorization was given to award said bids later in today's meeting. So ordered.

### RE: <u>DISCUSSION OF PRODUCTION OH! CALCUTTA AT VANDERBURGH</u> AUDITORIUM

Commissioner McClintock continued by stating the Board will allow each side an opportunity to speak ten (10) minutes for and against the issue. The County Attorney has done some research on this issue and the Board will subsequently ask for his opinion.

The Reverend Brenda Steproe said she has come for a specific purpose. The first, of course, is to ask that if there is any legal means to stop the production -- she is asking the Board to do that. She knows there are several Ministers and businessmen who feel the same way. Secondly, she is asking that some measure be provided to

prevent minors from entering the Auditorium. Ticket Master is not making that distinction in selling the tickets and she believes with a careful reading of the Harmful to Minors Act that if they are allowed in it would be in violation of the law. Individuals have asked if those opposed would be content if the actors wore body stockings. It would perhaps satisfy somewhat, but it would not take care of the ultimate problem. She does not feel that we, as a community, need to apologize for being concerned about decency. She thinks it is a plus for our community. She is surprised that a lot of the City Fathers have not gotten together and found a way to promote that we are a decent place to live -- and use it as a plus rather than a minus. Thirdly, she would ask that since the County is going to turn the booking over next year to a private firm -- that some guidelines be set. In 1987, when the Chippendales came to Evansville she went to the Commission (and some of the current Commissioners were not on said Commission at that time) she was told that they thought when they looked at that on the sheet they assumed the Chippendale the Chipmunks were coming. This time we are told that they assumed they would be wearing body stockings. She thinks something more clear cut needs to be set down. Assumptions are not working for us. We are getting things into the community that she thinks violate our community standard. Someone said that a few years ago Hair played

here. This is not a few years ago and many things have changed since then. She would ask that the Commissioners do their very best to see that we don't have an occurrence like this again. She doesn't know what that involves and she understands it is difficult -- she is not under rating the Commissioners' job. But she thinks it important. As one reporter said, we've gained a reputation and we should overlook things like decency. She doesn't think that we should. She thinks we should press it to its utmost. She understands the First Amendment idea; but she also understands that freedom without responsibility is not freedom at all. It is anarchy -- and our community -- as well as our country -- cannot afford that. We need to be responsible for what we are showing forth to our young people. We need to be responsible for what we are telling them is an acceptable standard. There are one or two things that she finds very offensive. First, it is going to be in a public facility paid for by tax money, rather than in a private facility. Secondly, it is one more thing that we are holding up before the young people -- saying here is a play that the papers not too long ago said that although it received a Tony Award, it did not get great reviews. Had it not had the nude scenes it probably would not have played all those years. We are telling the youth over and over again that there is nothing worthwhile unless it has nudity or sex in it. And then we wonder what is going on when our girls are becoming pregnant. We are giving them a double message. She thinks it is very hypocritical - and that is from the top all the way down to the individuals -- and the Commissioners are afforded an opportunity to do something about that and those opposed to such productions would appreciate it if they did.

The Reverend Knapp was introduced and said he appreciates the opportunity to appear before the Commissioners today. When The Reverend Brenda Steproe and the Ohio Valley American Family Association asked the Commissioners -- our local government leaders -- to take legal steps to prevent the stage play "Oh! Calcutta" from appearing at the Vanderburgh Auditorium next month, he believes she is pressuring our local governmental to promote a particular religious viewpoint. He further believes that what she asks of the Commission is a violation of the First Amendment to the Constitution of the United States of America. He sincerely hopes the Commissioners will not yield to her pressures. The Reverend Steproe opposes the stage play because it features nude performances and simulated sexual intercourse. He submits to the Board that there is nothing inherently evil or immoral about naked human bodies. Each of us was born naked and as adults we see, handle and hold our naked children. And health care workers see countless naked adult human bodies in doing the routine of their vocation. He also submits to the Board that there is nothing inherently evil or immoral about sexual intercourse. Our mothers and fathers did it; our sisters have done it; our wives do it; and we hope our grandchildren will do it.

Surely the vast majority of us do not believe that sexual intercourse is evil or immoral. The focus of the real problem is not nudity and sexual intercourse. The real problem is in the eyes and the mind sets of the particular observer -- religious eyes, religious mind sets. The Reverend Steproe may choose to call this an issue of Christian morality. He doubts that. He chooses to call it another issue of puritanical prudery, with an unmistakable taint of puritanical hypocrisy. There can be no doubt that the Reverend Steproe and himself represent two widely divergent religious points of view on what constitutes moral and immoral conduct. And each of us has a Constitutional right to speak out vigorously and promote our individual religious idiosyncracies. This is called freedom of religion in America. The Commissioners, governmental leaders of our community who are sworn to uphold Constitutional law, must support each of us -- The Reverend Steproe and others, as well as himself, who speak out on religious But they ought not to lend their authority and power to any religious perspective -- his or the Reverent Steproe's. Government must remain neutral. This is the essence of our country's magnificent doctrine of complete separation of Church and State.

President McClintock entertained comments from the audience.

Mr. Bob Walther, a local businessman and lifelong resident of Evansville said that when it came to attention that "Oh! Calcutta" was coming to Evansville he certainly had no intent of becoming personally involved and he wondered what did it really matter. The more he thought about it, he began to realize that it does matter. In fact, it matters a whole lot. "Oh! Calcutta" is really kind of an archetypical example of an iconoclastic kind of industry -- an industry that is bent on attacking traditional values and beliefs and making them seem primitive or restrictive, regressive -- even violating our so-called rights. And it does what it is big enough to do to get away When it does that it hides behind a hackneyed falsehood that art and entertainment are really just reflections of society. "Oh! Calcutta" and the industry it represents are committed to attempting to make a mockery of our traditional beliefs and in their stead placing its own misguided values and sense of ideal. They pride themselves on open minded pluralism, while consistently excoriating those at odds with their values -- anti-family and anti-establishment. These people continue to shred at the very fabric that holds society together. And how can we overlook their incredible hypocrisy. Entertainers crying crocodile tears over the plight of Aids victims, while reaping Kings' fortunes by promoting homosexuality and exploiting nonmarital promiscuous heterosex. Do we want to be a part of that? Do we want to give license to it? And how successful have they been in that agenda? How does our society stand today versus twenty-five years ago in terms of single parent families and teenage pregnancy and abortion and Herpes and other sexually transmitted diseases, such as gonorrhea and syphilis and now the horrible specter of Aids -- making those others seem almost like child's play? And we might ask ourselves can we afford to fight this legally -- if it comes to that? Well, look at what we've wrought by not fighting it. Look at what has happened to us. The whole health care system is in a state of devastation over what may happen over Aids -- and, certainly, this kind of thing has contributed to that. And how much evidence do we need to make us realize that we can no longer overlook productions such as this as merely spicy adult entertainment? And restricting such productions to adults only is no answer at all. We adults carry the messages and values of such entertainment back into our homes and our work places and they become endemic in society. His tolerance for this stuff is just exhausted. He is sick of worrying about what kind of license plate he's going to pull up behind and his boys are going to read the next time they are on the street. He's tired of it in his own business -- of trying to enforce clothing decency rules that are challenged everyday with the next kind of lewd T-shirt art that comes walking in the door. Why is it we can see the damage done by drugs and fight back, whereas the damage done to our society by abuses of things such as this are equally as devastating, equally as detrimental -- yet we feel we must be open minded? Are we afraid of appearing narrow minded or prudish? And, certainly, the kind of sex portrayed in productions such as "Oh! Calcutta" is not the kind of sex that we revere in our families -- that our mothers and our wives practice. That is no contrast. Afraid of legal challenges? It's always been tough and it always takes courage to stand up for what is morally right. It's time for us to draw a line in the sand -- enough is enough -- and he urges the Commissioners to take it seriously. Maybe it is too late this time to do anything about it. If it is, then the cart and the horse got out of line somewhere -- that citizens didn't have a chance to take a stand for this before contracts were drawn up. But he urges the Commissioners, as our County leaders, to do what they can. If not to say "no" to this issue, then say "no" to the next one that comes along.

Bishop Goettelfinger of the Catholic Arch Diocese said that first of all he has a responsibility of being a teacher for the people he leads in the Catholic Diocese of Evansville and to say nothing in this case would be shirking that responsibility and also bringing a challenge to the Commissioners, who are responsible for governing our City -- and also protecting the use of public funds for their use in the community that is proper and fitting. He is embarrassed, he must say, to hear one of his Brother Ministers speaking on behalf of this kind of activity in our community -- because there is a difference between human sexuality and its proper context and presenting it as something casual, something repetitive only to draw attention to itself as either an athletic event or some other empty, shallow activity. He would raise the question to the Board, as we've alrady heard. Who teaches our young and how do we do it? Some fo the Board Members are teachers -- they know what he is talking about. And we teach more by who we are than what we say in the classroom or what we say on the streets by the way we live our lives. "And if we present this particular show in this town -- and I say "we", because we all have to be responsible somehow or another -- we elected you; and if you vote to say it is okay and it is fine and you think the use of public funds is appropriate -- then we hold you accountable. But we must address you and say to you, "Please, to us -- at least in the tradition I follow -- that we do not portray sex in a shallow,, empty sort of way -- whether it be in a play like 'Ohl Calcutta' or any other way. That it is sacred to us and any shallow use of it is a violation of human dignity. Thank you."

President McClintock entertained further comments. There being none, she said that in fairness to those individuals who came down -- would those individuals who are opposed to renting the Auditorium for productions of this type please stand at this time? (Approximately 30 individuals stood.) Ms. McClintock then asked if there is anyone here besides The Reverend Knapp who holds the opposing view? (Approximately four people stood.) Ms. McClintock then asked County Attorney Ziemer for his comments.

Attorney Ziemer said, "I am in a difficult position, because my Bishop is here this afternoon and I follow the tenants of the Roman Catholic Church and I am always very much persuaded by what my Bishop has to say. In this case, we have executed a contract with the company that is producing this show which is a legally binding document. Perhaps some additional information might have been available at the time of signing that contract. Nonetheless, the contract has been signed. We have heard at least one divergent view here today -- and the fact is that a production like this does or does not offend community morals, depending on what those community morals are. And those issues that are normally taken up with the Courts in this country and the Courts have rendered various decisions on various issues having to do with morality and entertainment events and books and magazines and all the rest. I think that the Prosecutor's Office would be the proper office to deal with as to whether or not this production violates the standards of this community as to morals and decency and, if so, that office has it within its authority to stop this production -- if it wanted to take this matter further for that purpose. I think this Board is not the proper Board to make the decision as to whether or not this performance offends the morals of this community and inasmuch as this Board has already signed a legally binding contract with the promoter for this play, my legal advice would be that the Board must honor its written contract and cannot try to avoid that contract at this point in time."

