

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS

AUGUST 28, 1995

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The Vanderburgh County Board of Commissioners met in session at 5:58 p.m. on Monday, August 28, 1995 in the Commissioner's Hearing Room.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Borries: Good evening, everyone. Welcome to the weekly meeting of the Vanderburgh County Commission. This will be our last meeting of this month, August 28th, 1995. I'm sorry for the delay, the Executive Session was held here earlier this evening for purposes and items of pending litigation and certain personnel matters, and no decisions were made. At this time, I'd like to introduce our staff here that's with us this evening. To my far right is:

Cindy Mayo, Superintendent of County Buildings & Office Manager
Alan Kissinger, County Attorney
Pat Tuley, County Commissioner
Rick Borries, County Commissioner
Richard Mourdock, County Commissioner
Suzanne Crouch, County Auditor
Teri Lukeman, Official Recording Secretary

Would you join us, please, for the Pledge of Allegiance?

RE: ACTION ITEMS

President Borries: We do have an agenda available for your information and also for your review at this time. The way we structure this is, we will take action on certain items first and then hear various department head reports. There will be a Drainage Board as I understand after this. Am I correct on that?

Commissioner Tuley: Yes.

President Borries: We will have that immediately following, this evening. Commissioner Tuley, I think you and I will have to approve the minutes from our last meeting which was held on August 21, 1995.

Commissioner Tuley: I will so move at this time.

President Borries: I will second. So ordered. I want to welcome back Commissioner Mourdock. I know that the worst part, sometimes, is coming back after you've been away, and so we're glad to see you this evening. Are there any persons who have reviewed the agenda and do not see his or her item on the agenda this evening? Any people here who wish to speak at this time, but don't see their item on the agenda? I do see our County Sheriff here, Sheriff Ray Hamner, glad to see him this evening and the Chief Deputy here. You all are here for...

Alan Kissinger: It will be part of my report.

President Borries: Okay, thank you.

RE: VC95-09-02 EARC PARKING GARAGE DECK REPAIRS

President Borries: County Engineer, John Stoll, with a request for permission to advertise VC95-09-02 Parking Garage Deck Repairs.

John Stoll: On the bids that we got last week on the EARC Parking Garage Deck, neither bidder submitted any of the technical information relating to the type of system they were proposing to install, so I'd like to recommend that we reject both of the bids and re-advertise and open bids again on September 18th.

President Borries: When we had this conversation this week, you said you had put in heavy black letters what they were to do this time, right?

John Stoll: Right, it was in there last time and it's in bold type

this time.

Commissioner Mourdock: What is that telling us, John? Are they really not interested in doing the work, and just being polite in submitting bids?

John Stoll: I'm not real sure. The first time they sent some specs when it was bid that indicated all their systems but they didn't specify which one that they were proposing to use in this case. This time around nobody submitted anything and both bidders had errors and alterations on their itemized proposals as well. They had messed things up on both things there.

Commissioner Mourdock: Have they called to question what the results of the bids were?

John Stoll: They called for the results, but I didn't talk to them. They got the dollar figures, but they didn't get my recommendation that the bids would be rejected.

Commissioner Mourdock: Is it routine, or in this case would it be fitting, if, in sending their rejection letter back to them, to tell them specifically in the letter why it was rejected?

John Stoll: Already got it written and it already says that. They're ready to go.

President Borries: Well, thank you, and I guess the only good news would be that it's been very dry and hot, so there have been no problems on the roof right now. Hopefully, we can get this thing done.

John Stoll: I didn't change the specs other than to put the requirements in bold type, so I would hope that, since they're bidding on a \$100,000 project, that they would take the time to read the specs.

Commissioner Tuley: So we need to reject all the received bids and then give him approval to re-advertise?

President Borries: Yeah.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered. That was the rejection, may we have a motion to re-advertise?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

John Stoll: Since one of the bidders was the company that forced us to re-bid it due to their lack of progress on the project, in the letter that I send them rejecting their bid do you want me to inform them that their bid will be rejected due to past performance or just wait and see when the bids come in?

Commissioner Mourdock: Not after you just said that in the record.

President Borries: Ooh, just --

Commissioner Mourdock: No, I don't think we should do that, John.

John Stoll: I knew that was an issue last week when the bids were opened.

Commissioner Mourdock: No, I think if they want to bid it, they have a shot at bidding it. Certainly we don't want to put the message out that there's only one bidder on any project, this project or any project.

John Stoll: We had three or four the first time around, I don't know what's prompting them to bid or not to bid.

President Borries: Well, maybe some of the different firms may need the work, so maybe we'll get more than two.

John Stoll: Okay.

President Borries: Thanks, John.

RE: KEVIN POELHUIS - 416 STRAWBERRY HILL

President Borries: Mr. Kevin Poelhuis. Thank you for coming and I'm sorry for the mispronunciation here.

Kevin Poelhuis: It's been a long time since you had me at Harrison.

President Borries: I know. You could have done without saying that. But I know I've been around a long time when I had, in one of my other years in class, a girl came into my class and said, "You taught my mother." I thought, oh boy!

Kevin Poelhuis: Now, I didn't say that.

President Borries: I know. Okay, sir.

Kevin Poelhuis: We're submitting a petition from folks in our neighborhood. This is the Old State Subdivision along Old State Road, particularly Strawberry Hill. The county had done some repair of drains out there a year ago. It would have been the summer of '94. We were unaware at the time that that was in the planning stages or we would have acted then and asked for this work to be done. There is one drain in particular that is on the west side of 412 Strawberry Hill that routinely will plug up and we have asked for the County Engineer to come out and look at it. David Franklin from their office has come out and just given it a cursory review and he indicated that if a different style drain was installed, then that would probably take care of that problem. What we're asking at this point is for that style drain to be installed, in other words, there would be an addition drain there, there would be two drains to deal with the drainage. In the fall and in the spring in particular, when there's lots of leaves and lots of debris, you have these bad storms, the drain plugs up and then at 2:00 in the morning there's three or four of us out there with rakes trying to keep the water in the street and not in our yards and our basements. So that's the main thing that we're asking. There's also a creek that runs around the back of the neighborhood and there's five or six large trees, one of them is about three foot in diameter, the rest of them are smaller trees. We feel like if those were cleared, that would prevent any kind of damming effect and that might improve things as well.

President Borries: Do you know, Kevin, what the name of that creek is?

Kevin Poelhuis: My wife and I were just sitting here and I asked her what the name of that creek is, because I thought that would come up. But I'm afraid that I don't.

President Borries: If it's a legal drain we can do some work and I'm thinking that it might be.

Kevin Poelhuis: There's a new 125 home subdivision that's going in

on the south side of that drain, I guess an extension of Old Petersburg Place? There's one drainage pond that's been installed and there's a second one planned, I understand. My impression, having walked through the creek and looked at the drainage ponds and so forth, is that the drainage will be sufficient once the second pond is installed. It's just that there's some trees down that are going to have a damming effect if there's a lot of debris, and things like that go through there. So, it's clearly intended to be the drain for our subdivision as well as that new subdivision, because you can find where the concrete culverts go into it.

President Borries: If it's a legal drain, what I'm referring to is, is that through the Drainage Board, the county issues contracts for maintenance because there are assessments that are paid and actually everybody within the whole drainage area watershed pays into it. Do you know if you pay any kind of ditch assessment at all?

Kevin Poelhuis: When we make our payment it's just to the mortgage company and everything is taken --

President Borries: Yeah, in escrow.

Commissioner Tuley: Then he probably doesn't then because there's very few of them that will escrow ditch payments.

Commissioner Mourdock: I don't think in that area, it is. I think we come back to the --

President Borries: Can we look? See, we're going to have a problem, and we face this all the time, but we'll look into it. What I'm saying is that there's a lot of confusion on, well, it's not confusion, I mean, it's obviously owned by someone which prevents the county from doing work in there unless it's a legal drain. A legal drain, you know, we can contract that out and we do for ditch maintenance. This is behind your subdivision --

Kevin Poelhuis: Ours is known as Old State Subdivision and the other subdivision is the new one that's going in out there and I believe that's still going to be called Petersburg Place, if I'm not mistaken.

President Borries: I'm thinking that is a legal drain out there.

Kevin Poelhuis: The other thing is the drain on Strawberry Hill. That would be a more immediate concern for the folks along our street. I understand there's a Drainage Board meeting later this evening. If it would be helpful for me to attend that, I'll be more than happy to do so, although we're not on the agenda for that meeting.

President Borries: Oh, I'll tell you, with your permission, we'll enter it and the Surveyor's staff might have a pretty good understanding of where, I'm sure they do, and they can give us that information and we will have them also assist us in going out and reviewing this. We appreciate you being here.

Kevin Poelhuis: Thank you for your time.

President Borries: Thank you. Any questions, by the way, of Mr. Poelhuis?

Commissioner Tuley: No.

President Borries: Thanks again for your presentation. There's an item, and we'll just go ahead and take this as part of Alan Kissinger's report since this is an item that he was going to bring, an agreement from H. J. Umbaugh, who are the financial advisors on the Azteca project, the bonds.

RE: ALAN KISSINGER - COUNTY ATTORNEY

Alan Kissinger: That agreement is basically an agreement between H. J. Umbaugh and Associates, as CPA's, and Vanderburgh County and the Vanderburgh County Redevelopment Commission. They set out the type of assistance and services that they intend to provide to the county and what they anticipate that their fees will be for those services. Those fees, specifically, are set out on page four of the agreement that they have asked us to sign. They've indicated, for the services in Article 1, which are services already performed, the fee will be \$20,000. For the services in Article 2, the accountant's fee will be determined in accordance with the following schedule: 1- $\frac{1}{4}$ % of the first \$500,000 bond issue, 1% of the next \$500,000, $\frac{3}{4}$ % for the next, $\frac{1}{2}$ % for the next and $\frac{1}{4}$ % of all over \$2,000,000 of the bond issue. Our bond issue, quite frankly, is not supposed to go over \$2,000,000, so I don't suppose that would apply. Apparently, this is a standard fee that they use for all bond issues, because they indicate their minimum fee is \$6,250 for issues less than \$500,000. This is one of the documents that needs to be discussed and approved before the issue date which is the 31st day of this month. There is a pre-closing on this matter on the bond issue tomorrow afternoon at 2:00 p.m. which I am going to attend. Mike Robling from Metropolitan Development, Umbaugh, and the attorneys for the county have asked that this document be signed and be available for that pre-closing meeting tomorrow. As to being able to answer specific questions on the billing, I can't do it, but I can tell you that I have seen one of these before. It was not from H. J. Umbaugh, but it appears to be very much in line with the one that I reviewed previously on the 1989 bond issue.

President Borries: Questions of Alan? May I have a motion to approve this agreement?

Commissioner Mourdock: Pat, were you starting to ask a question?

Commissioner Tuley: I was trying to get the right word out. That is just an agreement for them to get paid for the work that they've done?

Alan Kissinger: Yes, it is. As I said, how they structure their fees, I can't tell you.

Commissioner Tuley: I'm trying to remember. It almost seems like, I want to say it's a percentage, but --

Alan Kissinger: There is a percentage and there are flat rates for certain services.

Commissioner Tuley: Okay.

Alan Kissinger: And they are competitive, I know that, basically, because I can compare this to previous financial advisors. Yes.

Commissioner Mourdock: What's your feeling, Pat? You've been in county government certainly longer than I have. I don't mean to put you on the --

Commissioner Tuley: I'll put this as gingerly as I can. It's one of the evils of having to do bond work. You've got to pay for the legal advise and you've got to pay for the number crunchers to do their part. It's all part of it, so...I mean, we know that when we do it.

Commissioner Mourdock: Is all of that...this document that Cindy gave me a little bit ago...I'm sorry, it is not.

Alan Kissinger: I will also add that these are fees that are to be paid from the bond proceeds.

Commissioner Tuley: They're calculated and figure how much money you could borrow to start with?

Alan Kissinger: Yes, and we will not be required to appropriate new funds to pay this.

Commissioner Tuley: I'm ready to move if there's not any questions. I move the agreement be signed and payment made out of the bond proceeds.

Commissioner Mourdock: I'll second.

President Borries: So ordered.

Alan Kissinger: I need to take this signed document with me. As you will note, there is also a line on there for the signature of the President of the Redevelopment Commission, so I need to take that signed document with me, the original. If the Auditor needs to make a copy of it, I need to take the original for my closing meeting tomorrow. Okay, do you want me to move right into my report?

President Borries: Sure.