President McClintock asked if Commissioner Borries has comments.

Commissioner Borries responded, "No; I have sat on this Board a while and have heard some very compelling arguments here today that I, as Ted, would certainly feel compelled to acknowledge the eloquence here of those religious leaders who are in attendance today. I suppose from a teaching standpoint and an elected official I also feel compelled to say that just as we said under the Pledge of Allegiance 'one nation under God' -- we all have, I think, under this country rights that were reaffirmed from December 15, 1791 to December 5, 1991 that the First Amendment talks very clearly about the aspect of freedom of religion and the freedom of expression. As Mr. Ziemer pointed out, I think that some 200 years later we may -- although this Board may not be able to resolve those difficult issues, we have a Court system that does define what those standards and what those values are. I appreciate those people concerned and certainly want to take those concerns and, as the Bishop pointed out, incorporate them not only in our own lives -- but upon the kinds of things that we do personally. But at this time I would have to heed the attorney's advice and say that we at this point certainly need to honor a legally binding contract, if that is in effect. The Reverend Steproe has pointed out, however, that if there is some concern and if this is a performance that should not be seen by those people considered as legal minors under the age of eighteen (18) that certainly steps need to be taken to insure that young children or anyone who is under the age of 18 not be allowed at this time to attend the perfornmence.

Commissioner Hunter said, "I guess as a teacher of American Government for thirtyone years I've become rather protective of the Constitution -- particularly the amendment dealing with freedom of expression. And I suppose anytime that I feel anyone chipping away at that amendment I get a little protective and a little concerned. But I guess on the other side of the coin no one in this room and no one in this community will be forced to buy a ticket to walk across the street to the Auditorium on the night of the performance. But I'm not really sure that this is the total issue. Over the last ten days or two weeks I've had phone calls at home, here, and at school. I've had letters. I've had a lot of people who simply stopped me on the street and expressed their feelings on this. And they were generally not shocked that there were going to be some nude folks tripping across the stage on a cold January night across the street. But they were offended. And they were offended in much the same way as they are offended when they pick up the newspaper or they turn on the television set and they find that New Jersey's solid waste or garbage is being dumped in Indiana's landfills and that they're powerless to do anything about it. I think people were offended that an outside group was determining the values for this community; that an outside group

was saying 'Evansville, Indiana -- this is what's right and this is what's wrong'. We're not New York -- and I think this is basically what offended a lot of people -- and I think their point is very well taken."

President McClintock said, "I think it would be very easy for us and we'd be happy to follow a couple of suggestions that were made to us this afternoon. The first being requiring the promoter at their own expense to provide additional security to insure that the individuals who attend this event are eighteen (18) years of age or over. (I discussed this with Brenda on the phone last week.) I've already asked Jack to contact the promoters and indicate to them that is the wish of the Auditorium management and that will be a requirement that we make. So if there are individuals who have purchased tickets through Ticket Master who are not eighteen years of age, they are not going to be able to use those tickets. So perhaps they need to find someone who is eligible. The other question raised this afternoon -- and I think it is

a very legitimate one -- is we don't want to put any public body in a position where we're trying to determine morals for the community. However, this is not the first time this has happened and, as Brenda said earlier, back in 1987 when the Chippendales came to town there was quite a controversey over that. There have been people concerned about some of the other programs that have been held in public buildings in this community. Perhaps it would behoove the Commission to have some guidelines drawn up to be reviewed by this Board that would assist the Auditorium Management in booking of a public building -- because it is a public building and it is supported by tax dollars -- and, as Don said, there has been a lot of concern about this. So I think that is probably one of the things that we could ask the new Auditorium Management to research and see what other communities do within the law -- because we do have to remember that we don't want to put ourselves in a position where we are unlawful as a Commission. Unless there is a motion of some type, we do have a contract and we will follow our Attorney's advice and we will require that those attending the performance be at least eighteen (18) years of age.

### RE: SELECTION OF PROFESSIONAL MANAGER FOR VANDERBURGH AUDITORIUM

President McClintock said the Commissioners had an opportunity to inverview all three (3) of the companies interested in managing the Auditorium. They also had two Council members (Betty Hermann and Curt Wortman) in attendance at that meeting, which was held two weeks ago this coming Thursday. What she thinks the Board would like to do today is to select the company we're interested in negotiating a contract with for the mangement of Vanderburgh Auditorium. Clearly, the contract itself will have to come back to this Commission for approval. What the Board will be voting on today is authorizing the County Attorney to work with whichever group is selected to work out terms of the contract, if it is agreeable both to the company selected and to the Commission. Either further comments or a motion would be in order.

Commissioner Borries said he wanted to wish everyone a Merry Christmas. On this particular matter, he has had an opportunity to examine the Auditorium from a lot of different angles. He is not going into a long dissertation at this time as to whether it should be under private management or stay under some other kind of structure. He does think his overriding concern has been clearly in the last few years that this facility should not be a stepchild. It is a facility that definitely has its own identity. It is a facility that thousands in this community have used and enjoyed and he hopes the enjoyment will continue. Perhaps it is time to try something new in relation to a configuration to look at a way in which this building can really be used to its fullest extent. He's had some concerns about some things he's read in the newspaper regarding the future of this building and what it could and could not be. Frankly, he would not want to get in a situation a few years down the road to have to come to whoever is on this Board and say 'We need to look at a way to form a committee to look at a way to save the Auditorium' -- save that buildiong and that grand stage there and that wonderful Gold Room that high school proms have used and countless other groups have used. He is ready to try something new. He is ready to look at a way in which perhaps a local group (he knows Larry Aiken and Danny Spindler) -- so he will make a motion that Given & Spindler be awarded a management contract and to enter into that negotiation. He thinks the reason he would do this is because they are local; he knows about their backgrounds -- too well in Danny's case, since he and Danny have been on the opposite sides of the fence on at least one situation. He was certainly a tough opponent. But he thinks his firm, along with Larry Aiken's expertise and reputation not only as a promoter but as a restauranteur would give this old building some energy, some creativity and, above all, what he really sees as some local focus. Again, in view of the rapid changes that some are talkling about for this Auditorium, maybe he will be a little like Mikel Gorbechev and say 'Change is okay' -- but he'd rather put some energy into fixing that facility before he'd want to tear it apart -- and look at other kinds of configurations. Again, he nominates the firm of Given & Spindler for a contract re management of the Vanderburgh Auditorium.

Motion was seconded by Commissioner Hunter. He then said he thought Ogden presentation was excellent and he thinks they have a lot of things they can bring to this community. He guesses one of the things that bothers him is the fact that we've let a lot of money leave Vanderburgh County and Evansville. He thought the Given, Spindler, Aiken presentation was very good. And if there is a problem, he doesn't believe he will get a secretary who will ask whether this is Evansville, Indiana or Evanston, Illinois — and he can get his hands on any of the three of them at any time. While he thanks Reis and Ogden for what he thought were excellent presentations, he again goes along with Commissioner Borries to try and break some new ground and try a local management team for a change. So ordered.

President McClintock advised Attorney Ziemer that he needs to get with the principals of the selected firm. She thinks all three Commissioners did have some concerns about the selected firm's proposal, so perhaps he should get with them first for their input. Ms. McClintock said she also was very impressed with all three of the firms interviewed and their presentations. But she was most excited about Mr. Spindler's presentation and the local connection. She believes that proven management team will bring a lot to the Auditorium and she looks forward to working with them.

### RE: COUNTY PERSONNEL POLICY

\* \* \* \* \* \* \*

Due to Word Perfect technical failures, the typed foregoing portion of the minutes was completely lost and had to be re-transcribed. In the interim, the subsequent portion was transcribed and printed. That portion is attached hereto as an Excerpt. The final portion of the minutes was as follows:

\* \* \* \* \* \* \*

### RE: BOARD APPOINTMENTS

Ms. McClintock said she needs to make one change on the Agenda. Item "j". Tom Heaton should be there under Auditorium Advisory Board instead of Danny Bateman, with a one (1) year term.

With regard to the ABC, Commissioner Borries noted a name other than the one that appears on today's agenda as the appointee to the ABC appeared on the Draft version of today's agenda. Is there some reason for that.

Ms. McClintock responded that there is. That individual is going to be appointed by the County Council and there was some confusion.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the Board appointments were approved, as shown on the Final agenda for today's meeting. So ordered.

### RE: EMPLOYMENT AGREEMENT FOR TEMPORARY EMPLOYEES

Ms. McClintock said she has an employment agreement for temporary employees. We got these employees put into the budget and we need to have a little side agreement for both the County Highway Garage and Burdette Park that covers us -- because there is no provision in the contract. Commissioner McClintock then entertained questions.

Commissioner Borries said he has a copy, but asked why temporary employee

replacements have to start paying Union dues after thirty (30) working days? They are not going to be members of the Union. Why don't we just stop this after it says "however". They are not going to be represented by the Teamsters.

Ms. McClintock countered, "Yes, they are."

Mr. Borries asked, "How?"

Ms. McClintock responded, "Because under our contract -- we did not negotiate this contract, it was negotiated by the former Commission."

Mr. Borries said, "I didn't negotiate anything that had anything to do with temporary employees."

Ms. McClintock interrupted, "No, no, no, no, no. The Burdette Park contract and the County Highway contract were negotiated by the Democrat Administration. And under that Administration we cannot hire temporary 'full time replacement employees' without the agreement of the Union. They have agreed to let us do that to do them a favor. They are not going to let us do that if those guys don't belong to the Union and pay Union dues. Now...."

Mr. Borries said, "Well, if you have a contract you have to follow it. And in some cases there have been more and more part time. But I do not support temporary replacements having to pay Union dues after thirty (30) working days if they are not going to receive Union benefits. That's ridiculous."

Ms. McClintock asked, "Would you like to make a motion, Don?"

Commissioner Hunter moved that the employment contract for temporary replacement employees be approved.

Commissioner Borries said, "I will second and call for a roll call vote."

Commissioner Borries, no; Commissioner Hunter, yes; and Commissioner McClintock, yes. So ordered.

### RE: COUNTY ATTORNEY

Attorney's Report: Attorney Ziemer said he has submitted his written report, which needs no comment.

<u>Lease Agreement:</u> Mr. Ziemer said he has a Lease Agreement given to him by Attorney Wilhite -- between Riverside Oil and the Commissioners for the DADS offices. If that is approved, the Lease could be executed today.

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

### RE: READING OF BIDS

Office Furniture: With regard to these bids, Attorney Ziemer said he is certain the Commissioners will want to take these under advisement for review by the Purchasing Department. That is especially important here, because some of the bidders made their bid based on unit prices and did not give a total bid price -- while two of the bidders did give total bid prices. They all appear to have met the 5% bonding requirement. Bids were received from:

- 1) Business Furniture Specialists, Inc.
- 2) Smith & Butterfield

## COMMISSIONERS MEETING DECEMBER 23, 1991

- 3) ID & A, Inc.
- 4) Corporate Design
- 5) Business Interiors

Motion to refer these bids to Purchasing for their review and a recommendation was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

Nisbet Station Rd. Bridge (VC-12-01): Mr. Ziemer said bids were received as follows:

CCC, Inc. \$279,440.05

Blankenberger Bros., Inc. \$241,524.00

Deig Bros. \$303,688.20

Sam Oxley & Co., Inc. \$239,939.50

Phoenix Construction Co. \$310,541.38

Mr. Ziemer said all bidders met the bid requirements and the low bid was Blankenberger Bros., Inc. for \$241,524.00.

Bridge #34/Outer Darmstadt R. (VC-12-03): Bids were received as follows:

 Grubb Excavating, Inc.
 \$218,761.80

 Phoenix Construction Co.
 \$165,498.20

 CCC of Evansville, Inc.
 \$220,516.68

 CLR, Inc.
 \$178,688.50

 Southwest Engineering
 \$196,765.40

(No Financial Statement included)

Deig Bros. \$191,470.40 Sam Oxley & Co., Inc. \$228,716.85

With the exception of Southwest Engineering failing to submit a Financial Statement, all bidders met the bid requirements. The low bid was Phoenix Construction Co. at \$165,498.20.

Commissioner McClintock asked if Mr. Curtis is ready to make a recommendation.

Mr. Curtis said he might mention that there was some confusion on the Form 96. Oxley had put his \$239,939.50 figure (which was the base bid without the alternate work that we wanted to be able -- if it were too high -- to break out). The total figure was \$283,572.35. Oxley put their base figure on the Form 96, while Blankenberger put their higher figure on the Form 96.

On VC-12-03 (Bridge #34/Outer Darmstadt Rd.), Mr. Curtis said he would recommend that we award that contract to Phoenix Construction in the amount of \$165,498.20. We have the funds available and can proceed with that project if the contract is awarded.

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

Bridge #2/Nisbet Station Rd. Over Big Creek/VC-12-01): Mr. Curtis said he would recommend we award the contract to Blankenberger Bros., Inc. and he would recommend we award the total amount, which also includes widening the intersection of Wallenmeyer Rd., which requires relocating a pipe, etc., in the amount of \$241,524.00. Those funds are also available.

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

Request for Waiver of Sidewalk/Copperfield Subdivision II: Mr. Curtis said this request was originally brought up in November and at the request of the Commissioners the matter was tabled at that time. He believes Commissioner Hunter was going to contact the School Corporation. The developer wants to plat the Subdivision and get his Letter of Credit, etc., so he has asked that the Commission make a decision one way or the other.

Commissioner Hunter said he spoke with Les Shively, the developer's attorney, last week. They left it that the developer, Les Shively, and the School Corporation (Virgil Miller) would all get together and whatever they agreed upon would probably be supported by the Commission. The School Corporation had some very grave misgivings concerning this. Until that group gets together, Commissioner Hunter that said that he is not comfortable doing anything.

Mr. Jim Morley said that John Elpers, the developer, is here. Mr. Morley said he had a composite here and they wanted to present a proposal of a compromise that would provide a sidewalk all the way through on the thru street -- so the only thing that didn't have a sidewalk was the little cul-de-sacs or the smaller areas on it. That is the compromise they want to propose.

Ms. McClintock asked, "You guys haven't met?"

Mr. Hunter reiterated that when he talked with Les Shively last week they left it that he would get with Morley and Elpers and the School Corporation and work it out and get back to the Commissioners. There seems to have been a breakdown in communications.

Ms. McClintock asked why Mr. Morley doesn't try to get that group together, meet, and then come back to the Commission for a decision on January 6th.

Mr. Morley said Les Shively is gone until the end of the year.

Ms. McClintock said Mr. Morley can get with Virgil Miller -- he doesn't need Mr. Shively -- and then come back to the Commission on January 6th.

Right-of-Way Certification Letter/Columbia-Delaware Expressway Bridge: Mr. Curtis said this letter basically states that no right-of-way was needed for this project. It needs to be signed by the Commission.

Annual Bids: Mr. Curtis said we received bids earlier in the month for pipe and guard rail. It is his recommendation that we award the concrete pipe to M&W Concrete & Pipe Supply and that we award plastic pipe to Utility Pipe Sales Co., and that the bid of St. Regis Culvert, Inc. (who bid bituminous coated and galvanized pipe) be rejected.

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

Mr. Hunter said that last week the Commissioners accepted the annual bids for the liquid asphalt and the timber materials and he needs to get those bids signed today.

### RE: CONSENT AGENDA

Commissioner McClintock entertained questions concerning the Consent Agenda.

Commissioner Borries said County Auditor Humphrey has a question on one claim.

Ms. McClintock asked, "You mean my \$16.00 claim that Sam is refusing to pay? When I had to go to a Chamber luncheon to represent the Vanderburgh County

Commission -- and Sam would not approve it unless you guys approve it. Would you like to pull that out and vote on it separately?"

Mr. Borries responded, "No. I mean I don't understand, I guess..."

Ms. McClintock interrupted, "I don't either."

Mr. Borries continued, "Not only that. I don't understand -- there are a lot of official functions that we do have to do. I don't know. If it had to do with the Association of Indiana Counties or a group directly in terms of government -- I respect the Chamber of Commerce -- I guess maybe I've done that, but I didn't ask for reimbursement on it. So I'll say okay. I just wanted to know what the concern was on it."

Ms. McClintock asked for a motion to approve the Consent Agenda.

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

RE: OLD BUSINESS

Commissioner McClintock entertained matters of Old Business to come before the Board.

<u>Public Official Bonds:</u> Mr. Borries said, "Only the aspect concerning the public official bonds. I think Mr. Robinson has informed me that I will be able to choose my own bond holder. I assume there will be other officeholders who might want to do the same. So I would want to say for the record that I think it is the right of each public official to select his/her own bond holder."

Ms. McClintock said that is fine. The only comment she will make is that the agency that the County has previously used is charging us twice as much for our bonds than the agency we switched to. So if we can't get the ones that people want to come down to the lower price, then we may have to bring the issue back. We paid \$50.00 at Schultheis and \$100 at Helfrich.

Mr. Borries said that maybe that is what it had to do with -- he is not certain.

RE: <u>NEW BUSINESS</u>

President McClintock then entertained matters of New Business to come before the Board. There being none, at 6:30 p.m. she declared the meeting recessed until 6:00 p.m. on December 25, 1991 and announced that the Drainage Board will convene immediately.

### PRESENT:

Carolyn McClintock
Don Hunter
Richard J. Borries
Ted Ziemer, County ttorney
Sam Humphrey, County Auditor
Greg Curtis
Brenda Steproe
The Reverend Calvin Knapp
Ed Hafer/Architect
Mary Lee Franke, County Attorney
Felicia Griffin/WFIE-TV
Pam Martin/Chamber of Commerce

The Reverend John Lovelace/Morningside Church Bob Walther/Businessmsan John O. Sloan/Pastor/12th Ave. Baptist Church Ray Hamner/Sheriff Verdeski V. Miller David Deig/Deig Bros. Construction F. P. Miller/Fuquay Rd. Mark E. Owen/Democrat Party Chairman Michael Bell/Eastside Pilgrim Holiness Church Gerald A. Goettelfinger/Catholic Diocese/Evansville Bill Butterfield/Smith & Butterfield Steven Peters/Ogden Entertainment Services Dan Miller/Deig Bros. Construction Jim Oldham **Dallas Boots** Chuck Whobrey/Teamsters Union J. Woodall/Sheriff's Dept. Alan Julian/Evlle. Courier Larry Aiken/Aiken Management Andy Davidson/Given & Spindler Chris Buck/I.D.A., Inc. **Bee Brooks** David Bunner, Attorney Bill Brooks/Airport Authority Board Lou Wittmer/Commission Office B. J. Farrell/Commission Office Others (Unidentified) Misc. News Media

**SECRETARY:** Joanne A. Matthews

100 Dune

Moly McClantice
olyn McClintock, President

Richard J. Borries, Member

#### EXCERPT FROM COMMISSION MEETING

OF

### DECEMBER 23, 1991

### RE: PERSONNEL POLICY/FIRST READING

#### McClintock:

The next item on the agenda is the First Reading for the Employee Personnel Policy. And I apologize, I was not at the meeting on Friday, although I indicated to Larry I wouldn't be in advance. I was at Deaconess Hospital waiting for a friend to get out of emergency surgery. So, I do have the changes that have been made in the Personnel Policy as a result of that meeting and I will just go through those quickly and will take any other comments and move along here.

On Page 4 (Affirmative Action & Equal Employment) we have added to the second paragraph "without regard to political affiliation". So that means the bottom of Paragraph 1.1 reads, "In all such instances where this policy has been adopted and such deviations occur, they are to be founded upon the good faith intent of the enacting authority. Employment and promotion opportunities with Vanderburgh County government should be assured to all persons without regard to race, sex, national origin, religion, age or disability, and without regard to political affiliation.

On <u>Page 4 we made the same change under Section 2.2</u>
<u>Affirmative Action Equal Employment.</u>

On <u>Page 7 under 2.65</u> (Employee Attendance Records) beginning with "this form should be updated", we added following that line, by the employee" and then we added, "It is the responsibility of office holders and department heads to maintain these records.

On <u>Page 8 under "Discharge"</u>, we added "are lawful", so the paragraph reads, "The following shall constitute some but not all of the reasons that are lawful, for discharge from county employment."

Those are all of the changes I had. Lee Frank is here this afternoon representing Kahn, Dees & Donovan & Kahn, who did the work on this Personnel Policy, if you have any other questions.

### Borries:

Have we had a change on -- I mean I think you've changed, haven't you, your view on this -- there are other changes; and we talked a little bit in terms of the work day and the length of the work day. Didn't you vote originally for like an 8:00 a.m. - 5:00 p.m. configuration on hours?

### McClintock:

That's correct. And that was based upon David Miller's advice who, at the time, indicated to us as Commissioners that to comply with the Federal Fair Labor Standards Act that we had to remain open until 5:00 p.m.

Borries:

I don't recall that -- that we had to be open to 5:00 p.m. I think he said we might want to conform to a 40 hour work week, but I don't recall him -- I'd have to go back and research those minutes.

McClintock:

That was his recommendation at the time. That was the legal advice that I based my vote upon.

Borries"

Only on that -- the 8:00 a.m. - 5:00 p.m.?