Alan Kissinger: I had prepared a resolution for the County Commissioners regarding the surplus bond proceeds and made some inquiries of our Auditor and our County Engineer. They have advised me that there is a potential claim outstanding and also there is a potential judgement outstanding. I need to prepare some provisions to escrow funds to pay that potential claim and that potential judgement, so I will ask that consideration of this resolution be deferred until next weeks' meeting. The Sheriff, Sheriff Hamner and Chief Deputy Woodall are here. As the Commissioners are aware, we have received appraisals on that real estate that is known as the Vanderburgh County Training Center which is, as a matter of fact, the Sheriff's Training Center where the Sheriff trains his personnel. We have leased that real estate for a period of time and we have made considerable improvements on that real estate. The County Council has passed the necessary resolution indicating the county's interest in purchasing that real estate and the Commissioners have appointed two appraisers to appraise that real estate. Both of those appraisals have been returned. The asking price, or the selling price by the present owner of the real estate, is \$60,000. The appraisals came back at \$63,500 and \$70,000, respectively, for the real estate only. Also, those appraisals indicated that we have improvements on that leased real estate of something in excess of \$300,000, so the \$70,000 and the \$63,000 has to be added together and then divided by two and we can pay no greater price than that for the real estate under the law. That averaged figure comes out to considerably more than the \$60,000, so the contract price is fine. I've prepared a resolution which would allow the Sheriff to enter into the purchase agreement and the real estate purchase contract. Basically, what it says is:

Be it hereby resolved that the Board of Commissioners of Vanderburgh County, as purchasing agent for the County, authorize Ray Hamner, as Sheriff of Vanderburgh County, to sign, on behalf of Vanderburgh County, the purchase agreement, contract for sale of real estate, and any other documents necessary to complete the purchase of the real estate in Vanderburgh County on which the Sheriff's Training Center is located, for an amount no greater than \$60,000.

Any deed, or deeds, accepted pursuant to this transaction must bear the name of "Vanderburgh County" as "Grantee".

Also, I've talked to Mr. Partenheimer, who is the attorney representing the property owner. He's indicated to me that they

have, in the investigation of the title, they have discovered an administrative error which causes a cloud on that title. They anticipate that it's going to take them approximately sixty days to clarify that. But, this resolution will allow the Sheriff to enter into the agreement, sign the various documents necessary without having to be here himself or to send his Chief Deputy or some other representative to a Commissioner's meeting each time some other step has to be taken on this purchase transaction. Everything else that we were required to do has been done and I would like to ask the Sheriff tonight, since there is some disagreement...Sheriff, I know that the funds to pay for this real estate are going to come from your Commissary Fund and this transaction is going to occur over a period of what, two or three years?

Sheriff Ray Hamner: Three years.

Alan Kissinger: Three years. When you were before the County Council, was there any discussion of the fees for the payment for the appraisals? Do you recall?

Sheriff Ray Hamner: No, there was not.

Cindy Mayo: Yes, there was.

Alan Kissinger: Oh, there was?

Sheriff Ray Hamner: Not by me. There was never any to me. I understand, I was going to add, Chief Woodall was there. During that, someone asked the question, could they be? That was in the term of a question, and it was never given in the answer that we would do that. The appraisal is quite high as a matter of fact.

Alan Kissinger: You mean the fees for the appraisal?

Sheriff Ray Hamner: Absolutely.

Alan Kissinger: Well, I read them, and being a lawyer, I never question anyone else's fees.

Sheriff Ray Hamner: What right would you have to?

Alan Kissinger: I don't have any right to ask about those as a matter of fact. Nonetheless, we do need to get that issue clarified at some point, because --

Sheriff Ray Hamner: If it's an issue, we will pay it. It was never promised, we only assumed since the Commissioners ordered it, that the Commissioners would pay it.

Alan Kissinger: Don't let the County Council hear you say that, Sheriff, because otherwise...I was just curious as to your recollection of what had occurred. We did not believe that you had committed to pay for the appraisals.

Sheriff Ray Hamner: We had not and my next question is, since there were two appraisers, we only have the bill for the one, or is that both?

Cindy Mayo: Only one bill has come in. The other one has not come in.

Alan Kissinger: You have the bill from Matthews then, but not yet from Bartlett? There will be another one.

Sheriff Ray Hamner: Well, I'm not looking to pay it, I'm just saying that...

Alan Kissinger: Understood.

Commissioner Tuley: Do we have money to pay it?

Cindy Mayo: What happened with this is, back in the July Council meeting, when Chief Woodall spoke to Council, the question was asked if it could come out of Commissary Funds. Chief Woodall responded that he assumed the Commissioners were going to pay for that. I did go before Council in August and ask for money for appraisals. Apparently there had been a misunderstanding or someone remembered incorrectly, but I was told that it was going to be paid for out of Commissary Funds, so we withdrew that portion of the request, so there are no funds in place, and it is too late for us to request it for the September Council meeting. We will not be able to request funding until October. I did pull the minutes today and that is reflected in the July and August minutes.

Commissioner Mourdock: Are you saying that, Cindy, from the minutes from both the Council meetings that --

Cindy Mayo: From both Council meetings, the one that Chief Woodall attended and the one where I attended and said that, if it was coming out of that, then I would withdraw the Commissioner's request for that portion.

Alan Kissinger: Cindy, did you review the minutes, the actual minutes?

Cindy Mayo: Yes, I did.

Alan Kissinger: There was nothing to indicate that the Sheriff had committed to pay?

Cindy Mayo: No, there was not.

Alan Kissinger: I don't know. I don't have a recommendation for settling this, but it is a legal claim and we need to make some disposition of this issue so that we can go forward.

President Borries: We can look in our accounts. I don't know how much we have in Judgements & Refunds, that's a possibility or talk with the Sheriff further on this.

Commissioner Mourdock: Obviously, we all act here on intentions, and Sheriff, when you talked to us about this, honestly, when you talked about doing it from the Commissary Fund, I thought both sides, obviously the purchase was, clearly that was, and it was my understanding, or what I assumed from the meeting, was that you all were also going to take care of the fees for it. I happened to be at the Council meeting when Cindy brought it up and the question was raised. Even then, I thought, I remember sitting in the back of the room nodding yeah, that's right, that's Commissary Fund. So, I understand why you acted as you did, because I think that was clearly the intention from us. Obviously, there's a bill out there that somebody needs to pay.

Sheriff Ray Hamner: Well, it's not anything that needs to be hassled over, but when it was brought before the Commission, we had already conducted two appraisals of the property. We were informed by the County Attorney that, by ordinance, we have to do two more, which was totally unbeknownst to us at that particular time. So, those were done.

Alan Kissinger: The appraisals done in anticipation were not appraisals that were completed as a result of an appointment by the County Commissioners, and the purchasing statute requires the purchasing agent to appoint those appraisers.

Sheriff Ray Hamner: I don't have any problem with that. I was just trying to clarify --

Alan Kissinger: So, you've already paid for appraisals?

Sheriff Ray Hamner: Pardon me?

Alan Kissinger: You've already paid for --

Sheriff Ray Hamner: No, we have not, the Zeigler Corporation has paid for two. It was my understanding, they paid for two, the other two, and when we came for the property, it was told to us that we had to have two more. We couldn't use these same two.

Alan Kissinger: Correct.

Sheriff Ray Hamner: And that's why the other two were done. It makes, really, not a whole lot of difference if you want us to pay. I don't know what the other one is going to be.

Cindy Mayo: It will be the same amount.

Sheriff Ray Hamner: Exactly?

Cindy Mayo: Yes.

Alan Kissinger: I don't know how they do that either.

Sheriff Ray Hamner: I don't either. I thought we all did things different, but...

Alan Kissinger: Perhaps if the members of the County Council are able to review their minutes and there is a clarification, perhaps they will agree to appropriate the funds for this. If you want to try it on that basis, perhaps we could contact the appraisers involved and tell them what the problem is, and that they are going to get paid, but we need to get this --

Sheriff Ray Hamner: I would just say that, send the bills to us and we'll see that they're paid. I mean, there's no sense in those people waiting forever. I think they wait for government long enough, I think, to pay the bills. So I think it's only fair that if you have the bills, the others, send them to us and we'll see that they're paid.

Commissioner Tuley: Sounds like a good compromise to me.

Unidentified: (Inaudible - comments not made from the mike stand)

Sheriff Ray Hamner: Pardon me?

Unidentified: (Inaudible)

Sheriff Ray Hamner: Well, we'd take it if we get it.

Commissioner Mourdock: As you just said, government acts slow, right?

Sheriff Ray Hamner: Sort of.

Alan Kissinger: Ray, would this be a convenience for you if you were able to act in behalf of the county as far as signing the various documents and so forth are concerned?

Sheriff Ray Hamner: To the extend that I am not in any liable situation here with the county.

Alan Kissinger: No, no no. This merely allows you to act in behalf of the county, and the county being the purchasing agent for this real estate, specifically, in reference to this transaction. In other words, you can sign this purchase agreement, you can sign that contract because, otherwise, in sixty days they're going to

contact you and say, okay, we have everything cleared up on our title. Now, here's a purchase agreement, etc., and you're going to say, well, let me get scheduled with the County Commissioners, etc. I talked to Chief Woodall, and we decided that it would probably, and I talked to Vern Partenheimer who asked that a resolution be done so that you would have that authority. No, you're not committing yourself, personally, you're committing yourself as Sheriff of Vanderburgh County acting for the Commissioners as purchasing agent for this property.

Sheriff Ray Hamner: But the property still belongs to the county?

Alan Kissinger: The property, yeah, and it says specifically in this resolution:

Any deed, or deeds, accepted pursuant to this transaction must bear the name of "Vanderburgh County" as "Grantee".

Sheriff Ray Hamner: That would expedite things tremendously I would suspect.

Alan Kissinger: Now, also to anticipate something...

Sheriff Ray Hamner: You've got some more bills, right?

Alan Kissinger: When they get their abstract of title up to date and they are satisfied that they have good title, they're going to send it to us, and then we are going to get a title opinion. We are probably going to ask for title insurance, and yes, there will be a fee for the title insurance binder and for the title insurance itself.

Sheriff Ray Hamner: For the sake of records, what does that cost?

Alan Kissinger: I would say something in the neighborhood of \$350 - \$400 max.

Sheriff Ray Hamner: For a binder?

Alan Kissinger: For a binder and a policy of insurance.

Commissioner Mourdock: It's amazing that lawyers will work that inexpensively at times. Who does --

Alan Kissinger: Jack Schroeder.

Cindy Mayo: We should have that in our appraisal account, and I would think that would be a proper account to pay that --

Alan Kissinger: I agree.

Cindy Mayo: Out of title, for the title searches, the abstract account.

Commissioner Tuley: We'll pay that for you.

Sheriff Ray Hamner: Yeah, I was going to say, it's not a bottomless pit. There is a limit.

Alan Kissinger: So I would ask the Commissioners to consider the resolution giving the Sheriff the authority to act on behalf of the County specifically for the purchase of these specific pieces of property.

Commissioner Mourdock: I'll make the motion that we do that. Again, just to clarify, though, with the understanding that the appraisals are coming from the Commissary Account as the Sheriff just stated a few minutes ago.

Commissioner Tuley: And part B, that we'll pay the --

Commissioner Mourdock: And part B, that we would cover the binder and the abstract fee.

Commissioner Tuley: I'll second.

President Borries: So ordered. I think this puts really a fine facility, something that makes the Vanderburgh County Sheriff's Department probably one of the more unique and efficient departments in the state, so far as its' physical training and practice and skills, that I think the Sheriff wants emphasized. I think it pays off, too, for the citizens.

Sheriff Ray Hamner: Thank you. I'd like to open it up to the Commissioners if they would chose to come out and lose a few pounds like I need to do.

President Borries: Do you think there might be a few of us --

Sheriff Ray Hamner: I didn't say that! It's not signed yet.

President Borries: Yeah it is, I just signed it.

Commissioner Tuley: Okay, fat boy, get out there!

Alan Kissinger: Do you have these, are these copies that you gave me? This is the purchase agreement and the addendum.

Sheriff Ray Hamner: Well, I don't know that I have this.

Alan Kissinger: These are messed up, why don't you take those and make your own copies, or whatever, or they may come up with some new ones, if you need those. I will send a letter to Partenheimer with a copy of this resolution.

President Borries: Alan, do you have anything else, or do you want me to come back to you?

Alan Kissinger: I do not.

President Borries: Thank you for your report.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Cindy Mayo: I have the deeds that have been approved by Mr. Kissinger for Choice and Habitat for the '93 properties. I would like for you to, and you are the only one, Rick, that needs to sign this. It needs to be notarized and recorded, and Choice and Habitat will be very happy.

President Borries: Good. May I have a motion?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Cindy Mayo: And just for informational purposes, I do have all of the title searches. Mr. Shroeder brought the last of them in today from the '93 properties. I have sent correspondence to Keith Rounder and asked if he would let me have something in writing as to what our next step is to be on these properties, but the title searches have been completed.