McClintock:

I was also willing -- and the record should reflect this -- whether that increase in hours would extend service to the public. And in the studies that we've done since the offices have been open until 5:00 p.m., the individual department heads and office holders have determined that that simply is not the case. So what we're doing is asking employees to stay -- and it was 8:00 a.m. - until 4:00 p.m. (and our employees would like to go back to 8:00 a.m. - 4:00 p.m.) but what we're proposing here is to go back to the 4:30 hour.

Borries:

Well, why not go back to 8:00 a.m. - 4:00 p.m.?

<u>McClintock</u>

Because then we are not providing for eight hours work -- when you're going back to seven or seven and a half hours.

Borries:

Wasn't that what David Miller talked about originally? It was not talked about in terms -my point is, Carol, what I'm trying to say here is, if we want to look at flex time I have a couple of things I'd like to say about this. First of all, regardless of what this Personnel Policy would say -- I believe that this office should remain open until 5:00 p.m.

McClintock

And it will.

Borries:

So it, in effect, will not conform to that. The Courts, because of some unusual configuration of trials which made times last until 6:00 or 6:30 p.m. and sometimes they have Saturday morning court -- they get off at 4:00 p.m. The County Clerk's Office, because of the huge volume of services done in that office -- she stays open and has traditionally since Shirley Jean Cox or Helen Kuebler -- and now Betty Knight Smith -- that office has stayed open until 5:00 p.m.

McClintock:

I'm sorry -- I'm confused.

Borries:

I mean are we saying here that we have an understanding -- at least on the public record -- that our office will not be conforming to the so-called....

McClintock:

That's right; the County Commission office will stay open until 5:00 p.m.

Borries:

And perhaps if we want to look at flex time, why couldn't we put in here it would be open continuously from 7:30 a.m. Perhaps some office holders might want to go from 7:30 a.m. until 4:00 p.m. Because my understanding of the whole aspect of what this had to do with -- and it had a lot to do with the County Council at that time -- was to look at a 40 hour configuration. That was the whole point of what I remember. I don't recall it had to do with anything with how

long you had to be off for lunch -- it could be an hour or half an hour. If you go from 8:00 a.m. until 4:00 p.m., then you don't find a lunch hour in there.

McClintock:

The problem is the abuse that has resulted -because some office holders -- if you go by the
offices at 4:00 p.m., they are not there. I was
all for flex time, too; I think flex time is
great. But the office holders are really refusing
to allow their employees to use flex time in most
cases. They say it is too difficult to control and
they can't schedule their work forces and all that
kind of stuff. This is something we were going to
try and see how it worked -- and it simply has not
worked to the benefit of anyone.

Borries:

Well, you know, I'd like to perhaps see a 7:30 a.m. - 4:30 p.m. configuration in there and then allow an office holder perhaps to decide what he or she wants to do in relation to that configuration. They may say 8:30 a.m. - 4:30 p.m. Ours (the Commission office) will be from 8:00 a.m. - 5:00 p.m.

McClintock:

The problem with it is though -- if you go out and talk to County employees, you've got office holders saying, 'yeah, we're doing flex time' -- and they're letting their employees off at 4:00 p.m. and 4:30 p.m. and they're still allowing those employees to take an hour for lunch and it is creating some morale problems in the County -- because the employees are not being treated consistently.

Borries:

Well, that is always a goal we want and I think we should strive to work toward. I'm not sure that we're going to ensure that from this 8:00 a.m. - 4:30 p.m. configuration; and, again, my suggestion would be to perhaps look at a 7:30 a.m. -- after all, work is not always done when the public is there. There are a lot of organizational things that need to be done, a lot of record keeping, and other kinds of things to be done. 7:30 a.m. is when school starts...

McClintock:

There is nothing in this ordinance that would prevent someone from coming to work at 7:30 a.m.?

Lee Frank:

No. Each department head could create any type of flex time schedule.

McCliontock:

There is still a flex time provision in there?

Lee Frank:

That's correct.

Borries:

Then the bottom line is. why are we even requiring anything in relation to the 8:00 a.m. to 4:30 p.m. -- why are we putting that in there at all?

Lee Frank:

Because the 8:00 a.m. to 4:30 p.m. is a mandatory requirement that the offices be open during those hours.

McClintock:

They can open earlier or they can stay open later -- or they can work on Saturdays.

Lee Frank:

For example, if you as a department head have an individual employee who says 'I need to get off work

at 4:00 p.m. because I need to pick my child up at the Day Care Center -- then they can provide 'Okay, we'll make your schedule 7:30 a.m. to 4:00 p.m. -- so we're going to open the office up at 7:30 a.m., but there is still going to be an employee in that office to cover it until 4:30 p.m.

Borries:

That would be fine. Couldn't you say 7:30 a.m. to 4:30 p.m., with any kind of configuration in between then?

Lee Frank:

No. Then you'd have too many hours in your policy.

McClintock:

No, because we don't want offices closing at 4:00 p.m.

Borries:

Well you'd still have the nine (9) hours that are in the current ordinance, wouldn't you, from 8:00 a.m. to 5:00 p.m.?

McClintock:

I can't support that. So if you want to pull that out and vote on it separately from the Pesonnel Policy, then that's fine. But we're going to get back to the same inconsistencies. I think we need to say that the offices will be open from 8:00 am. until 4:30 p.m. If they want to be open until 5:00 p.m. or they want to open earlier because they want to provide employees with flex time, I think that's great.

Borries:

I'm merely suggesting a flex time. And I guess I'm also saying that we've literally had a deluge of all kinds of things here that have been changed, not changed, this policy has changed — frankly, it's kind of difficult to keep up with some of this. Maybe we ought to start having computers out here and figure what changes what in terms of what we're voting on. Poor old Congress gets whacked around here a little bit. But there are some changes here that do take place and certainly, I think, merit discussion. And, frankly, I was unaware there had been any change on this until I just received this a week or so ago — and that is one of the reasons I attended the meeting on Friday — to get some clarification on it. So, yes, I would like a little explanation on that.

And then -- we went through this a little bit on Friday -- but in Section 3.3 (Page 7, I think) again I would like to have some kind of explanation of what we mean by "separation". We talk about terminations and we talk about discharge; we talk about separation and we talk about resignations. Wouldn't a separation be the same as a resignation?

Lee Frank:

No. A separation, for example, could be a mutual parting of the ways where the employer and the employee mutually agree that it would be better to separate the employee relationship. Where, a resignation, for example, the employer does not feel that there should be a separation. The employer would rather keep the employee but the employee resigns.

Borries:

Well, I think that would be a given. I just fail to see sometimes the difference there. It just seems to me a resignation implies some kind of voluntary action on the part of both parties. It could be the employee; it could be the employer -- in this case, the County.

Lee Frank: The resignation? The reignation would be voluntary on the part of the employee only.

McClintock: The difference is that in a separation the employer and the employee agree. And a resignation -- I could resign from my job working for you, but you might not want me to resign.

Lee Frank: That's correct, Commissioner.

<u>D. Hunter:</u> Lee, are you saying that we need to keep both of these definitions in here?

<u>Lee Frank:</u> Yes.

Borries:

Again, I would want to go back to Section 2.3

-- the Work Day -- and suggest perhaps at this point then that if you want to take a vote on the 8:00 a.m. to 4:30 p.m. -- and perhaps I could at this point make a motion to say that except with the restriction for certain County offices (and I would like to have some mention in here by the way concerning the Board of Commissioners Office -- because I can speak to that. This office routinely will handle calls - maybe not a large number of them -- but maybe a call comes in at 4:30 p.m. or 5:00 p.m. where a person is totally confused. So maybe if everybody else is closed this office ought to be the last bastian of information to somebody -- a taxpayer or a citizen who wants some information. So it is my opinion that this office should be open until 5:00 p.m. So I guess my motion in relation to Section 2.63 would be that we require all County offices to be open from the hours of 7:30 a.m. until 4:30 p.m.

McClintock: So you're going to require County employees to -you're going to require County offices to be open
from 7:30 a.m. until 4:30 p.m.?

Borries: With the flex schedule.

McClintock: That's not what you're saying, Rick. You're saying that you want every County office open at 7:30 a.m. I think maybe what you want to say is -- open from 7:30 a.m. - 4:30 p.m., which would allow any employee to work an eight (8) hour schedule at any time beginning at 7:30 a .m. until 4:30 p.m.

I guess what I'd like to do at this point -- I don't know what your rush is or what the time table is on this -- or why we have to do that now -- but I think this section needs more work and I'd like to have the luxury -- if we can't do anything with it today -- to perhaps a little time to go back through this and find some kind of language that you may or not may find acceptable but at least at this point that I could offer.

McClintock: Do you understand how he wants that re-written?

<u>Lee Frank:</u> Not entirely.

Borries:

McClintock What we would like to say is that the offices

have to be open from 8:00 a.m. until 4:30 p.m. But if a department head or office holder wants to, their office could be open anytime from 7:30 a.m. until 4:30 p.m. Okay? The minimum is the 8:00 a.m. - 4:30 p.m.

Lee Frank: And that is what that section says.

McClintock: I know that is what that section says, but Commissioner Borries is not satisfied that that is what that says -- so could you re-write that to satisfy him?

Borries: What I am saying is -- if an office holder would wish to do so and wanted to set up a 7:30 a.m. to 4:30 p.m. configuration, they could do that.

Lee Frank: That is correct; and they can do that under this provision right now.

Borries: Then why don't we say that clearly here? Where does it say that?

Lee Frank:

Okay -- in the second paragraph, third sentence, starting with, 'Individual department heads and supervisors may incorporate a flex time type of schedule for their employees.'

That phrase allows a department head to individualize schedules throughout the employees in the office.

McClintock: Go ahead and read the next time.

Borries:

But if you have a restriction that says all have to be open between 8:30 a.m. and 4:30 p.m. -- and I'm saying I might want to submit here for consideration a 7:30 a.m. - 4:00 p.m. -- and the offices close at 4:00 p.m., then they, in effect, would not be following what this Ordinance says.

McClintock:
No. I've already said I am not going to support that. I'm not going to support a 4:00 p.m. closing time. That will get abused just like the 5:00 p.m. is getting abused now and we're not being consistent with our employees again.

Lee Frank:

Is it, Commissioner Borries, that you want a department head to say all employees if you decide can come in at 7:30 a.m. and then close at 4:00 p.m.?

Borries: Yes.

Lee Frank: No, it does not read like that -- you are correct.

Borries:

That was my point. And I'd just like to have some time to go through that type of language. I appreciate your work on this -- but we're just slamming a lot of stuff through here today and I just haven't had enough time to work through all of this. I'm acutely aware of what the employees have had to say. But there were certainly reasons for that -- and if we're going to modify that, well then let's take a lot of other things into consideration. That's my point.

McClintock:

Okay. Why don't you re-write the language that Commissioner Borries would like and then we can vote on that separately at the next meeting -- on January 6th. And we'll just vote on that as a separate issue and incorporate whichever one passes into the policy.

I will not vote on this on First Reading tonight then, because we're not ready for that vote. Are

there any other changes?

Don Hunter:

I would move that we accept the other changes you read into the record at the beginning of the discussion -- without regard to political affilition, etc.

Borries:

Well, I pulled Section 1 in there -- so you're also talking about that one?

McClintock:

Yes, that one, too.

Borries:

Okay -- I'll second your motion.

McClintock:

Okay -- I'll so order.

RE: ORDINANCE RECOGNIZING COLLECTIVE BARGAINING

AGENT FOR CORRECTION OFFICERS/SECOND & THIRD READING & ORDINANCE RE MERIT COMMISSION FOR CORRECTION OFFICERS

McClintock: The next item is the Ordinance recognizing

> collective bargaining agent for Correction Officers. Are there any comments from the Commissioners on the Ordinance or the Contract? Or would someone like to make a

motion?

**Hunter:** I will so move.

Borries: I will second and then I'd like to have a

roll call vote.

Mcclintock: I'm not going to be able to support it, so I

will vote no in this sense -- some time ago I talked with the union in relation to this whole aspect of Correction Officers (before the 1990 election) and made it very clear that my feeling had to be that I needed to know who was in charge of the Correction Officers. Frankly, at this point even though the contract has undergone all all kinds of deletions and amendments I am not satisfied. I understand clearly and respect the right of any group to bargain collectively. But to bargain collectively with whom is the question here and, frankly, as one Commissioner, I don't feel comfortable collective bargaining with another office holder's employees. At this time I have to

vote no on that particular agreement.

McClintock: Commissioner Hunter?

I vote yes. <u> Hunter :</u>

And I vote yes. The Ordinance is passed. McClintock:

Now I need a motion to approve the agreement between McClintock:

the Board of Commissioners and the Chauffeur's

Teamsters & Helper's Local #215.

**Hunter:** I make a motion that the agreement be approved.

I will second. Borries:

We'll have a roll call vote. Commissioner McClintock:

Borries?

Borries: No.

Yes. **Hunter:** 

The agreement is approved. And I vote yes. McClintock:

Are you going to consider the Ordinance regarding Borries:

the Merit Commission for Correction Officers of

the Sheriff's Department.

Yes -- in just one second here. McClintock:

\* \* \* \* \* \*

McClintock:

The next item on the agenda is the Merit Ordinance and basically this is the same ordinance that was approved on First Reading, although we did have to make several changes. So it is my understanding that in order to pass this today it has to be by unanimous vote or we could wait and do it at Second and Third Reading on January 6th -- whichever is the pleasure of the Commission.

Borries:

What are those changes? I didn't see those until today.

McClintock:

Larry said he gave you a copy of it Friday.

Borries:

No he didn't. I have a note right here that says 'Merit Ordinance will not be available until Monday.' I did not see it until today.

McClintock:

Basically, in Section 2 -- the membership of the Commission. The Commission shall consist of five (5) resident voters of Vanderburgh County. One (1) member to be appointed by the Sheriff; one (1) member to be appointed by the County Council; and three (3) members by the County Commissioners. Of the three County Commission members one (1) shall be a person with substantial experience in personnel matters; and one (1) shall be a retired law enforcement officer. Each member shall serve two (2) year terms with the exception of the County Council appointee, and one (1) of the Commissioner appointees. Those appointees will serve one (1) year terms.

The other substantive change is that the County Commissioners may designate the Commission as its representative in a grievance procedure and collective bargaining agreement covering the Correction Officers. If so, the hearing shall be held as prescribed in (D) (F) of this section. Everywhere it said Merit Board is replaced by Commission, meaning this body -- not the County Commission.

Borries:

What would the Merit Board be?

McClintock:

You can call it Merit Board if you want to, but Larry just thought it was more appropriate to call it Officers Merit Commission.

Borries:

So we're not talking about the Vanderburgh County Commission?

McClintock:

Right.

On Page 3 under (C), we changed (7) to say pass a physical examination, which shall include a drug test and a psychological examination. And those are the substantive changes.

Borries:

Is there anything in here about a pre-employment physical in any way. In other words, to be able to have the Sheriff or the Merit Commission to have some kind of eligibility list based on merit and the fitness of the candidate? So I guess where it says 'Fitness of the Applicants" -- is that understood that this person would have to -- okay, pass a physical examination.

McClintock.

On Page C...

Borries: I got you -- I see it.

McClintock: And then meet any or all other requirements

established by the Commission.

Borries: Okay.

McClintock: Did you want to vote on this this week?

Borries: That's fine.

McClintock: Would you like to make a motion?

Borries: I move that the Ordinance re a Merit Commission

for the Sheriff's Correction Department be

approved.

Hunter: And I will second that.

McClintock: It is an ordinance, so we need a roll call vote.

Commissioner Borries?

Borries: Yes.

McClintock: Commissioner Hunter?

Hunter: Yes.

McClintock: And I vote yes.

\* \* \* \* \* \* \* \*

RE: SHERIFF'S SUB-STATION

McClintock: The next item on the agenda is the Sheriff's

Sub-Station. Ted Ziemer, you're on.

Ziemer: We have a finally drafted form of the lease

agreement to be entered into between the Evansville-Vanderburgh Airport Authority

District and the Commissioners and the Sheriff for the construction of the Sub-Station and the lease of the Sub-Station. I want to point out in particular that Article 3 has been modified to indicate that the total annual rental under the contract will be \$137,550 but that figure will go up or down on an annual basis depending on whether the cost of the construction comes in over \$1,200,000 or under \$1,200,000. For every dollar that it comes in over \$1,200,000 that

that it comes in over or under \$1,200,000 that will be amortized either by adding to the lease cost for the 15 year term of the lease or

by subtracting from the lease cost for the 15 year term of the lease. Otherwise, all terms of the lease agreement are, we believe, acceptable both to the Airport Authority, the Sheriff, and the

Commissioners.

McClintock: Okay. We have with us today David Bunner, the

Airport Authority attorney, Bill Brooks, Ed Hafer (the architect) and Ray Hamner, the Sheriff. Are there any questions from the Commissioners to any

of our guests regarding this contract?

Borries: I'd like to say that with this particular signing

I hope we can move on this as quickly as possible.

I think it is critical that we move forward.

McClintock: Is that a motion to approve the contract?

That is a motion to approve the contract. Borries:

**Hunter:** And I will second that motion.

McClintock And I will so order.

. . . . . . . .

#### REDISTRICTING ORDINANCE RE:

The next item on the agenda is the McClintock:

Redistricting Ordinance. This was to be Second and Third Reading for both the County Commsissioner and County Council Redistricting Ordinance this evening. And as we all know, we have to pass an Ordinance regarding redistricting by January 31st of this year. (Ms. McClintock should have said December 31st of this year.) Following Mr. Borries' comments at last week's meeting, we went back and looked at re-drawing the districts and are proposing at this point the new proposal (Plan B) which is posted over on the easel. The new plan figures are:

> 1st District -38,988 2nd District -39,331 3rd District -44,271 4th District -42,413

Well, Ted told me that the Scott School second Borries:

graders probably did this

McClintock: ..they did

So we probably have a pretty strong case here. Borries:

But in addition to the Scott School group, was

there anybody else who worked on this?

Suzie Kirk did most of the work. McClintock:

And who else? Borries:

McClintock: I spoke with Bob Brenner and I know she

spoke with. ..

About what on him? Borries:

On some suggestions that he made regarding McClintock:

the redistricting.

Borries:

I see. We kind of get a little bi-partisan flavor there, huh? Okay. Well, you know I understand the deal here. I know I'm going to get out voted on this and I'm not willing

to cause problems. But, my gosh, you know here we are today I find out about this. I don't know if these figures are going to get verified or not. I don't feel I am adequately prepared here to give a recommendation to my Party Chairman nor anybody else here based on what I've seen, because I don't know -- I haven't

had an opportunity to verify these figures. know I am going to get out voted on this at some point -- but I just can't vote on this

today. I don't feel that I can do it.

McClintock: Okay. Ziemer:

If I could comment. Of course, you need to verify the figures. I will say that we have reviewed the figures and we believe the figures to be correct -- reflecting the districts as drawn on this map -- the population figures. And then I wanted to point out we reviewed some applicable Court cases -- and there aren't many trying to get at the issue of what is compact, what is contiguous, what does it mean to have as closely as possible population figures in each district. And what the Courts have said is that anywhere up to 10% variation between the four districts is generally felt to be acceptable in terms of equalization of population. with regard to the means. So of the figures Carol read for the four districts, our high is 44,271 and our low is 38,988. The mean is 41,250 and the high is .93% away from the mean and the low is .95% away from the mean. So we are within the 10% guideline. The other two, of course, are much closer to the mean. So every effort was made to comply with the terms of the statute as to equalization, contiguity of the districts, not crossing any precinct lines and following natural boundaries to the extent that we could and keeping them compact. That still doesn't answer the question of whether you verify the figures are correct, but other....

Borries:

And I am not going to debate with you on that. Again, I understand what the numbers are here, too. I understand that. But I also feel that in due consideration and proper planning here that if you don't -- you see, I am a little confused that if you don't have to advertise this then why do we have to go through the First and Second Readings and all that. Normally, don't we advertise an ordinance?

Ziemer:

It doesn't have to be advertised, but you do have to have Second and Third Readings. And this would be Second and Third Reading today.

Borries:

It can't be.

Ziemer:

It can be First, Second and Third Reading on this particular ordinance if we have a unanimous vote of the Commissioners. If we do not, then to get this finished by the end of the year there will have to be a special meeting of the Commissioner -- giving 48 hours notice of that meeting.

Borries:

Forty-eight (48) hours from when?

Ziemer:

Forty-eight hours prior to the meeting.

McClintock:

You know, I'm just going to say for the record -for those of you who did not cover the
Commission at the time -- the last time the
redistricting ordinance was approved by this
Commission, the maps were made available at
2:20 p.m. for a 2:30 p.m. meeting. We found
out by accident that we were even going to have
it on the agenda, because the agenda wasn't
prepared until 2:15 p.m. for the 2:30 p.m. meeting.

Borries:

That is not unusual for this Board either -- because things keep flying around here left and right.

McClintock: Right. Good job, Rick.

Borries: That's a bi-partisan flaw -- don't give me anything about a late agenda. You never know

what's going to be on here next.

McClintock: I don't mind meeting Christmas Day at all.

It's got to be 6:00 p.m. Christmas night.

I'll be happy to run over -- I live two minutes away. I think we'll have two votes to approve

it at that point.