President Borries: So, that begins to --

Cindy Mayo: We will not have to notify the substantial interest

holders and I really wanted something from the attorney before we proceeded. It's been so long, I didn't want there to be any more problems with this. So when he advises me, I will proceed with that, but we are moving forward.

President Borries: Moving forward on that, great.

Cindy Mayo: That's all I have.

President Borries: Thank you, Cindy.

RE: BILL MORPHEW - COUNTY HIGHWAY & GARAGE

President Borries: For the record, the Vanderburgh County Highway Department has submitted their report for the week of Friday, August 18th, 1995 through Thursday, August 24th, and also submitted the same from the Bridge Crew which shows work done in all parts of the county. Bill, with the hot weather and with other things, any updates, or you're where at this point on your paving?

Bill Morphey: We're still working on the shoulders on Old Henderson Road, cutting weeds and trees, and a lot of the lots in the city and that the county owns, the grass has never quit growing. We seem to keep cutting that. We're getting ready to pave West Terrace tomorrow and then move over to Roesner, and then we're going to Old Henderson, and hopefully, get that one done before the farmers start running.

President Borries: Yeah, it's starting to get close, I would think. Any questions of Bill or any --

Bill Morphey: I need to ask for a continuation of a medical leave of absence for one of the employees at the Garage. He is on a medical leave of absence that expired the 25th of August. I need to extend this through the month of October.

President Borries: And his name?

Bill Morphey: Don Williams.

President Borries: Any questions of Bill, or if not, a motion to that effect?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Bill Morphey: That's all I have.

Commissioner Mourdock: One quick question, Bill, did you hear anything from, I was out of town this past week, Mr., who did we meet with, was it Stocker?

Bill Morphey: Stocker.

Commissioner Mourdock: Yeah, anything new on that?

Bill Morphey: I met with Mr. Stocker out there at his property and I have talked with John Stoll --

Commissioner Mourdock: This was after you and I met on the property?

Bill Morphey: Yes, last Friday, as a matter of fact. I've talked with John Stoll and we're going to go out there and look again and see if there isn't something else that we could possibly do. John and I have tentatively agreed to go out there Wednesday.

Commissioner Mourdock: Keep me posted.

Bill Morpew: Will do.

President Borries: Thank you, Bill.

RE: JOHN STOLL - COUNTY ENGINEER

John Stoll: The road plans that I have there for you are for Covington Heights Subdivision Section III. It's a short stretch of streets in Covington Heights which is off Hedden Road. It will be a 6" concrete street with curb and gutter. I've reviewed the plans and recommend that they be approved.

President Borries: Concrete streets, you say, curb and gutter?

John Stoll: Right, these are continuations of existing streets that are already out there.

President Borries: It's a pretty flat area, isn't it?

John Stoll: Right. These streets are relatively flat grades and everything appears to be in order.

President Borries: Okay. May I have a motion?

Commissioner Tuley: I'll move that the streets plans for Covington Heights Section III be approved as submitted.

Commissioner Mourdock: I'll second.

President Borries: So ordered. Okay, you want the top one signed here, on the mylar?

John Stoll: Yeah, just the mylar.

President Borries: Okay. We can all sign.

John Stoll: The only other item I had is that last week I brought up the repairs to the Pfeiffer Road bridge deck and we received quotes on that last Thursday. The low quote that we received was from Phoenix Construction for \$22,550 to replace the steel and the deck on that bridge, and they will be starting on that tomorrow.

President Borries: Okay, you don't need any action from us at this point, then?

John Stoll: No, last week you approved it subject to coming in under the bid limit of \$25,000.

President Borries: And it did?

John Stoll: Right.

President Borries: Okay, any questions of John at this point? Well, let's hope a miracle hits and we get the roof there at EARC going.

John Stoll: It would be nice.

President Borries: Appreciate your work.

RE: CONSENT ITEMS

President Borries: We have consent items for your review at this time, employment changes and so forth, travel.

Commissioner Tuley: No travel this week. I move that it be approved.

President Borries: Okay. We better approve it quickly, then.

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

Commissioner Tuley: I'll second.

President Borries: So ordered.

RE: SCHEDULED MEETINGS

President Borries: We do have a list attached. They will be for -

Cindy Mayo: I'm sorry, that was the August calendar that was attached. Sunny pulled the September and ran copies of the August.

Commissioner Mourdock: September was included, also.

President Borries: Yeah, there is a September. She had that right on front.

Cindy Mayo: I don't think it was with the ones that were distributed, but she did notice it late.

President Borries: What I was going to say, it worked well to have that right in front. That worked out fine. They are attached.

RE: OLD BUSINESS

President Borries: Any old business?

Commissioner Tuley: I have no old business.

Commissioner Mourdock: Nor I.

President Borries: Just one item, County Auditor Suzanne Crouch, former County Commissioner Don Hunter and I met, you may have seen some report, regarding our issue concerning the fixed asset policy. Thanks to the work of a student intern, Mr. Trey McClain, really outstanding work for a young man who is about ready to enter his first year in college, we are going to address that issue by working with Mr. Hunter's Signature School students as well as vocational students from several of our schools who will enter some data, and begin to get this fixed asset going. I believe what we need to do is to ask Alan to prepare a fixed asset resolution. In that fixed asset resolution, I think Mrs. Crouch has had conversations with the State Board of Accounts and, as you know, they never put anything in writing, at least they haven't me to except on exit conferences when they continue to remind us of this issue over and over again, so they do put that in writing. But what I'm saying is that they did suggest that we could specify a figure of \$1,000 as a minimum to count in this, otherwise, we're counting a lot of paper clips and a few other things that oftentimes wear out. So if that would be agreeable with you, we probably need to direct the County Attorney to prepare a fixed asset ordinance and specify in there that we would set a minimum limit of \$1,000 if you're agreeable with that.

Commissioner Mourdock: That's the State's suggestion or that was our suggestion?

President Borries: That's what Tom Simpson told Suzanne, I think. Is that correct?

Suzanne Crouch: That's correct.

President Borries: What happens is, it'll be kept on file in the Auditor's Office and, of course, the big mission, and we are going to set up a liaison, in other words, each department, and we will send out a memo, will have to designate a person to work with these students. Some assets have been already, at one point or another, covered. Where was I? It was kind of one of the more bizarre, oh, I was at Burdette Park for a picnic outing and I looked up and every fan had one of those stickers from Vanderburgh County. So, I mean, we've done some work before at one point or another. There was a sticker up there. But the reality of it is everybody gets busy, we don't have the manpower and we don't keep these things up. We'll develop forms, there are forms that we'll also be working on, and if we can get this on disk and keep it on file in the Auditor's Office, then what will happen, we hope, is that it will be an ongoing reporting process to keep this thing current.

Commissioner Mourdock: Is the timetable sort of through one academic year to have it ready, or did the State Board state that they're looking at it?

President Borries: Well, I think the State Board will be pleased that we're making progress on this and the other students will be probably paid at a minimum wage insofar as data entry. There will be two processes, not only the identification and cataloging, then someone has to enter it. These vocational business students are computer literate and certainly would have the expertise, and they also must be employed as part of their final vocational training. They're usually senior high school students.

Commissioner Tuley: Is there going to be, then, this is all going to be put on the computer. Is there going to be given, and I assume, since you've been involved in this, a disk or something kept in your office to be upgraded every year?

Suzanne Crouch: It will be on the mainframe and, actually, there's already a fixed asset computer program that's in place, but we just haven't --

Commissioner Tuley: We haven't been doing it.

Suzanne Crouch: Yes. Anybody could inquire into it, I presume.

Commissioner Mourdock: Remember that was part of the discussion that we had back last winter or spring about would we have to have some special software or whatever and then (inaudible).

Suzanne Crouch: Yes.

President Borries: And it'll have to be cataloged, obviously, and recorded. That may be something, again, we'll have to get through in the process should it be forwarded. If every office does this, are they going to do it? Some may be more diligent than others. I mean, we can tell them they have to do it, but whether or not that gets it done, sometimes, we all get a bit frustrated from time to time. Do we designate one person to catalog all this, or one department? That might be, again, something to consider, but we are moving forward and it, I think, has some very definite possibilities of getting completed this year.

Commissioner Tuley: You can make that a requirement at their budget hearing, when they submit their budget that they submit the upgraded one. Of course, that won't help us with the initial one, but it will next fall. Make that part of the budget process, submit their upgrades, changes.

President Borries: Yeah, that would be good. That's a good idea. Or at least that gets their attention. Budget time always gets everyone's attention.

Commissioner Tuley: That's right.

Suzanne Crouch: Could you make that in the form of a mandate?

President Borries: A motion?

Commissioner Mourdock: I think she said mandate.

Commissioner Tuley: We can make it in the form of a motion, I don't know if we can make it a mandate or not, but --

President Borries: Yeah, I think, well...of course, the Council is going to have the final say on the budget, but I think we can certainly say it should be a part of their report for the budget process every year.

Commissioner Tuley: Sure.

President Borries: Do you make that in the form of a resolution?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered. Great. That's the one item of old business that I have. I can't think of anything else at this time. Anyone else have any items of old business?

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

RE: NEW BUSINESS

President Borries: New business?

Commissioner Tuley: I don't have any new either.

President Borries: Nor do I at this time. Oh, new business, there would be a memo go out if you agree to do so, concerning 1996 medical benefits. What, essentially, this does is make certain changes which have been discussed in budget and allows us to meet a stated goal of only a 4.3% increase in our health care budget for 1996. If these go into effect, assuming that we would approve these, there will be certain informational meetings that will be scheduled and held, and employees may then ask questions about those changes. Again, what they allow us to do is to maintain a certain degree of choice in relation to health care benefits, yet also, again, keep the increase of costs under, or keep them in acceptable fashion. If agreeable with you, we probably would need to approve this and then have it issued to the employees and sent out.

Commissioner Mourdock: I presume there's nothing, again, I was out for a week, this still is going along with the discussions --

President Borries: This is no change in --

Commissioner Mourdock: --by the insurance committee as presented?

President Borries: Yes.

Commissioner Mourdock: I'll move that we vote to act on this letter regarding 1996 medical benefits.

Commissioner Tuley: I'll second.

President Borries: So ordered. Go ahead and sign.

Suzanne Crouch: The final budget hearing for County Council and for the county has been moved from September 5th at 12:00 p.m. to

September 14th at 4:00 p.m. This change came about due to an advertising requirement to increase the levy for welfare and that had to come about. If we did not re-advertise and move the budget hearing back, either they would have had to take out a loan or they would have had to come to the General Fund for money. So this is for your information. I'm sure you all want to be there.

President Borries: Okay. Any other items of new business? Are you all for Drainage?

Mike Fink: No, I'm representing Outback Steak House --

President Borries: Come forward please, sir, and if you would, we'd certainly like to welcome you to the community and find out your name.

Mike Fink: My name is Mike Fink and I'll be the managing partner here in Evansville. Sam couldn't make it this evening because we had an opening in Lafayette and so I'm here representing --

Commissioner Mourdock: I couldn't hear you when you started. Managing partner of?

Mike Fink: Outback Steak House. We're opening on the Lloyd Expressway right next to El Chico's.

President Borries: When do you want us out there to help you open it up?

Mike Fink: Well, I need a few address, I guess --

President Borries: No, I'm not saying for free, I mean, we always like to come, though, for good things and, I tell you, we're happy to have you in the community. Maybe I didn't phrase that right. We get invited to, particularly with my waistline, I know I didn't phrase that right, but we get invited --

Several speaking at once.

President Borries: I can't get out of it. We get invited --

Mike Fink: Your invites will be coming in Sunday, the 22nd. Does that answer your questions?

President Borries: Please don't feel obligated for any kind of food, we're just happy to be out there for your grand opening. We welcome you to the community.

Mike Fink: We've been trying to get in for two years. We're glad to be here.

President Borries: I think you're going to do a lot of business out there.

Mike Fink: Oh, it's a great location. We had two locations on Green River Road that fell through. Chili's got the one that we, right there, kind of were bidding on and then we ended up getting that location, which I feel is a much better location.

Commissioner Tuley: You'll be better off, probably, where you're at.

Mike Fink: Yeah. Everything is new, and from what I hear, there's going to be a strip mall behind us that they haven't even broke ground on yet, and all that. So, we're excited.

President Borries: It's an exciting area out there developing and certainly, you're --

Commissioner Tuley: It's a good place to eat.

President Borries: I've never had the good fortune of eating in your places, but I've been by the one a lot in Terre Haute, right there on 41.

Commissioner Tuley: I've eaten at the one in Indianapolis.

Mike Fink: There are four up there, but Sam, he wanted me to come here today and represent him because he couldn't make it. He was going to send me some information. He didn't know if there was going to be a problem with me signing for whatever it is that we needed to sign for.

President Borries: A petition?

Mike Fink: Right.

President Borries: Oh, what is that?

Commissioner Tuley: I don't know, I don't see --

Commissioner Mourdock: Is it something for Drainage?

Mike Fink: He sent me, he Airbored it, but it never made it to my town house.

Alan Kissinger: Does that have anything to do with Drainage Board?

Commissioner Tuley: Well, I don't see anything.

Alan Kissinger: Did you petition for something in reference to your drainage or something?

Mike Fink: I know that we had to redo our parking lot.

Cindy Mayo: Do you think he needs to appear before City Council, or no, that would be county.

President Borries: No, it's in the county.

Mike Fink: He said it was scheduled for tonight at 6:30.

President Borries: Then it must be a drainage item. Let's see, though, I don't see it on our agenda. That's why, well, it can't be a major item, Mike, and if you could, just be patient with us.

Mike Fink: Sure.

President Borries: We will find out quickly what it is you need to do.

Mike Fink: He was saying that it was something to do with permits.

Cindy Mayo: It's not the ABC? Is it the Alcoholic Beverage Commission?

President Borries: That's where you need to be.

Commissioner Tuley: I'll bet that's where you're supposed to be.

President Borries: Would someone want to take him around the corner. That's good, Cindy. Sometimes it works, the meetings, if they have them all at the same time. You need to get your Alcoholic Beverage Permits.

Mike Fink: Right.

President Borries: And that's in the meeting right behind us.

We'll get you there. But again, we did give you an official welcome.

Mike Fink: Hey, I appreciate it. We have all your names.

Commissioner Mourdock: I think they're leaving right now.

President Borries: Wait a minute, if they're leaving...oh, there they go.

Commissioner Borries left the room briefly. Meeting resumes.

President Borries: Are there any other items of new business? If not, within three minutes, if we can get Mr. Jeffers here, we'll start the Drainage Board meeting. If there is no other business, this meeting is adjourned.

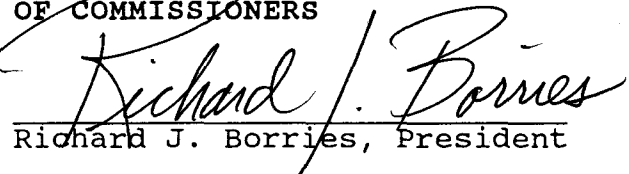
Meeting adjourned at 6:58 p.m.

THOSE IN ATTENDANCE

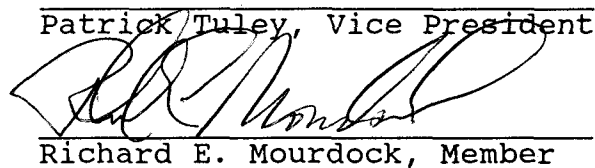
Richard J. Borries
Richard E. Mourdock
Cindy Mayo
Teri Lukeman
Kevin Poelhuis
Bill Morphew

Patrick Tuley
Suzanne Crouch
Alan Kissinger
John Stoll
Ray Hamner
Mike Fink

**VANDERBURGH COUNTY BOARD
OF COMMISSIONERS**


Richard J. Borries, President

Patrick Tuley, Vice President


Richard E. Mourdock, Member

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS

SEPTEMBER 5, 1995

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The Vanderburgh County Board of Commissioners met in session at 5:36 p.m. on Tuesday, September 5, 1995 in the Commissioner's Hearing Room.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Borries: Good evening, everyone. I'd like to welcome you to the Vanderburgh County Commission weekly meeting. I welcome you and say that we're pretty nearly on time this evening. We appreciate you being here. Let me give some introductions to our meeting this evening. First, and she will be in here shortly, our staff person in our office, Mrs. Cindy Mayo, who also serves as, her official title is Superintendent of County Buildings. Our County Attorney is Alan Kissinger. Commissioner Pat Tuley could not be here this evening. I'm Commissioner Rick Borries. To my left is Commissioner Richard Mourdock. Our County Auditor is Suzanne Crouch. Our Official Recording Secretary is Mrs. Teri Lukeman. Would you join us, please, for the Pledge of Allegiance?

RE: ACTIONS ITEMS

President Borries: For the record, an Executive Session was held earlier this evening for certain personnel matters and matters of pending litigation that could involve this county. At this time, I would want to read a statement concerning a portion of that Executive meeting and that has to do with item C on our agenda that will not be heard this evening regarding Mr. Shively and representing a certain interest on a Nurrenbern Road easement.

"This matter was discussed at that Executive Session and it was done so due to the fact that it concerns pending or any anticipated litigation about this matter. Any final decision regarding the matter will be discussed and announced at a future public meeting, and I would say that no decision was given nor made during that Executive Session."

We have minutes available from our last meeting which was held on August 28, 1995.

Commissioner Mourdock: Having reviewed the minutes, and let me compliment Ms. Lukeman here once again, the minutes are in excellent fashion especially the point where you got up and ran out of the room to catch the people who were leaving the ABC meeting.

President Borries: And they got their permit, by the way.

Commissioner Mourdock: Did they?

President Borries: Yeah, they did.

Commissioner Mourdock: Having reviewed the minutes, I'll move the minutes of the meeting from August 28th be accepted as submitted.

President Borries: I will second. So ordered. Yeah, you did, Teri, it was an excellent job. You didn't get, I was yelling for Frank Daugul as they left. I could see the back of him going in the elevator and we did get a quorum back out. The gentleman was here representing a certain restaurant. We talked with him at length, could not and did not have any idea why he was here, and he didn't have any idea why he was here, but he needed to get some Alcoholic Beverage Permits for the Outback Steak House. He did get them. We were able to stop the Alcoholic Beverage Board from leaving at that point. They reconvened their meeting and he got it. Are there any groups, we have a large audience this evening and we welcome you, as I said earlier. Are there any persons who do not see his or her or their item on the agenda who wish to speak at this time?

RE: NOISE ORDINANCE & COMPLAINT REGARDING MARINA POINTE

Roland Reed: I'm Roland Reed and perhaps I fit in here rather than

in old business. We addressed the Commissioners about a month ago about a noise ordinance and the problem with Marina Pointe. We were here just hoping to get an update on what may have happened since we met with you.

President Borries: Well, the update is, I think we're still in the process of working on that ordinance. We are trying to model that a bit after the city ordinance and we have some concerns about enforcement. That's kind of where we are at this particular point. The enforcement, I think, is going to be a critical thing that we need to work through at this point. We do not want to pass an ordinance...have you continued to have further difficulty with this?

Roland Reed: Oh, yes.

President Borries: Unless we're able to clearly state, either our fines or some penalty in here and be able to enforce that. But we are in the process of preparing it and I think, again, working through that enforcement process is the critical thing for us.

Commissioner Mourdock: It's my recollection, Alan, correct me if I'm wrong on this, you said, as far as the enforcement, typically, for a specific gathering, it's not...let me back up. We are very concerned that an ordinance be established that was not enforceable, however, was the context of the overall conversation not that if, in fact, it was a specific event, that an ordinance could be derived dealing with specific events, for example, in Mr. Reed's idea or concept here, the concerts and such?

Alan Kissinger: Right, and the difficulty is, for example, there are some neighbors who are, how shall I say, disturbed by noise that emanates from the amphitheater, but it is an accepted form of entertainment and it is an accepted location for that type of entertainment. Some types of noise can not be legislated out of existence. The difficulty is, if you try to do that with a noise ordinance, you may, in fact, stop some people from engaging in some types of behavior that are not legal, and as a consequence, invite litigation that will cause your entire ordinance to become invalid. We may be able to pass an ordinance to control certain types of noise, we may not be able to control the type of noise that you are referring to. Another thing that you have to consider in reference to nuisances, and noise is a nuisance than can be legislated against, there are certain nuisances that may have existed at a particular location before they become objectionable to someone who came into that location. One thing that comes to mind is a pig farm out on the west side. Everyone knew when they built their homes there that the pig farm was there. Those things are, in the law, called "grandfathered in". You can't legislate them out of existence because now there happens to be someone who objects to it who wasn't there when the activities began some years ago. All of those things have to be taken into consideration, and quite frankly, drafting a noise ordinance for a rural area is very difficult to draft in a constitutional and fair fashion, and also, it's extremely difficult to enforce after you have done so. So, I'm given the unfortunate task of trying to cover both of those bases, and if we're able to do so, I'll draft something that I can turn in to the Commissioners. If I see that we're unable to do that, then I'll advise the Commissioners accordingly.

President Borries: In the meantime, to give relief to these people...what are you currently doing? Are you still calling the Sheriff's Department at this point?

Roland Reed: Yes.

President Borries: And what are they doing?

Roland Reed: I guess I'm not quite sure. I haven't spoken with

Lt. Ellsworth.

Pattie Davis: I talked to Lt. Ellsworth today and he told me that, now I'm not sure where it comes from, would it be the Prosecutor? There's somebody that has given him the right to ticket these people, but like he said, they still would have to go before the judge to decide if they were guilty of doing what they did. He said it would be better if we had a noise ordinance, but he did say that he could do that, and then also --

President Borries: Ticket them in what way, Pattie?

Pattie Davis: He called it public nuisance, I guess.

Alan Kissinger: It would be under the State Public Nuisance Statute.

President Borries: Okay.

Pattie Davis: Yes. He said it would be better if we had a noise ordinance, but he said he could do that, but then they still would have to go and appear before the judge and the judge would have to find them guilty. Also, another avenue, we've heard that the EPA has jurisdiction four miles outside of the city and we are just outside of the city. I don't know if that could help us or not.

President Borries: Possibly.

Pattie Davis: When can we get back with you or when can you give us some kind of an answer?

Alan Kissinger: I'll try to advise the Commissioners within thirty days, something such as that. I don't want you to get the wrong impression. I'm not working toward not being able to adopt a noise ordinance, but I will tell you that my preliminary research and my past experience is, noise ordinances in an area such as that are going to be very difficult to draft so that they are enforceable. If we draft something that basically is just like a state statute, the Public Nuisance Statute for example, we can't draft parallel legislation and cause someone to incur the potential of two penalties. So, if the state statute is already in effect, then the only ordinance that we can pass would basically parallel that statute, we'd be --

Pattie Davis: Wouldn't a noise ordinance the same as the city has help us?

Alan Kissinger: No, a noise ordinance in the city is much easier to enforce and much easier to justify on a constitutional basis because of the concentration of people living together. But, by the same token, even if the city were to decide to annex that pig farm that I was telling you about, they could not annex them out of existence.

Pattie Davis: But sir, when they're hearing it in the city way down on Second Street and Adams Street, we read the whole list the last time, it's not just our four houses that are there, and of course, there's going to be more houses, we have another new resident with us tonight that's getting ready to build down there, but it's not just our street. It's clear over on First Street, Second Street, Adams, and we brought that, so that is in the city.

Alan Kissinger: Have you talked to the city about assisting you with enforcing their ordinance?

Pattie Davis: When it first started happening, of course when we would call, they didn't ever know who to send out, the county or the city, and sometimes we've had both the city police out there and that, too, but then they told us to start calling the county.

Of course, we just dial 911, and some nights it is unbearable.

President Borries: The nights are generally on the weekends, or is it every night?

Pattie Davis: It's Friday, Saturday and Sunday, and then sometimes they'll have a special one on Thursday, or you never quite know when it's going to pop up. It just seems that somebody has to do something.

President Borries: Okay. I will also call down there and talk to them, and ask to see if there's some way in which we can, in the short run, here, get their cooperation on this. I'll do that tomorrow.

Pattie Davis: At one time they moved the band on the other side of the building, and then they put up this canvas, but then they'll do that for a while and then they'll, like this weekend, I noticed the canvas was down again. Last weekend, the band was back over on our side again. So they didn't continue to do that very long. Even that didn't help altogether, but at least you could hear your TV. You know, when the band is on our side, you can't hear your TV. You can never open a window.

President Borries: I think that's why they have rock concerts out in the middle of nowhere. That's why they had them at Woodstock. What he's also saying is, and we get into this catch all the time, it is tough on areas that are immediately adjacent to the city, because I was headed in one direction on a thing like that, and was advised that we can't legislate, sometimes, the differences between our, we have such a mixed bag, frankly, and a diverse population to serve, and that's what we're trying to work through in this ordinance. But I will call down there, Pattie, and we will get a report if we can, as quickly as we can, in the next thirty days.

Pattie Davis: The cold will get them pretty soon, but we've got next summer, too.

President Borries: October is pretty...and the air is clear.

Alan Kissinger: Divine legislation.

President Borries: Thank you, again, for coming up and I hope that we can ask for their cooperation which might work a little quicker than anything else. I think, probably, we're going to still have to proceed with some legal aspects here, as we're doing.

Pattie Davis: I talked to him several times and he always seems to want to cooperate with us, but he just can't turn those bands down. You can even call over there and you'll ask him to turn it down, and maybe they will for a few minutes, but they never get it down where you can sleep.