Ziemer: I think it's going to be somebody else from my

office.

Borries: I wish it was going to be somebody else from

mine, too. But...

McClintock Or we can pass it on First, Second, and Third

Reading today. It's up to you, Commissioner

Borries.

Borries: Well, I hate to be the fly in the ointment here

against the Christms tree -- but unless I have further imput from other folks, I just at this point have to vote no on the First Reading.

McClintock: Okay. We need a motion to set a Special Meeting

of the County Commissioners on Wednesday,

December 25th, at 6:00 p.m.

Hunter: I will so move.

Borries: Second.

McClintock: So ordered.

Hunter: I think my wife has a Christmas Dinner scheduled

at 6:00 p.m. on the 25th.

McClintock: Do you want to schedule it later?

Hunter: No, no, no, no.

McCliontock: Because Mr. Hunter is leaving -- what time are

you leaving on the 26th?

Hunter: I'm leaving at 4:00 on the 26th and I will not

be back.

McClintock In the morning?

Hunter: In the morning.

Borries: Well, I think it will be pretty painless the

way the numbers are -- so we probably won't have to be here a long time. But at least it might give people a chance to respond to this. And if there are any comments or any changes I'm sure I will be voted down -- but I will try to bring them up at

that time.

McClintock: Well, let me also say for the record that I

contacted the Democrat County Council members today and told them this was available, that they were more than welcome to come up and look at it and give us any ideas that they had.

The ones we talked to indicated they had no

problems. I was the Commissioner who contacted the Democrat County Chairman and told him

that this map was available. So, for the record, we tried to get the word out.



# Board of Commissioners

305 ADMINISTRATION BUILDING



#### **AGENDA**

#### VANDERBURGH COUNTY COMMISSIONERS

#### DECEMBER 23, 1991

4:30 P.M.

FINAL

- 1. CALL TO ORDER
- 2. INTRODUCTION
- 3. PLEDGE OF ALLEGIANCE
- 4. ANY GROUP/INDIVIDUALS WISHING TO ADDRESS THE COMMISSION
- 5. ACTION ITEMS:
  - a. Sale of County owned Surplus Property
  - b. Bid openings:

Office Equipment - Superior Court

Bridge Replacement Nesbit Station over Big Creek

Bridge # 34/Outer Darmstadt Road

c. Brenda Stepro -- "Oh Calcutta"

Reverend Calvin Knapp -- "Oh Calcutta" ---

d Auditorium Management

e. Personal Polisy

f. Commune. Officers Ordinance/Merit Ordinance

Second and Third Readings

q. Shewlff Substation:

Contract signing

h. Redistricting Ordinance

Second and Third Readings

| 7.   | Consent Items:                                            |
|------|-----------------------------------------------------------|
| :A . | Request to Travel/Education                               |
|      | B.J. FarrellOne Day Seminar\$ 98.00<br>Notary Fee\$ 60.00 |
|      | Health Department (8)                                     |
| 2.   | Employment Changes:                                       |
|      | Tounty Clerk/Released:                                    |
|      | Beverly Beachman/Deputy Clerk                             |
|      | Beraldine Grooms/Deputy Clerk5.00/HR                      |
|      | Sandra Joi <b>ner/Deputy Cle</b> rk                       |
|      | Geraldine Korff/Dep Clerk5.00/HR 12/17/91                 |
|      | Stephanie Benson/Dep Clerk5.00/HR 12/18/91                |
|      | Pauline Dyer/Dep Clerk                                    |
|      | Recorder/Released:                                        |
|      | Mary Ruth Dorsett/Deed Deputy                             |
|      | Circuit Court/Released:                                   |
| -    | She                                                       |
|      | Ch. Time Bailiff                                          |
|      | Brenda Doyd/Intern                                        |
|      | Elizabeth Pease/Intern                                    |

David Garrett/9t. **Grd.** Cr**ew...............** 12/16/91

Victim\_Witness Program/Appointment

- Metropolitan Chamber of Commerce for Carolyn S. McClintockinvoice for \$15.00
- d. St. Mary's Occu-Med Bill.....\$ 245.00 .....201.00
- e. Glenn Deig..Recapitulation fees...739.09
- f. . Scheduled Meetings:

Mon Dec 30 NO MEETINGS----HAPPY HOLIDAYS-SEE YOU IN 1992

Mon Jan 6 County Dept. Head Meeting 3:30 p.m. Rm 303

County Commissioners 4:30 p.m. 5m 123

- 8. Old Business
- 9. New Business

10. Meeting Recessed

rd Meeting Immediately Following\*\*\*\*\*\*\*\*

dated March 25, 1991, from the Evansville-Vanderburgh Airport Authority District to Mr. Sam Humphrey as Auditor of Vanderburgh County, Indiana, which proposal is attached hereto and marked as Exhibit "3" (except as said proposal may be modified by the provisions of this Lease Agreement), and shall be constructed in accordance with detailed plans and specifications which shall be prepared by Lessor after consultation with the Vanderburgh County Sheriff, which plans and specifications shall be approved by the Lessor and Vanderburgh County Sheriff prior to construction commencing. The leased premises will share parking and sidewal with other tenants of Lessor.

#### ARTICLE II

#### Term

The term of this Agreement shall commence on the "Tender Date" (as defined below), and shall continue for a period of fifteen (15) years thereafter. As used herein, the term "Tender Date" shall mean the date on which the Lessor tenders possession of the leased premises to the Lessees, unless during the period between the Tender Date and the date five (5) days thereafter, based on an inspection of the leased premises conducted by Lessees during such period, the Lessees notify the Lessor in writing of "failures", if any, on the part of the Lessor in causing the premises to be ready for occupancy by Lessees in accordance with Exhibit B, and the plans and specifications for construction of the leased premises (a failure). In such event, the Tender Date shall be the date upon which Lessor and Lessees mutually agree (in the exercise of reasonable judgment and discretion) that the failures have been corrected. Minor or insubstantial matters which can be corrected without interfering with Lessees' use of the leased premises shall not be considered failures. Tender of possession of the leased premises shall be evidenced by a written notice by Lessor to Lessees stating that the leased premises are "ready for occupancy by Lessees" Lessees shall not, in any fashion, occupy or control the leased premises until they have accepted the same as "ready for occupancy".

For purposes of this Agreement, the words "ready for occupancy by Lessees" shall mean that:

- (I) All work to be completed by Lessor shall have been accomplished in accordance with Exhibit B and the detailed plans and specifications;
- (2) Plumbing, heating, air conditioning and electrical systems shall have been installed in accordance with Exhibit B

the term of this lease. In the event the cost of said project is less than One Million Two Hundred Thousand Dollars (\$1,200,000), the monthly rental provided for herein shall be reduced by an amount equal to the reduced cost of said project amortized over the term of this lease. The cost of the project shall include all costs reasonably incurred by the Airport to complete the project including, but not limited to, the actual cost of site preparation, construction and engineering costs, and the cost for issuance and sale of tax exempt governmental bonds and the amortization of said bonds, including interest thereon.

#### ARTICLE IV

# Improvements by Lessor

Lessor covenants and agrees that it will, at its cost and expense, construct or cause to be constructed, improvements to be used by Lessees as a Sheriff's Command Post, including construction of all utility services and payment of all tap fees and/or expenses related thereto, except as set forth in Article V herein. All improvements made by Lessor shall be of quality construction. Furthermore, all improvements shall be safe and attractive in appearance and shall be constructed substantially as set forth in Exhibit "B", and in accordance with the detailed plans and specifications for the construction of the leased premises.

#### ARTICLE V

### **Utilities**

Lessor, in accordance with the detailed plans and specifications for construction of the leased premises, will insure that all utilities necessary for the operation of the Sheriff's Command Post are available and connected to the building, including provisions for Lessees to have utility meters installed. During the term of this Agreement, Lessees shall pay, as and when due, the cost and charges for said utilities, including electricity, water, sewer, and gas necessary for the operation of heating, ventilation, air conditioning, lighting, office equipment, and any specialized equipment necessary for the operation of the Sheriff's Command Post. Lessees shall provide for (and pay any required deposits) utility metering of the leased premises and initial turn on of all utility services. The detailed plans and specifications shall include the location of telephones and telephone equipment and Lessor will include in the construction of the leased premises conduit for telephone systems and telephones; however, Lessees shall be responsible for all aspects of the procurement, installation and turn on of any and

of the Lessor at the Lessor's election. However, the failure of Lessees to remove any property or fixtures from the premises shall not relieve Lessees from any expense or cost connected with the removal or disposal of said property or fixtures, and Lessees shall pay to Lessor the expense and/or cost of removing or disposing of same.

# ARTICLE VII

## Janitorial Services

Lessees will be responsible for janitorial services to the interior office space, including interior and exterior window washing, carpet shampooing, and fluorescent tube replacement.

#### ARTICLE VIII

### Trash Removal

Lessor shall provide a trash dumpster on site, including off site trash removal. The annual rental for the leased premises as set forth in Article III includes One Thousand Dollars (\$1,000.00) per year to cover the costs of said trash dumpster and trash removal. Lessees agree that should the cost to provide this service exceed One Thousand Dollars (\$1,000.00) in any given lease year, they shall pay, as additional monthly rental to Lessor, the actual amount in excess of One Thousand Dollars (\$1,000.00) per year. Lessor agrees to notify Lessees within ten (10) days of any increase in cost above the One Thousand Dollar (\$1,000.00) figure, and Lessees shall commence paying the additional monthly rental to Lessor with the first rental payment after notice to Lessees.

#### ARTICLE IX

#### Insurance

Lessor, at no additional expense to Lessees except as set forth herein, shall at all times, during the term of this Agreement, maintain in full force and effect fire and extended coverage insurance on the leased premises (but not any personal property or fixtures of the Lessees thereon or therein) in an amount not less than the full insurable replacement value of the building located thereon, excluding the lot, foundations and cost of excavation. The annual rental for the leased premises as set forth in Article III includes Three Thousand Two Hundred Fifty Dollars (\$3,250.00) per year to cover the cost to Lessor of the fire and extended coverage insurance provided for above. Lessees

# Alterations to Leased Premises and Fuel Storage Systems

Lessees shall make no general or structural alterations or material additions to or on the leased premises without the prior written approval of Lessor, which written approval shall not be unreasonably withheld.

The improvements to be constructed by Lessor specifically do not provide for the provision or installation of a Fuel Storage System or Fuel Storage Tanks. In the event Lessees should desire a fuel storage system or tanks, the same shall be installed only after the prior written approval of Lessor and only at the expense of Lessees. Lessor's approval of a fuel storage system or fuel storage tanks shall not be unreasonably withheld. However, Lessor may, as a precedent to such approval, require Lessees to comply with all rules and regulations applicable to such an installation, and Lessor may require assurances from Lessees as to the protection of Lessor's property from damage from such a fuel storage system or fuel storage tanks, and Lessor may require Lessees to indemnify and save Lessor harmless regarding such installation and Lessor may require Lessees to procure adequate insurance regarding potential damage to Lessor or Lessor's property or claims by third persons and may require Lessees to remove said tanks upon vacation of the premises and termination of this Agreement.