Commissioner Mourdock: Is his activity, or I shouldn't say his, whatever entity that is that's holding the concerts, is it a regular thing, every Friday night, every Saturday night?

Pattie Davis: Yeah, it's like Friday, Saturday and Sunday. Sometimes it's worse because --

Commissioner Mourdock: If you would, come to the mike, again. I'm sorry, our sound system --

Pattie Davis: Yeah, it's every weekend, Friday, Saturday and Sunday, and once in a while, they'll do it on Thursday, but some weekends it's not quite as bad because it's according to the type of bands that they have, I guess. But some weekends it's just unbearable. Now this last weekend, oh you could always hear it, and I couldn't open my windows, that's for sure, but at least I

could sleep a little, and you could listen to your TV. But some nights you can have all the windows closed, your TV on, you hear it above the TV and then your walls just boom, boom, boom. When it's going on at 2:00 or 3:00 o'clock in the morning, that is unbearable.

Commissioner Mourdock: How far are you, physically, from the stage?

Pattie Davis: Well, the Marina, I'm the first house, and there's four houses. In between us is the canal-like where the, going back to the Marina, but we're pretty close and we're both sitting up high on the hill so it just comes right across at us. But you can imagine, if the people over on First and Second Street and that are complaining, what we're getting real close.

Commissioner Mourdock: Okay.

Pattie Davis: It just seems, you put so much into your homes down there and you'd like to have the windows open some of these beautiful nights, but there's no way that you can do that on the weekends at all.

President Borries: Sure. You're right.

Commissioner Mourdock: Just for the record, your last name is Davis, is that right? So that was Pattie Davis, okay.

President Borries: Well thanks, folks, for --

Roland Reed: Not to belabor the point, but I think it's important, because you were not here when we were here before. I want to state again that, when we moved out there, we didn't have this problem. It began last summer and so that's a concern, too, that the longer it goes on, the more permissible, I suppose, it becomes.

President Borries: Does the establishment still have the same name?

Roland Reed: We know who the owner of the property is, and he leases it, and I guess it's been leased to several different people in the period of this fifteen months, or so.

Pattie Davis: It was called Castaway's or something like that for awhile, but Ron Riecken owns the building, he has always owned it, and last summer he leased it to, I don't remember the man's name, there's been about four different people leasing it in the last couple of years. I was the first one out there, and there wasn't a problem and I know, even when they first started having music, it was turned down enough that it was okay, I could still sit out on the back porch and listen to it, it was okay. But this summer and last summer has been the hard rock bands which are just unbearable and it --

President Borries: But is it still an area known as Marina Pointe?

Pattie Davis: It's Marina Pointe now and Ron Riecken still owns it. Ron was aware of our problem last year with the other gentleman and it was about in August sometime, he closed up in the middle of the night, or something, and went out. Then he leased it again to somebody else doing the same thing. Like I told him, he should put that in his lease, that they can't have that outdoor music because other bars in town don't have their bands outside.

President Borries: No, and they're plenty loud, some of them. Does he do it just on the property, or there's a veranda around it, surely --

Pattie Davis: It's sitting on their deck, I guess, it's on their

property, but....We thought about getting our own sound system and putting it on the other corner and playing Pavarotti or something like that.

President Borries: I'll call down there tomorrow and we will try to resolve the matter here, quickly. We appreciate you coming in. Sorry it's interfering with your life. I know how that is.

Pattie Davis: Thank you.

Commissioner Mourdock: If you do Pavarotti, kind of point the speaker towards Darmstadt, I kind of like that.

President Borries: Thank you, again, for coming in.

RE: LYNN ELLIS/JOE PROFAIZER - BIDS FOR MICRO COMPUTERS

President Borries: Lynn Ellis is here and Joe Profaizer, regarding the bids and we need to direct Alan to do this. This in on computers? What kind of computers, Lynn?

Lynn Ellis: They're mini computers and accessory equipment for the stations.

President Borries: Mini computers, you mean like PC's, of some sort?

Lynn Ellis: Yes.

President Borries: Commissioner, may I have a motion to?

Commissioner Mourdock: Yeah, I'll move that we direct the County Attorney to open the sealed bids as submitted on mini computers.

President Borries: I will second and so order.

Lynn Ellis: Thank you.

RE: KOESTER CONTRACTING CORPORATION - PETITION TO VACATE A PORTION OF A PUBLIC ROAD

President Borries: The next item is a request for permission to advertise and select a hearing date on a petition for vacation of a public road. Basically, this is a permission to advertise notice.

Commissioner Mourdock: Is this Koester?

President Borries: Yeah.

Commissioner Mourdock: I don't have it here in front of me and actually, I don't know what it is, but I'll certainly go ahead and move that we advertise the hearing date to be established for the petition to vacate a portion of a public road and permission to advertise, although I'll state now, I will be abstaining when that vote actually comes before us.

President Borries: I will second and so order.

RE: AT&T CONTRACT

President Borries: AT&T contract. Maybe, Cindy Mayo, you're going to talk about this?

Cindy Mayo: We currently have a contract in effect. Every month we get commission fees from --

Unidentified member of audience: (Inaudible)

President Borries: You all can't hear us? Can or can not? Did you know we had a bad sound system in here? We have to say that every time and we keep talking about one of these days, we're just going to legislate ourselves to get a better sound system in here.

Cindy Mayo: Every month, we do get, for our pay phones, people that do use AT&T, we get fees every month. We have the Auditorium, Burdette Park, and the Safe House is the largest one that we have, but we do get monthly fees and this is just renewing that contract with AT&T for us to continue to receive those.

President Borries: Okay. Do you have any questions on that?

Commissioner Mourdock: Not really.

President Borries: Cindy, you've reviewed it, do you feel it's in order at this point?

Cindy Mayo: In fact, it is up a little bit from the fees that we currently receive. They have increased our commission.

President Borries: Yeah, I see where it goes up to 26%. Okay, well, if we have no questions, then, I'll entertain a motion to approve it.

Commissioner Mourdock: I'll move we accept the commission payment plan and rate schedule for the telephones, the AT&T contract as submitted, and as recommended by the County Superintendent of Buildings.

President Borries: I will second and so ordered. Okay, Mr. Kissinger, I think, is at this point, reviewing the information of the contracts, so I'm going to pass by him at this time.

RE: ROSE ZIGENFUS - EUTS

President Borries: For the record, Rose Zigenfus has submitted a report, an August project update, which includes some state projects and also one county railroad project known as Mt. Pleasant Road, where there has been some movement regarding preliminary engineering on a design project there. So, I will say that we have received this and submit it for the record.

Commissioner Mourdock: I expect there will be one change to that, she has the Heim Road Bridge listed. Since a truck fell through that the other day, I think they'll be speeding the project up a little.

President Borries: Yes, I think you're exactly right, a modified project, yes indeed.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Cindy Mayo: I talked to Mr. Karczewski from Wolfe's Auto Auction Thursday and he did, they have set a date for the surplus vehicle sale. They would like to have that October 12th at 8:30. It will be a joint sale with the Board of Public Works with the city vehicles, also. They take care of the advertising on this, but I would like to send a memo out to all departments to let them know that if they do have any surplus vehicles, and I believe that there, it doesn't even have to be a car or truck, there is some equipment that they do have out at the County Garage that he said that they would accept. They will sell anything like that. I would like to go ahead and get your permission to send this memo out and get the vehicles and the paperwork out to Wolfe's Auto Auction where we can proceed with the sale.

Commissioner Mourdock: Do we do that on a normal commission basis?

Cindy Mayo: They have, and I don't know exactly what the contract is, but they have a fee they keep, and it is a set fee, and then anything above that does come to the county. We did better last year with the sale than we have done in any previous sales.

Commissioner Mourdock: Okay. Is that something that's been bid in the past to have them do that? Or is there...

President Borries: I'm not sure if it's been bid or whether or not they just came and asked to do it.

Cindy Mayo: I don't know how it was handled. I don't know.

President Borries: They had offered...I'd have to look back on that. It seemed to me that they offered to use this as setting a fee for the disposing of, literally, I mean, these cars are unusable.

Cindy Mayo: Most of them have to be towed out to them.

President Borries: Yeah, I mean, they're junk. That's a polite way of saying it, I mean, there's nothing there. What they do is, that auto auction, they came and made a presentation in which...didn't they?

Suzanne Crouch: Yes, that's right. That's been recently.

President Borries: Yeah, you were here, I think.

Commissioner Mourdock: Well, I think that's something different.

Cindy Mayo: Right, that is for the abandoned vehicles. These are county owned vehicles and I believe last year was the first year that they conducted that sale. So at some time when he gave his presentation last year or year before, I don't know if, at that time, it was bid --

President Borries: Basically, the way we had done it in the past was, I think, had someone the county paid to auction them off because they're just useless.

Cindy Mayo: I believe we held that sale at the same time we did all the surplus.

President Borries: Basically, what Wolfe's did was, I think it's the same thing, I think they came up here, they just said that they were going to pay the county a fee and then they handled the entire situation.

Commissioner Mourdock: I don't want to beat a dead horse to death, here, I think the other thing when he came before us was about abandoned autos, how they were transported, and then he wanted the storage portion. That's different than this.

President Borries: Yes.

Cindy Mayo: And there won't be any of those vehicles involved with that, as far as I know. These are vehicles that the county has title to.

Commissioner Mourdock: Okay, I'll go ahead and make the motion, then, that we accept the recommendation of the Superintendent of Buildings that we use Wolfe's Auto Auction to auction off the surplus excess vehicles of the county on October 12th.

President Borries: I will second and so order.

Cindy Mayo: I do have a deed that was brought in a couple of weeks ago for Memorial Baptist Church. The County Attorney has looked at

it and I recommend that it be approved.

Commissioner Mourdock: That's a deed that we're conveying property to them, I presume?

Cindy Mayo: Yes, and this is the '94 property that is in the clear and that is alright to sell.

Alan Kissinger: That is pursuant to the non-profit corporation?

Commissioner Mourdock: 5013C, yes. Again, pursuant to the County Superintendent of Buildings' recommendation that we transfer property to, what church was that?

Cindy Mayo: Memorial Baptist.

Commissioner Mourdock: To Memorial Baptist. I'll make that a motion.

President Borries: I will second. So ordered.

Cindy Mayo: That's all I have.

President Borries: Thank you, Cindy.

RE: BILL MORPHEW - COUNTY HIGHWAY & GARAGE

President Borries: For the record, Mr. Morpew has submitted from the Vanderburgh County Highway Department a progress report, work report, that shows work done from Friday, August 25th through Thursday, August 31st, 1995 and also an accompanying report from the Vanderburgh County Bridge Crew and this shows work done in all parts of the county. Bill, I did receive a, and these are rare, but I know you probably got that same call from a person on West Terrace Drive:

"Job well done, thank you, thank you, thank you for the widening project on West Terrace!"

So we were able to do that, get that done in time for school and I wanted to say that, again, those are few and far between, but we do appreciate them when they call. So this person wanted me to convey those items. You are down in Union Township now? I've heard from a few bus drivers that you're doing some work in that area.

Bill Morpew: We've been down there for about a month pulling shoulders and cracked sealing and a little bit of everything. We're trying to get the road, there's another four miles that we're going to pave, at least 3.8 miles this year. It's a very bad section and it's taking quite a bit of prep work. I expect to be down there, I'm shooting for Tuesday of next week, to start paving on that. I'd like to be done before the farm trucks start rolling.

Commissioner Mourdock: How's your paving coming overall, Bill, compared to what your original schedule was?

Bill Morpew: We're doing very well. We would be completed, probably, by the end of September, anyway. We probably will be, still be completed by the end of September. I'll be out of money by then.

Commissioner Mourdock: Let me rephrase the question another way, then, since you answered it that way. With the money that you're going to be out of, or did we get everything paved that you'd hoped to pave?

Bill Morpew: Yes, with the exception of one or two that we're holding off on until next year. We were going to pave Strueh Hendricks this year, and there are a couple of box culverts down

there that are very narrow and also need to be replaced. The engineers are going to replace those in the spring of next year so we can get that road paved, also.

Commissioner Mourdock: Okay.

President Borries: I was driving along some portions of Old State Road near the northern part of the county and it's beginning to alligator a bit. We've got a few holes here and there, so maybe if you could have one of your patch crews go out, we might need to look at some areas out there on Old State.

Bill Morphew: Sure, we can do that.

Commissioner Mourdock: One question not related to this, Bill, this came up because I was in a meeting this morning in our office about CDL's. Do you have any idea how many drivers you have at the Garage with CDL's?

Bill Morphew: Yes, we have thirty-two people.

Commissioner Mourdock: Thirty-two CDL's, okay. The reason I --

Bill Morphew: All the operators, the truck drivers, mechanics and our janitor have CDL's, and two laborers.

Commissioner Mourdock: The idea being that those last couple may get called into duty at the last minute?

Bill Morphew: Yes.

Commissioner Mourdock: Good plan.

Bill Morphew: I encouraged everyone to go for it when they could, when the CDL was grandfathered in. We could also upgrade them if need be.

Commissioner Mourdock: The reason I asked the question is, in the context of the meeting I was in this morning, it came up about drug testing and the need to, the way it was stated to me, 50% of the people employed needed to be tested randomly once a year. Is that your understanding?

Bill Morphew: It's 50% over so many drivers. At the Garage, it's going to be, if you have over twenty-five drivers, I think it is, you test 50% of them for...actually, the percentage differs between whether it is drug or alcohol. I believe it's 25% on drug, 50% on alcohol.

Commissioner Mourdock: Okay, my concern was county liability, obviously. Do we have that program in place that we are actively testing?

Bill Morphew: We are looking at getting that together now.

Commissioner Mourdock: You might, when you get there, let me know on that, because I had, as I say, the discussion this morning and the liability question starts to be a big one there.

Bill Morphew: Well, we have to do something soon. It becomes effective January 1st.

President Borries: Aren't there certain health care providers that, probably, you're in contact with, that do that policy?

Bill Morphew: Yes, there are several of them that I haven't --

President Borries: And there's another gentleman who, if I'm correct, and the Community Corrections people could give you his

name, his name escapes me, but we are doing some of those policies as recommended in the Waggoner, Irwin & Scheele report. He is doing them, I think, for the EVSC, and has a state-wide, he does for the Department of Corrections. I can't think of his name, but I've met him and he has implemented this program in the Community Corrections, so maybe you could contact him as well. It may be one of the most effective programs, I think, because again, it is Department of Corrections approved. Harris Howerton can give you that name and maybe from the EVSC, Charlie Johnson, could give you that name, too.

Commissioner Mourdock: The horror story that I heard this morning was of the company that had a properly certified CDL that had an accident was, in fact, while not under the influence, but did test positive, and, of course, the company got banged on that. But even more, it turned out they didn't have, I mean, the other guy had gotten his CDL, he'd been tested at the time he got the CDL, but then they had never put a regular program in place to randomly test and they really were hung out liability-wise for that one.

Bill Morphew: Yeah, if you have in excess of fifty drivers, you had to have the program in place in '95, over fifty drivers.

Commissioner Mourdock: But you said if you have over twenty-five?

Bill Morphew: Yes, there are some percentage differences, and I haven't read the whole thing yet, and there also are differences between the drug and the alcohol testing.

Commissioner Mourdock: Okay.

President Borries: Well, again, this gentleman, this program, and I'm not endorsing it, but I do know that we use him at the Community Corrections facility, his program, and also EVSC. You may want to share his name with Commissioner Mourdock, and again, I know that it's a very effective program. So, that may be something you could use there. Any items from you?

Bill Morphew: That's all I have.

President Borries: Thanks, Bill.

Bill Morphew: Yes, sir.

RE: ALAN KISSINGER - COUNTY ATTORNEY

Alan Kissinger: I have only two matters to report, one is the bid recap. All of these things are unit bid. There were actually three bids submitted:

Zenith Data Systems
Pioneer Standard Cleveland
Advanced Microelectronics, Inc.

All of them are unit bids. There were two suppliers, Dartek Computer Supply and Micro Warehouse, who sent letters of thanks, but indicated that they would not bid. So there are three bids, they're unit bids, and I'm assuming that Mr. Profaizer would like to take those under advisement so they can review those bids.

Joe Profaizer: Yes.

President Borries: May I have a motion?

Commissioner Mourdock: I move that the bids be taken under advisement for further review.

President Borries: I will second. So ordered.

Alan Kissinger: The only other matter I have is the Commissioners asked me to review the Brinks contract for the Circuit Court Clerk and the County Treasurer's Office. To my understanding, and Cindy has done part of this as well, the people in the Treasurer's Office and the Circuit Court Clerk are satisfied with the service, the contract is certainly in order and the increase that they have requested is approximately 6% of what they are charging now. To answer your question, Commissioner Borries, it is not necessary to bid this particular contract unless there is some other intervening factor here. I think that both the Treasurer and the Clerk would be perfectly satisfied if you move to approve this contract even though there is a 6% increase.

Commissioner Mourdock: Is it Brink's armored vehicle?

Alan Kissinger: Yes.

Commissioner Mourdock: I move we accept the contract with Brinks as submitted and recommended by the County Attorney.

President Borries: I will second. So ordered.

Alan Kissinger: That's all I have to report.

President Borries: Okay. Thank you.

RE: JOHN STOLL - COUNTY ENGINEER

John Stoll: The set of plans that you have there before you is for Keystone Subdivision. It's at the intersection of Schmitt Lane and Oak Hill Road and it wraps around over to Heckel Road. The only section that's going to be constructed at this time is the section that fronts out on Oak Hill Road. You'll see the boundary line on here. These plans have an alternate for either concrete or asphalt streets. With curb and gutter, the pavement section will be four inches of asphalt and six inches of rock on, I think it's Cobblefield Drive, and the rest would be three inches of asphalt and six inches of rock, or the concrete option would be seven inches of concrete for that street due to the fact that it's one of the main streets in the subdivision, but the rest is just the minimum county standard. I've reviewed the plans and I would recommend that they be approved. If you've got any questions concerning it, David Schminke from Morley & Associates, who prepared the plans, is here and several other people who are affiliated with this development.

President Borries: Any questions, Commissioner Mourdock?

Commissioner Mourdock: Just to reiterate, you said that, either asphalt or concrete, either direction they choose to go, does meet county minimum standards, would meet county minimum standards?

John Stoll: Yes. What we're looking at is having a little thicker pavement section all along Cobblefield Drive and all the way up Flagstone Drive, and out Heckel Road, eventually, since, if anybody does end up cutting through here, that fork would be where the majority of the traffic would be. So that's where we're going with a little thicker pavement section (inaudible - comments not made from mike stand).

Commissioner Mourdock: Is this showing a divided entrance?

John Stoll: Yes.

Commissioner Mourdock: Is that within county standards?

John Stoll: Yes. I have a left turn lane and a right turn lane on the exit and a single entrance lane.

President Borries: What grades, it's a pretty flat area, isn't it?

John Stoll: There's a big hill here, they're going to cut down the hills. Jim Morley is here, too.

Jim Morley: (Inaudible - comments not made from mike stand) a little over 6%, so it's (inaudible).

John Stoll: It's 6% grade, they're cutting about five feet here (inaudible).

President Borries: If you use concrete, you will work with John in terms of design on that?

Jim Morley: As far as (inaudible) go, yeah, we've got a standard part of the specifications --

President Borries: If you do that, okay.

Jim Morley: More than 2 or 3%, that's (inaudible).

John Stoll: One of the concerns that was brought up to me today from Mr. Boultinghouse, who is also here in the audience, he lives across the street on Schmitt Lane, he was concerned about the grading for the drainage swale and roadway easement that would be on the south side of Schmitt Lane. When I spoke to David Schminke, he said that they would grade it out as good as possible and try and flatten the slope there on that five foot roadway easement which I show here. Right now, there's somewhat of a drop off in this area. There's a swale, for lack of a better term, that runs through this property right through here, and there's a pretty substantial drop off at the edge of Schmitt Lane here in this area. Mr. Boultinghouse's concern was that it be flat enough that they could maintain it to mow it, and Mr. Schminke said that they would work on grading it to make it as flat as possible. I don't know if either one of them wants to address that, or if you have any other questions about it? That was the only issue that's been brought up concerning these plans.

President Borries: How large are these lots?

John Stoll: To tell you the truth, I don't remember. About on the average --

Jim Morley: (Inaudible)

President Borries: And this is unusual for me to bring up, but I just would want to say that, if you'll work with us in terms of design with the size of these lots, there may be some discussion about sidewalks in terms of the entire subdivision.

John Stoll: The sidewalks are included in the road plans.

President Borries: Oh, they are?

John Stoll: Right.

President Borries: And so, at this time, you don't intend to ask for any waiver, then?

Jim Morley: That would be up to the developer, but it was our assumption from the --

President Borries: You included them?

Jim Morley: --Commissioners that on this size of development that we would not (inaudible)

Commissioner Mourdock: John, and I'm sorry, Suzanne --

President Borries: Yeah, we're having a little difficulty, these comments were made from Jim Morley. Jim, would you come forward, please, because we're probably going to have difficulty picking up your comments.

John Stoll: The location of the sidewalks as they've shown it provides a separation between the sidewalk and the back of the curb, so we won't get a nice brick mailbox stuck in the sidewalk or anything like that, it'll work out a little bit better if they're built as planned.

President Borries: Okay.

Jim Morley: At the Subdivision Review Committee Meeting, the issue of sidewalks was discussed and, of course, this is a very large contiguous subdivision where you would expect pedestrian traffic with, ultimately, over two hundred lots. The Subdivision Review Committee certainly gave us their indication that they would be against any waiver, and from the comments you've made, we've passed along that we doubted that the Commissioners would consider a waiver, so we have shown them on the roadway plans.

Commissioner Mourdock: Those comments were from Jim Morley.

Jim Morley: Yes. Sorry.

President Borries: I have no further comment on this. Are there any other persons who wish to speak on this particular matter?

Commissioner Mourdock: Seeing none, I'll move that we accept the plans for Keystone Subdivision as submitted and recommended by the County Engineer.

President Borries: I will second and so order.

John Stoll: The only other item I have is the beams for Eickhoff Road Bridge rehab project are going to be made this week and Valerie Harry was going to go over to Henderson to watch them as they're being made, so I just needed approval for her to go down to Henderson in a county vehicle.

Commissioner Mourdock: So moved.

President Borries: Second. So ordered.

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

Commissioner Mourdock: Quick question, I got a call, which I talked to, I can't think of Mr. Hayden's first name, out at the Garage...Milton, and the call was regarding the expected completion date for the bridge on Pfeiffer Road. Do you know what the date is on that?

John Stoll: As it stands now, it should be open next week. The current plan is they're going to pour the new deck on Thursday and that, with ninety-six hours of curing time, that would make it available to be opened on Monday. The only issue we've got to get resolved is to schedule Bill Morpew's crews out there to get the approaches paved. When we took the quotes, we took it, basically, as a base bid of the replacement of steel and concrete with an alternate bid for asphalt. We figured the asphalt quote would be too high and it was \$110 to \$120 a ton, so we went ahead and just had the contractor, we're going to have them just replace the steel and concrete, and then have the county crews do the asphalt approaches. If all goes as planned, it should be next Monday, Tuesday, or Wednesday.

Commissioner Mourdock: I have the name of somebody, if you would, would you have time to give them a call and just pass that on to

them? I'll give you the name afterwards.

John Stoll: Okay. No problem.

President Borries: How are we coming on the Franklin Street Bridge?

John Stoll: Let's see, I got an update today and they were, it's going to be close. They were only working four ten-hour days, rather than five days a week, although the state and our inspector, Stewart May, were charging work days five days a week. So, they've burned up a lot of work days that they could have been out there working and making further progress, so it's going to be close. I talked to Stewart last week and he said he felt that they could get it done, but he said it will be close. He said there definitely is going to be work going on underneath it with paint, even after the top of it's complete. They're not going to get that done before the Fall Festival. So, he said it was going to be close for the remainder, as far as getting the deck and the rail and all that put on.

President Borries: Okay, well, give us an update, and continue to encourage them. We're hopeful that things will continue to proceed. I think our target date there is, we're looking at the week of October 2nd, so really, the main thing I think I'd be most concerned about would be the parade which goes on the 7th. So we probably could have --

John Stoll: I'll let Stewart know that as well, but that was part of their parade route and he's aware of that and he's passed that on to the contractor. The contractor knows that it's important to get this done, well, not done, but at least open prior to the Fall Festival. They're going to be continuing to charge work days and I would think the liquidated damages would be enough of an incentive for them to keep going, but, we'll see.

President Borries: Good. Thanks, John.

John Stoll: You're welcome.

President Borries: I'd like to recognize, we have, I think, some students in the audience this evening? Do we have some students, from where, USI?

Unidentified: (Inaudible)

President Borries: UE. Journalism students? Welcome, glad to have you here. We're always able to generate a little controversy or do something, hopefully, that will be of interest and some significance to you. Frankly, it's a little harder on us because we would prefer to have them nice and smooth, run nice and smoothly, but that's not always the case, but most of the time they do. And again, we welcome you.

RE: CONSENT ITEMS

President Borries: We have the consent items which include employment changes, travel requests and the Treasurer's report that's been submitted.

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

President Borries: I will second. So ordered.

RE: OLD BUSINESS

President Borries: Under old business, Commissioner Mourdock, anything?

Commissioner Mourdock: Not right off the top of my head.