#### ARTICLE XVI

#### Termination

- 1. Lessor shall have the right to terminate this Agreement in the event Lessor determines the leased premises is necessary for an expansion or alteration of the Evansville Regional Airport without compensation of Lessee for loss or damages as a result of cancellation. Lessor shall notify Lessees at least ninety (90) days prior to the termination of this Agreement under this Paragraph "1".
- 2. Lessor shall have the right to terminate this Agreement upon thirty (30) days' written notice to Lessees in the event
  - (a) Lessees fail to pay, when due, any fees, rentals, or other payment required under the terms of this Agreement, and such failure shall continue for a period of twenty (20) days

replace or reconstruct said premises, the rental payable hereunder shall henceforth cease until such time as said premises are fully restored. If Lessor decides not to repair, replace or reconstruct said premises, or if the premises are not fully restored (or if said restoration is not substantially complete) within two hundred forty (240) days of such damage, this Agreement shall terminate effective as of the date of the damage to the premises.

- (2) Notwithstanding the foregoing, if said premises are completely destroyed or so damaged and rendered untenantable so that they cannot reasonably be repaired for more than two hundred forty (240) days as a result of the negligent act or omission of Lessees, their agents, servants, employees, contractors, or visitors (including prisoners), the rental payable hereunder shall not abate and Lessor may, in its discretion, require Lessees to complete the repair and reconstruction of said premises within eight (8) months of such destruction and pay the costs therefor, or Lessor may repair and reconstruct said premises, and Lessees shall be responsible for reimbursing Lessor for the costs and expenses incurred in such repair and reconstruction.
- D. Limits of Lessor's Obligations Defined. It is understood that, in the application of the provisions of Paragraphs (A) through (C) of this Article X, Lessor's obligations shall be limited to repair or reconstruction of the premises to the same extent as the Lessor was obligated to provide pursuant to Articles I and IV above. The Lessees shall be obligated, at their sole cost and expense, to reconstruct all leasehold improvements made by them, and to replace all furnishings, fixtures, signage and equipment, and all such leasehold improvements made by them, furnishings, fixtures, signage and equipment.

#### ARTICLE XI

## Subordination of Agreement

A. Agreements with the United States, State of Indiana, County of Vanderburgh, and City of Evansville.

This Agreement shall be subject to all restrictions affecting the Lessor and the Lessor's operation of Evansville Regional Airport, all federal, state, county and city laws and regulations affecting the same, and shall be subject and subordinate to the provisions of any and all existing agreements between Lessor and the United States of America, the State of Indiana, the County of Vanderburgh, or the City of Evansville, or

against any claim, demand, losses, damages, liabilities, and causes of action of every kind, character, and nature, as well as cost and fees, including reasonable attorneys fees connected therewith, in tort, contract, or otherwise arising out of or from the negligent or wrongful acts or omissions of Lessees, their agents, officers, employees, contractors, or visitors (including prisoners). Lessees do not, by this paragraph, waive any statutory rights, defenses, or limitations on their liability as provided by law.

Lessor agrees to indemnify and fully save harmless Lessees, their officers, agents, employees, contractors and assigns, for and against any claim, demand, losses, damages, liabilities, and causes of action of every kind, character, and nature, as well as cost and fees, including reasonable attorneys fees connected therewith, in tort, contract, or otherwise arising out of or from the negligent or wrongful acts or omissions of Lessor, its agents, officers, employees, or contractors. Lessor does not, by this paragraph, waive any statutory rights, defenses, or limitations on its liability as provided by law.

Lessor and Lessees agree to notify each other immediately upon any notice of claim for losses, damages or claims that might be subject to this Article on Indemnification.

## ARTICLE XIII

## Inspection of Premises

Lessees hereby agree that the Lessor may enter upon the premises at all reasonable times for the purpose of inspecting the same and making such repairs as may be necessary from time to time.

## ARTICLE XIV

## Assignment and Subletting

Lesses shall not have the privilege of assigning, subleasing, mortgaging, pledging or otherwise encumbering this lease or any of their rights hereunder without the prior written approval of Lessor, which approval shall not be unreasonably withheld. Lessor shall not be required to approve an assignment or subleasing of the premises if the assignee, subtenant, or proposed use of the leased premises is not acceptable to the Federal Aviation Administration.

## ARTICLE XV

reference and in no way define, limit, or describe the scope or intent of any provisions of this Agreement and shall not be construed to affect in any manner the terms and provisions hereof or the interpretation or construction thereof.

<u>Severability</u> - If one or more clauses, sections or provisions of this Agreement shall be held to be unlawful, invalid. or unenforceable, the parties hereto agree that the material rights of either party shall not be effected thereby.

Incorporation of Exhibits - All exhibits referred to in th Agreement are intended to be and hereby are specifically made a part of this Agreement, except as said exhibits may have been modified by the terms of this Lease Agreement.

Incorporation of Required Provisions - The parties incorporate herein by this reference all provisions lawfully required to be contained herein by any governmental body or agency or any law, statute, rule or regulation applicable to Lessor.

Nonliability of Agents and Employees - No member, officer, agent, or employee of the Lessor or the Lessees shall be charged personally or held contractually liable by or to the other party under terms or provisions of this Agreement or because of any breach thereof or because of its or their execution or attempted execution.

<u>Surrender</u> - If the leased premises are not surrendered at the expiration of the initial term or any extended term of this Agreement, as applicable, and if Lessees continue in possession of the leased premises after the expiration of the initial term or any extended term with the acquiescence of Lessor, but without executing a new lease, Lessees shall be deemed to be occupying the leased premises as a tenant from month to month, subject to all conditions, provisions, terms and obligations of this Agreement insofar as the same are applicable to a month to month tenancy.

#### ARTICLE. XVIII

#### Financing

Lesses acknowledge their awareness that the leased premises and building to be constructed thereon are intended to be financed by Lessor through the issuance and sale of tax exempt governmental bonds. Lessees agree that in the event Lessor is unable to issue and sell a sufficient amount of tax exempt governmental bonds to pay all expenses associated with the

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and date first above written.

EVANSVILLE-VANDERBURGH AIRPORT AUTHORITY DISTRICT

|                                                  | Ву:                                                |
|--------------------------------------------------|----------------------------------------------------|
| ATTEST:                                          | W.C. Bussing, President                            |
| Darrell A. Veach, Secretary                      |                                                    |
|                                                  | VANDERBURGH COUNTY COMMISSIONERS                   |
|                                                  | By: Carolyn McClintock. President                  |
|                                                  | By Dentar Vice Preside                             |
|                                                  | By: Tachard Borne                                  |
| 1 mm cm .                                        | Richard J. Borries, Member                         |
| ATTEST:  Sam Humphrey Vanderburgh County Auditor | By: Ray A annu                                     |
|                                                  | Ray Hanner, Sheriff<br>Vanderburgh County, Indiana |
| APPROVED AS TO FORM:                             |                                                    |
| County Attorney                                  |                                                    |

PASSED BY THE BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY ON THE 130 DAY OF , 1991, AND ON SAID DAY SIGNED BY THE MEMBERS OF SAID COMMISSION AND ATTESTED BY THE UNDERSIGNED AUDITOR OF VANDERBURGH COUNTY, INDIANA.

Sam Humphrey, Auditor Vanderburgh County, Indiana

APPROVED AS TO FORM:

Jeffrey A County Attorney

- (2) Neglect of duty;
- (3) A violation of Departmental Rules;
- (4) Neglect or disobedience of orders;
- (5) Incapacity;
- (6) Absence without leave;
- (7) Immoral conduct;
- (8) Conduct injurious of the public peace or welfare;
- (9) Conduct unbecoming an officer; or
- (10) Another breach of discipline.
- (C) A decision by the Sheriff to suspend in excess of fifteen (15) days or dismiss a Correction Officer shall be subject to appeal to the Merit Board. Such appeal shall be initiated by the appealing officer serving written notice upon the President of the Merit Board or the Sheriff of the Officer's desire to appeal. Such written notice shall be served upon the Sheriff or President of the Merit Board within fifteen (15) days of the officer's receipt of notice of such suspension or dismissal.
- (D) In the event an officer appeals the discipline imposed, a hearing shall he held within thirty (30) days. The Merit Board may continue the hearing at its discretion but a hearing shall be held within a reasonably prudent time.

In the computation of days under this Section, the methodology provided for in the Indiana Trial Rules shall be followed.

- (E) The hearing shall be subject to the provisions of the Indiana Open Door Law.
- (F) The Merit Board may compel the attendance of witnesses, examine them under oath, and require the production of books, pagers and other evidence at a meeting of the Merit Board. The President of the Merit Board of the member in the absence of the President, may issue subpoenas and have them executed and served.

# Section 5. Rules and Regulations of Merit Board

- (A) The Merit Board shall have authority to establish rules and regulations governing procedural matters concerning discrete ender its jurisdiction.
- (B) The Merit Board shall have anti-rity to establish rules and regulations regarding the hiring of Correction Officers subject to this Ordinance and funding.

- (F) The order of names of passing applicants on the eligibility list shall be determined by their final examination scores (i.e. the combined weighted scores from all parts of the examination process) in descending order. The final examination score shall be carried out to four decimal places.
- (G) Each applicant who competes in any part of the examination process shall be given written notice of the results of that part and the entire examination process. The notice shall include the applicant's score on each part, and if the applicant passes each part, the applicant's rank on the eligibility list. Such notice shall be given after the eligibility list is established but may be given earlier at the Merit Board's discretion.
- (H) The Merit Board shall maintain an active eligibility list in order to fulfill the hiring needs of the Department. The eligibility list shall contain the names and addresses of the applicants who passed the examination process, their final examination score, and their rank on the eligibility list. The eligibility list shall be in effect for twenty-four (24) months from the date approved unless sooner exhausted or terminated by the Merit Board. The eligibility list may not be extended.
- (I) When the Sheriff requests a vacancy be filled, the Merit Board shall certify the name and address of the person who holds the top position on the list so long as the applicant still meets the standards for appointment on the Department.
- (J) The Merit Board may remove an applicant's name from the eligibility list at any time, without a hearing, when the Merit Board receives information that the applicant no longer meets the eligibility requirements for appointment.
- (K) Until such time as the Merit Board compiles an eligibility list, any vacancies filled shall be filled by utilizing current policies and procedures.