President Borries: I have one item that I would want to briefly enter into the record and discuss. It has been called to our attention that there is a mobile home park planned, and had been planned in an area that is south of the levee in Vanderburgh County. This is in the eastern part of Vanderburgh County. What that means is, south of the levee, is that it could and probably in all actuality is in the floodplain. Frankly, that is the purpose of the levee and much of the interstate highway known as 164 currently runs along that levee. When our office was notified that there were earth movers and certain equipment out there, and it looked as if now that the movement had started, we asked our office staff to begin to look into what requirements and what is done regarding a mobile home park, which would have a sizable impact in this area. What we found out is that there is literally a maze of authority that we cannot determine who does what in this case. It was not a matter brought before this Board in a rezoning because it began as a special use, which falls under the Board of Zoning Appeals. But the impact of this, and I know I have spoken against this before, but the impact on this is such that I want to, again, express some concern and continued study regarding the impact of perhaps as many as four hundred and twenty-five units in this particular area in a mobile home park. Although I have not personally seen water reach certain portions of this property, and although I'm sure there will be some earth moved to construct a higher level for this area, it still is south of the levee in Vanderburgh County, and I have some serious concerns about this. Perhaps with Commissioner Mourdock's approval, or at least consent in this, we can continue to pursue to make sure that whatever is done in that area is done in accordance with all requirements through the Army Corps of Engineers and the Department of Natural Resources because, again, I have some real concerns concerning the number of people living in this area and the possible impact because of the location of it.

Commissioner Mourdock: Certainly I will go along and share your concern about that and I guess I'll turn it back over to Alan, if I may, just for a second, Alan, to get you cold here as you're packing your bag. Do you have any suggestions for us, given, it's my understanding, and correct me if I'm wrong, Rick, but this thing went through special use, they have the special use permit, do we, as a Board, have any recourse at this point, as this thing develops? I'm, like you, I was shocked to find out that the earth moving equipment was out there. I'm a little bit familiar with the area and I know there is one hill that's above the floodplain out there, but access to and from that hill in times of flooding is certainly a real question along with the water and sewage capabilities, or lack of capability, given that situation. What choices do we have?

Alan Kissinger: Basically, at this point, I don't think we have any choices because we're not in the permitting process. We're not in the loop, if you will. As long as they follow all state and federal guidelines, and they don't in the process violate any county ordinances in reference to permits, etc., I think it's very appropriate to express the concerns so that the other permitting agencies will be on notice of that concern. But as far as us being able to, basically, dictate terms as we might in a subdivision or something such as that, I don't know of any authority that we have at the present time.

Commissioner Mourdock: It is a strange situation. Having dealt with the Corps a number of times, and knowing how restrictive they are, this is an odd one.

President Borries: Apparently, it comes, and most of the use regulations fall under an Indiana, some kind of Indiana Board of Zoning Laws and I don't know if that has changed or not. Again,

well, someone has forwarded here, there was a copy from the Area Plan Commission that says:

"A proposed mobile home park must receive approval from at least two separate state agencies prior to the commencement of construction."

I know there are people who have river camps down in that area, but nothing to the extent of this size of development of people south of the levee. I mean, it does mark a significant change in this county, and I just want to express some concern on this because it just seems to be, as in so many cases, if we do not at least raise this issue, if there does happen to be some kind of natural disaster occur in this area, I would want to be very clear that we have issued a warning here and that all permits and all necessary work had been done to ensure that this area is out of the hundred year floodplain. It would not be affected despite the fact that it is south of the levee.

Commissioner Mourdock: I did have one other item of old business. It was one --

President Borries: I'll tell you what, I'd like to have this back and you'll want to have copies and review, if you do not have...

Commissioner Mourdock: Sunny made them.

President Borries: Do you have that? Okay, but I want to submit this for the record so we can have copies in there, and again, we have had calls concerning this, and that's why we started this research.

Commissioner Mourdock: I just had a question I should have asked, Alan, during your report. I guess it's appropriate to you, but have we heard from the County Council as far as scheduling, and what they're doing with the resolution on the Food and Beverage money, again, with the airport, with the money dedicated for the Auditorium? Is that coming up?

Alan Kissinger: I have not, but my understanding is, I talked to Joe Harrison, Jr., who is the County Council Attorney. I provided him with a form of the resolution, the necessary resolution, and indicated to him that if he had any questions, he should certainly get back with me and I would assist him in any way that I could. My understanding was that he understood that we would like to have it presented at this first meeting of theirs, this coming Wednesday, and although I haven't checked, I'm assuming that it is going to be considered at that meeting. I believe, also, --

President Borries: Is there any action that this Board has to take?

Alan Kissinger: No, as a matter of fact --

Commissioner Mourdock: We've done our part with the --

Alan Kissinger: It's County Council.

Commissioner Mourdock: I know I've gotten several calls, and I realize there's three members of this Board, which means there's probably at least six opinions, but several calls regarding plans and development options for the Auditorium, and certainly, that's one of those mechanisms that can help us start to look at those plans. So, that's something that I'm just curious about from that point of view so we can keep that and go on.

Alan Kissinger: The only thing I can say, I'll check tomorrow, well, as a matter of fact, that's when their meeting is scheduled. But the only thing that I can say is that no one has come back to

me with any additional questions indicating there was any problem with considering it at this first September meeting. I'm assuming that there were none.

Commissioner Mourdock: I have no other old business.

President Borries: Okay.

RE: NEW BUSINESS

President Borries: I don't have many items here other than, and I'll want to talk with Commissioner Mourdock to see if there's some items that he thinks we need to mention, and just as he pointed out, we always have some varying opinions, but obviously, to get anything done you have to reach a consensus. I have been asked to give a speech on the State of the County on September 14th. So, I would welcome your input, and any discussion about the convention center or any, I want to qualify and say, certainly, it will be strictly my own. I will not speak in behalf of the Vanderburgh County Commission regarding any of that. I do understand that there is some possibility that the new owner may be in the community this week to finalize his agreements with the hotel property and the parking garage property. That's all that I'm aware of at this point.

Commissioner Mourdock: Is that Rotary?

President Borries: No, it will be at the Kiwanis.

Commissioner Mourdock: Lucky you.

President Borries: Well, one of these days you'll give it. Usually, we do that. Last year Commissioner Hunter gave it. I think that's all that I had under new business at this time. I'm sorry, County Auditor Suzanne Crouch has an item.

Suzanne Crouch: Thank you, President Borries. I just wanted to read this into the record.

"The Auditor's Office, in recognizing the need for continuing education and a better trained work force, has a number of employees attending vocational and university courses. I, myself, am auditing at my own expense and on my own time, two accounting courses at USI, one over my lunch hour and one evening class. The professionalism of the Auditor's Office and county government is a very important goal and I am encouraging participation of my staff in the upgrading of their skills."

I just wanted to apprise the Commissioners of that.

President Borries: Good. Thank you for that, and we commend you for that. Is there other business this evening? We've done enough damage, I guess, then. If not, this meeting is adjourned. Thank you all for coming.

Meeting adjourned at 6:40 p.m.

COMMISSIONERS MEETING
SEPTEMBER 5, 1995

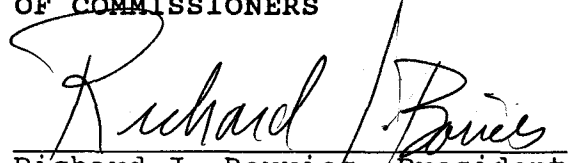

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THOSE IN ATTENDANCE

Richard J. Borries
Suzanne M. Crouch
Cindy Mayo
Roland Reed
Lynn Ellis
Bill Morphew
Jim Morley

Richard E. Mourdock
Alan Kissinger
Teri Lukeman
Pattie Davis
Joe Profaizer
John Stoll

VANDEBURGH COUNTY BOARD
OF COMMISSIONERS


Richard J. Borries, President
Richard E. Mourdock, Member

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS

SEPTEMBER 11, 1995

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The Vanderburgh County Board of Commissioners met in session at 5:58 p.m. on Monday, September 11, 1995 in the Commissioner's Hearing Room.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Borries: Good evening, everyone. Welcome to the September 11th meeting of our Vanderburgh County Commission. I'd like to call it to order at this time and introduce our staff for you this evening. To my far right is Superintendent of County Buildings and also serving as our Office Manager, Mrs. Cindy Mayo, our County Attorney is Alan Kissinger, County Commissioner Pat Tuley, I'm County Commissioner Rick Borries. To my immediate left is County Commissioner Richard Mourdock, our County Auditor is Suzanne Crouch and our Official Recording Secretary is Mrs. Teri Lukeman. Would you join us, please, for the Pledge of Allegiance?

We have agenda available and published for you this evening. Are there any groups or individuals who wish to express any comments at this time? Okay, Mr. Alan Kissinger, you --

Commissioner Mourdock: You forgot the minutes.

President Borries: I'm sorry. I missed the approval of the minutes of our last meeting which was held on September 5th, 1995. May I have a motion to approve those minutes, please?

Commissioner Tuley: I wasn't here.

Commissioner Mourdock: I'll move acceptance of the minutes as submitted.

President Borries: I will second. So ordered.

RE: VANDERBURGH COUNTY EMPLOYEE PERSONNEL POLICY

President Borries: Now I'll refer to item C, Mr. Alan Kissinger regarding rescinding the existing county employment policy and to adopt an ordinance to amend the current employment policy.

Alan Kissinger: This will require just a little explanation. At a previous meeting, I believe that it was, I think it was either the last meeting in July or the first meeting in August. The County Commissioners intended to adopt a new personnel policy which was referred to as the Personnel Policy Handbook, Vanderburgh County Indiana Employee Handbook. There are specific advertising requirements that must be met prior to an ordinance being adopted and the problem that we ran into there was, I learned after the fact, some amendments to the ordinance were actually, you actually attempted to adopt some amendments to the ordinance and they were made, those amendments were made orally at that meeting at the time that the ordinance was voted on. The problem with that is that those amendments have not been advertised. So what we have done is, we have gone back, basically, to square one. The Vanderburgh County Indiana Employee Handbook, which is really the Vanderburgh County Employee Personnel Policy, has been amended to encompass those amendments that were made orally, and all the proper advertising has been completed. So basically, what we are here to do tonight is exactly what we did before, only after appropriate advertising. So, if the Commissioners wish, a motion to approve the policy, presently, would be appropriate.

Commissioner Mourdock: I was with you until the very end, there. Let me be sure I understand it. You're, at least as it's written here on the schedule, it is to rescind?

Alan Kissinger: Okay, yes. We are rescinding the previous existing personnel policy and adopting the new one.

Commissioner Mourdock: Which is effective now that it has been properly advertised?

Alan Kissinger: It will be effective assuming that you vote to approve this new policy, or to adopt the ordinance approving this policy, yes.

President Borries: May I have a motion?

Commissioner Mourdock: I'll move that we rescind the existing county employment policy as recommended by the County Attorney.

Commissioner Tuley: I'll second.

President Borries: So ordered.

Alan Kissinger: Now it would be appropriate to move to adopt the newly advertised Personnel Policy Ordinance.

Commissioner Mourdock: I'll move the adoption of the new Personnel Policy Ordinance.

Commissioner Tuley: I'll second.

President Borries: So ordered. Oh, ordinance, I will ask for a roll call vote. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Borries: Commissioner Tuley?

Commissioner Tuley: Yes.

President Borries: And I vote yes. The ordinance is approved.

Alan Kissinger: I think we may have to go through the administrative procedure of providing a signature line on this document, itself, but that's simple enough to do.

Commissioner Mourdock: That's not an amendment?

Alan Kissinger: No, it isn't --

President Borries: I prefer that everyone go ahead and sign this although it just has my name. So why don't you sign at the end here.

Alan Kissinger: Oh, I beg your pardon, it's been --

President Borries: That's alright.

RE: LYNN ELLIS - PURCHASING

President Borries: Approve advertising bids for asphalt distributor and also award bid for microcomputers. Let the record show that Ms. Ellis is dressed this evening in a rather drab, no, excuse me. Not a drab outfit. Very attractive.

Lynn Ellis: Thank you. The first item is to advertise bids for the new asphalt distributor and truck. The machine fits onto a truck, and if the Commission approves that for advertising, then we will advertise and have the bids opened October 2nd at 5:30. That would be advertised September 14th and 21st. This capital equipment purchase was approved by the Council, appropriations were made, and as I indicated on the agenda item, there are different financing options spelled out in the bid because there was only partial funding approved, and so there would be the need for us to make a down payment on the equipment and then make subsequent payments to that with the financing approved in '96 and '97.

President Borries: Okay.

Commissioner Mourdock: Just to clarify since, Pat, you looked --

Commissioner Tuley: I've got a puzzled look on my face because I...