## Section 7. Probationary Appointment

- (A) All persons hereafter hired to serve as a Correction Officer shall serve a twelve (12) month probationary period. The probationary period shall be utilized for closely observing how well the new officer learns the responsibilities of the job and if the officer's performance meets required work standards.
- (B) The Sheriff shall make periodic reports to the Merit Board concerning the progress of probationary officer's performance. The Sheriff shall certify, at least ten (10) days prior to the officer's completion of the twelve (12) month probationary period, whether the services of the probationary officer have been satisfactory and whether the probationary officer shall receive the status of Correction Officer.
- (C) At any time during the Correction Officer's probationary period, the Merris Board may dismiss an officer, following a hearing, if the probationary officer's performance does not meet required work standards.

#### LEASE AGREEMENT

THIS AGREEMENT, duly made and entered into this 1th day of January, 1992 by and between RIVERSIDE OIL, INC., of Evansville, Indiana, hereinafter referred to as the "Landlord", and the Vanderburg County Board of County Commissioners in behalf of Vanderburg County Superior Court Drug & Alcohol Deferral Svc, of Evansville, Indiana, hereinafter referred to as the "Tenant",

#### WITNESSETH THAT:

The said Landlord, for and in consideration of the rents, covenants and agreements hereinafter contained and hereby agreed to be kept and performed by the Tenant, or its successors, do, by these presents, lease unto the Tenant Suite 200, TO HAVE AND TO HOLD unto the Tenant for a period of twenty-four months, said term commencing upon the 1st of January 1992 and expiring the 31st day of December 1994, both dates inclusive, or earlier as herein provided in paragraph 18, upon the following terms and conditions:

- 1. RENTAL. The Tenant promised, covenants and agrees to pay unto the Landlord as rent for the above-described real estate, the sum of \$22,392.00 per 24mo, which sum shall be payable in consecutive monthly installments, each of which installments shall be in the amount of nine hundred thirty-three. The first of said rental payments shall be due and payable on the 1st day of January, 1992 and each subsequent monthly payment shall be paid on or before the day of each month during the continuation of this lease.
- 2. OPTION TO RENEW. Tenant is hereby granted an option to renew this lease an additional 6 month period (Schedule A) on terms and rent agreeable to "Landlord". Said option to renew shall be by written notice to "Landlord" on or before sixty (60) days before the expiration of this lease.
- 3. USE OF PREMISES. The Tenant may use the leased premises for any lawful purpose, but, in said use said Tenant shall obey all zoning ordinances, and other ordinances and applicable rules, regulations and statutes.
- 4. UTILITIES. The Landlord agrees to furnish heat, air-conditioning, electricity, and water to the leased premises. The Tenant agrees to pay for telephone and any and all other utility and service charges incurred or used on said leased premises.
- MAINTENANCE AND REPAIRS. The Landlord agrees to maintain the roof, floor, exterior walls, water lines and heating and air-conditioning system in a good and substantial condition of repair, excluding, however, any damage caused by the Tenant. Such liability of the Landlord shall extend only to the cost of making such repairs. The Landlord shall not be liable for any resulting damage occasioned by any leak, defect, known or unknown, or for failure to make such repairs. The Tenant agrees to keep and maintain the remaining portions of the leased premises, including particularly, but not by way of limitation; all window and door glass, the interior walls, and any and all fixtures and equipment that may be in or upon the leased premises or under the use or control of the Tenant, all at its won cost and expense. In the event Landlord deems repairs to be necessary which are Tenant's responsibility and in the event Tenant fails to make said repairs within ten (ten) days after written notice being given to Tenant by Landlord, then Landlord may, at its election, make such repairs and add the cost thereof to the next rental installment payment due from Tenant to Landlord. This provision, however, shall not require Landlord to make repairs which are the responsibility of the Tenant.

- 12. <u>INSPECTION OF PREMISES</u>. The Tenant hereby agrees that the <u>Landlord may enter</u> upon the leased premises at all reasonable times for the purpose of inspecting the same.
- 13. PUBLIC LIABILITY. The Landlord shall not be liable to the Tenant or any other person, including the guests, customers, and employees of the Tenant, for damage to their person or property from any defect known or unknown in the construction, condition, or maintenance of the leased premises. The Tenant further agrees that it will protect and save harmless the Landlord of and from any and all claims for personal injury or property damages of any and all persons by reason of the use, occupation and maintenance of said premises, equipment and fixtures, including any and all public liability to customers, guests, employees, etc. The Tenant shall carry sufficient insurance to cover its obligations under this paragraph naming both the Landlord and the Tenant as insured and in such amounts as shall be acceptable to the Landlord. Once said amount has been determined, the Landlord may require the same to be increased or decreased for good and sufficient reason. Upon request of the Landlord, the Tenant shall be required to furnish sufficient proof that said insurance is in effect and that all premiums have been paid thereon, and the Landlord may require the Tenant to furnish the Landlord with the Proper certificate from said insurance company showing said coverage.
- 14. <u>INSOLVENCY</u>. It is hereby expressly agreed that in the event that the Tenant, its successors and assigns, shall become insolvent, and/or that suit or other legal actions shall be instituted by or against the Tenant for the appointment of a receiver or trustee for the property of the Tenant in either federal or state court, or under bankruptcy law in bankruptcy, then in the event, this lease shall be automatically terminated and forfeited, and the Landlord shall thereupon be entitled to immediate possession of the leased premises and to keep and retain as its own any and all such rents which may have been paid hereunder.
- any installment of rent when said installment of rent is due, and/or in the event that the Tenant shall violate and continue to violate any of the other terms, conditions, and/or covenants herein contained for a period of ten (10) days after the date written notice for failure to pay rent and/or thirty (30) days for any other violation is given by the Landlord to the Tenant, then the Landlord, without further demand or notice, shall have the right to enter and repossess said premises and dispossess the Tenant therefrom, and to remove any and all persons and property therefrom and store the same without liability for safekeeping, and for the purpose of such entry and possession, the Tenant hereby waives any notice prescribed by law, or otherwise, to vacate said premises, and thereupon the Landlord shall have the further right to release or rerent the premises to the best advantage, applying the rentals received therefrom to any and all expenses incurred in securing possession, repairing, altering or remodeling the said premises or any other expenses or commissions and releasing or rerenting the same, and applying the balance to any and all amounts that may be due from the Tenant under this lease, and the Tenant shall be liable to the Landlord fro any balance or deficiency remaining unpaid.
- 16. ASSIGNMENT AND SUBLEASING. The Tenant shall have the right to assign this lease or any interest hereunder or sublet the leased premises in whole or in part; provided, however, that before making any such assignment or subletting, the Tenant shall first be required to obtain the written permission of the Landlord, which permission shall not be unreasonably withheld.
- 17. SHORT FORM LEASE. Upon the request of either the Landlord or the Tenant, the parties shall execute a short form lease for recording purposes only in order to give record notice of the existence of this lease. Said short form lease shall contain only the names of the parties, the legal description, the term hereof, and the provisions contained herein against mechanic's liens.
- 18. TERMINATION UPON DEATH OF PRINCIPAL SHAREHOLDER OF TENANT. The parties herein acknowledge and agree that if the principal shareholder of the Tenant, , shall die prior to the expiration

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals to this lease the day and year hereinabove set

forth. RIVERSIDE OIL, INC. By:
A.D. Searl, President "LANDLORD" ATTEST: VANDERBURGH COUNTY BOARD OF COMMISSIONERS 12/23 1 "TENANT"

ATTEST:

Samuel Humphrey

## MINUTES COMMISSIONERS MEETING DECEMBER 25, 1991

The Vanderburgh County Board of Commissioners met in session at 6:00 p.m. on December 25, 1991 (Christmas night) in the Commissioners Hearing Room with President Carolyn McClintock presiding.

## RE: REDISTRICTING ORDINANCE

President McClintock said the Commissioners are here this evening for purposes of voting on the Redistricting Ordinance that was presented at their meeting of December 23, 1991. She subsequently asked if there is any discussion or perhaps comments.

Commissioner Borries said, "No comments. I want to wish everyone a Merry Christmas -- I guess that would be my first comment -- and to say that I wish Don well. I guess he is on his way out of town -- so that is the reason, not just Rick Borries -- that we are here this evening on this Merriest of Holidays. I guess my only comment is that I have tried to share these new numbers with my Party Chairman and as best I can determine, they are certainly much closer than we were before. But the problem is that nothing is open -- Scott School (my good grade school group that was down here, where I might have been able to ask them -- since I thought that they might have been able to draw some pretty good boundaries -- they weren't in school). Area Plan wasn't open and the Election Office isn't open -- so really I guess I'm going to vote 'no' on this as soon as we get a motion, because I am certainly against the procedure here of having to meet at this late hour to do these districts. We really can't verify these numbers. So, Madam President, if you need a motion or whatever we need to do -- let's get on with it."

Commissioner McClintock asked Commissioner Hunter if he'd like to make a motion.

Commissioner Hunter moved that we accept the districts as they appear and approve the Ordinance.

Commissioner Borries said, "I will second and would ask for a roll call vote."

Commissioner McClintock stated, "Before we vote I do want to make a couple of comments in reference to what Commissioner Borries just said. As I indicated on the record Monday, Commissioner Borries was informed about the new districts a full four and a half hours prior to the vote on Monday. That is when all the offices were open and he would have had an opportunity at that time to check the figures and look at the districts. I made the effort to contact the Chairman of the Democrat Party, all the Democratic County Councilmen -- to get them down to look at the districts prior to the vote. I knew the offices wouldn't be open on Christmas Eve and Christmas Day -- but we didn't want to vote on Monday. So just to keep the record straight, I would also like to reiterate that the last time that the districts were voted on (which was a couple of years ago) I was shown the districts at 2:15 p.m. for a vote at 2:30 p.m. that afternoon. So now I will call for the roll call vote.

Commissioner Borries?"

Commissioner Borries countered, "To also set the record straight -- two wrongs don't make a right. At least whatever time she says she saw the districts the last time, I certainly think the offices were open for that kind of thing and, a full four and a half hours or whatever -- that sounds like a magic hype here during the Christmas season -- is a little bit implausible to think you're going to get people down here to look at

them that carefully on such short notice. I vote no."

Commissioner Hunter, yes; and Commissioner McClintock, yes. Motion carried by a 2 to 1 affirmtive vote. So ordered.

There being no further business to come before the Board at this time, President McClintock declared the meeting adjourned at 6:10 p.m.

# **PRESENT:**

Carolyn McClintock, President
Don Hunter, Vice President
Richard J. Borries, Member
Cindy Mayo, Chief Deputy Auditor
Betty Lou Jerrel, County Councilman
News Media

**SECRETARY:** Joanne A. Matthews

Carolyn McClintock, President

on Hunter, Vice President

Richard J. Borries, Member