Commissioner Mourdock: When we had the discussion before, I raised the question about, not so much the purchasing of the distributor, but originally, it was suggested that we do, I can't think of the proper words, but declare it an emergency to do that. That was my problem, it was more the procedure we were using than this.

Commissioner Tuley: Okay, but where I'm getting concerned here is, partial funding? What if we enter into an agreement that calls for a payment in '97 and there's no funding?

Commissioner Mourdock: Have pity on the vendor.

President Borries: Yeah, I think we've done that before on a lease/purchase agreement. Am I correct on that?

Lynn Ellis: Yes, you --

Commissioner Mourdock: Any time we would lease something, I would think the term would go beyond the normal appropriations process.

Commissioner Tuley: That was the only thing that kind of --

Lynn Ellis: The bid currently states that the county would lean toward the option of making a deposit at the time of delivery of the equipment, and that would be in the amount of approximately 1/4 of the value of the equipment. Then in '96, the second payment would be made and in '97, the third and final payment. Now there is also another option in there that monthly payments could be made in '96 and in '97 if the vendor needed to do that, or if it resulted in such a cost savings that the county would determine that would be in their best interest. But those would be the options, and then there's the outright purchase option as well. I don't think that's going to be possible at this time, but it is in there so that we can make that comparison.

Commissioner Tuley: I think, as Richard said, it sounds like the risk is really with the supplier of the vehicle. I anticipate that there will be proper funding, or total funding, I shouldn't say proper but total funding for it or maybe just for budget reasons (inaudible) the way it was done. Do you need a motion to approve the advertising?

President Borries: I'll so move.

Commissioner Mourdock: Second.

President Borries: So ordered.

Lynn Ellis: Is there special language that I need to put in the legal ad that's not spelled out in here, because it doesn't identify that it would require subsequent approval in the legal ad?

Alan Kissinger: I'm sorry, that what would require subsequent approval?

Lynn Ellis: With the additional payments in '96 and '97, do I need to amend the legal ad to include a clause that the second and third payment would be based upon appropriations by the Council in subsequent years?

Alan Kissinger: Yes, you do need to do that, but I think also, you would be safe in assuring them that we have gone through these types of lease purchases previously and we consider them to be obligations as opposed to options.

Lynn Ellis: Okay.

Alan Kissinger: You wouldn't have to do that in writing, but if anyone were to inquire, yes, I think you should put in the notice that it would be subject to appropriation from year to year.

President Borries: I agree, and I just wanted to ask Bill Morpew, have we discussed this with the Vanderburgh County Council to get the first appropriation?

Bill Morpew: Yes.

President Borries: Okay, so Bill responds in the affirmative. They're aware that this could involve a multi-year obligation, is that correct?

Bill Morpew: Yes.

President Borries: Okay.

Lynn Ellis: The second item is to approve the award of the microcomputer bid, the number is APA044-95. We received two "legitimate bids", we received a third bid from Zenith Data Systems, however, they failed to submit the required bid bond and so their bid was not considered, and then we received two "no bids" that are identified on the second page of your bid summary. The two bids that were being compared were from Advanced Microelectronics and Pioneer-Standard Electronics. Advanced Micro is from Evansville and Pioneer is from Cleveland. The bid submitted by AME, or Advanced Microelectronics, is \$47,515.42 and the total for Pioneer-Standard is \$175,258.40. Now this is a joint city/county purchase and so the total \$47,500 figure is not all the burden of the county, that is joint county and city. So part of that money would be funded by the city.

Commissioner Mourdock: We're looking apples to apples, here, between \$47,000...it begs the obvious question, did the people at Advanced Microelectronics, did they bid the same system or a system that would meet the same needs as Pioneer?

Lynn Ellis: Yes. Joe is here from Data Services if you'd like him to address that, but they evaluated the bids and I evaluated the bids. They both bid systems that would meet the needs. The county has been in an agreement with Advanced Microelectronics, they have been servicing this account for awhile, about two years. They have been successful because of the low costs, and so we're familiar with the system and the quality of their equipment and it does certainly meet the specifications.

President Borries: When it indicates, manufacturer, am I understanding this correctly, that Advanced Microelectronics manufactures their own units?

Joe Profaizer: Yes.

President Borries: Here?

Joe Profaizer: Yes.

President Borries: Come up, Joe, you need to give your name for the record, here.

Joe Profaizer: Joe Profaizer, Director of Computer Services. Advanced Micro manufactures their own units in Vincennes and they have a local office here in Evansville. Pioneer Standard is a value added reseller for digital equipment corporation and they're quoting pure digital PC's which are an extremely higher amount of money.

President Borries: So that's really where we're talking about the difference here?

Joe Profaizer: Yes.

President Borries: Okay. That's interesting, I was not aware of that. So these are PC's that are manufactured here locally, or at least Vincennes, Indiana.

Joe Profaizer: Manufactured or put together, for lack of a better term.

President Borries: Assembled.

Joe Profaizer: Assembled, yes.

Commissioner Mourdock: Just for the record, and I don't know how to ask this other than bluntly, I know the one company sent a bid but did not have a properly qualified bid, was their amount somewhere in between these two?

Joe Profaizer: Yes, they were. It was Zenith Data Systems, and if they would have submitted the bid bond, they would have been really close to AME.

Commissioner Mourdock: Okay, that makes me feel much better.

Joe Profaizer: We've always run into high quotes from Pioneer in the past and I try to tell them, but they don't listen.

Commissioner Tuley: Maybe they think you'll go to sleep sometime, Joe, and award them something.

Commissioner Mourdock: Or someone else will forget their bid bond.

Commissioner Tuley: That's right.

Commissioner Mourdock: I'll move acceptance of the recommendation for purchase regarding the purchase of the Advanced Microelectronics computers as recommended by Ms. Ellis.

Commissioner Tuley: I'll second.

President Borries: So ordered.

Lynn Ellis: Thank you.

RE: EVANSVILLE CHRISTIAN LIFE CENTER

President Borries: We have a request, I won't say that it is unusual, I remember this request has been offered before. Basically, the Evansville Christian Life Center sponsors a dinner for those persons who do not have anywhere to go on Christmas Eve. Entertainment and so forth is all donated and they've asked for the Gold Room to be donated for this special event. You know, we get lots of very appropriate and, I guess, deserving requests for fees to be waived, but, personally, this one is indeed, I think, on a case by case basis, a bit exceptional for that particular day. So I say that without trying to influence you in any way. But I would say that this request has come to us before, so...

Commissioner Tuley: The only thing I'll say is the same thing we do on a lot of them, a lot of them we have to turn down. However, I don't know if it's just because of the nature of the time and what it's for, but I'm inclined to agree with you on this one.

Commissioner Mourdock: On this specific one, I think it's accurate to say they've been doing this in the Green Convention Center which is, of course, why they've come across the street.

Commissioner Tuley: Okay, that's a good point. I move that the request be approved.

Commissioner Mourdock: I'll second.

President Borries: So ordered. Also, let the record show here as we go into our department head reports that we have our students from the University of Evansville who are with us, again, studying journalism. There are your models, right there.

Unidentified: (Inaudible - comments not made from the microphone)

Commissioner Mourdock: That explains a lot.

President Borries: Okay. Well, we welcome you.

RE: ALAN KISSINGER - COUNTY ATTORNEY

Alan Kissinger: I want to advise the Commissioners that I have made some progress on the preparation of the Fixed Asset Capitalization Ordinance for Vanderburgh County. Hopefully, I will be bringing you something the next week or the week after, that I'll be able to explain to you and give you the opportunity to vote on as far as adopting an ordinance is concerned. The only other thing, I think, that I have to publicly report is that the Humpich and Morris cases have been settled. Vanderburgh County and three other government entities were involved in that settlement. A part of the settlement agreement was that the plaintiffs would not discuss the terms of the settlement publicly. Also, I think Vanderburgh County is, to a degree, bound by that, but obviously, some of the matters concerning the settlement are going to be a matter of public record. So, if someone wishes to research those records, there is certainly nothing we can do to change that, but it is my opinion that these cases were settled in large part due to some really extraordinary legal work done by two Assistant County Attorneys, Keith Rounder and Carl Heldt. I didn't mention Keith's name first for any reason. I think both he and Carl did an excellent job in advising us of the county's position, our exposure, our liability and bringing this matter to a desirable end for all parties concerned, especially in consideration of the negative ruling that we received in the trial court. So, those cases are, as they say in the trade, disposed of. I have nothing further to report.

Commissioner Mourdock: I just have one question, Alan, and as I was asked by a reporter the other day and quoted quite accurately in the newspaper, the question of what gets reported in a settlement like that from a public entity, obviously, an insurance company is involved in that type of settlement, is it pretty well just carte blanche? It's a matter of the information being available and I feel as you do, I mean, I feel bound if the plaintiffs are agreeing, certainly it's improper to make public for their benefit, if not our own.

Alan Kissinger: Well, I'm not sure I understand your question.

Commissioner Mourdock: I'm not sure I asked it in a very good way.

Alan Kissinger: Okay. Basically, it's as I said, you know, these are, both of these cases, the subject matter of these cases are extremely sensitive to the plaintiff's families, the plaintiff, one plaintiff, and it is basically just an agreement between the parties, and those agreements have, in the past, been found to be legally binding. That in consideration of the nature of the subject matter, that there would not be extended discussion or publicity in reference to the settlement. But as I said, there are certain parts of the settlement that are going to be a matter of public record. We can't stop that, we have no desire to stop that even if we could. So, as far as those matters are concerned, I

assume that they will at some point be publicized, but we have just agreed that we would not discuss them.

President Borries: Okay, thank you for that report.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Cindy Mayo: Late this evening Jean Isiminger, I believe is how it's pronounced, from Redevelopment Commission did bring some quit claim deeds down. This is property that they have discussed, I believe it was in March or April, and she just received the deeds on this. Alan did look at them as to form and approved them. These are properties that we can transfer from one government entity to another and they would like approval on these. The cover letter does have the addresses of the properties on here that they are asking to be transferred to them.

Alan Kissinger: These are surplus properties.

Commissioner Tuley: I'm listed as President, I think they're (inaudible) from last years' letter.

Alan Kissinger: Yeah. They forgot.

President Borries: We're all on it, though.

Commissioner Tuley: Okay.

President Borries: The quit claim deed. Do we have a motion, then, to sign these documents?

Commissioner Tuley: I'll so move at this time to transfer the properties to the Redevelopment Commission.

Commissioner Mourdock: Second.

President Borries: So ordered.

Cindy Mayo: That's all I have.

President Borries: Thank you, Cindy.

RE: BILL MORPHEW - COUNTY GARAGE

President Borries: For the record, a Vanderburgh County Highway Department progress report has been submitted from Friday, September 1st through Thursday, September 7th, 1995, and the record will show that work was done in all parts of the county. The same report is also submitted by the Bridge Crew.

Commissioner Mourdock: Who is Irene? I see the paving crew worked on County East, Green River Road and Irene. That doesn't sound good at all, Bill.

President Borries: There is a road named Irene, so...

Suzanne Crouch: Irene Road?

President Borries: Yes, Irene Avenue, maybe.

Bill Morpew: At the end of Irene, the road is only about eight foot wide and people pull out of their driveway without actually getting off the road on the other side of the road, so we widened the road.

President Borries: Bill, do you have an update on Huebner Road for us this evening?

Bill Morpew: Yes sir. We put the base on Huebner Road. We had

a problem with the culvert at the entrance of Huebner, it's an aluminum culvert and the weight of the paver along with the mix, we crushed part of that culvert. We're lined up to replace the culvert with concrete, (inaudible) concrete pipe this Wednesday morning. Thursday I plan on paving that road, putting the surface on it.

Commissioner Mourdock: I presume the road is shut down now?

Bill Morpew: Yes, it's a dead end lane, I'll have to shut it down.

President Borries: And you're paving and you're on County Line East?

Commissioner Tuley: He's about done there.

Bill Morpew: We finished County Line East, we were paving on Green River Road just north of the Day School today and also on Hirsch Road. Tomorrow morning we have to move over to Pfeiffer Road Bridge and pave the approaches for John Stoll, and then we will move over to Schroeder Road after we complete that and pave over a box culvert that was installed last year. Thursday we will move back to Huebner and we will place the surface on Huebner. Friday, and this is the plan, I don't know if it will work out this way, but it's the plan, Friday we're moving to Old Henderson.

President Borries: Okay. Appreciate that report. Any questions of Bill?

Commissioner Tuley: No. You work them late, though, I noticed on County Line East Road. The reason I knew it was done, I saw, and forgive me for not knowing his real name, you call him Big Daddy out there, one night about 6:00 as I was headed up I-164 I noticed he was out there still paving.

Bill Morpew: Yeah, the road man is, unfortunately, the last person to leave.

Commissioner Tuley: Right.

Commissioner Mourdock: Bill, do you have an update on the thing on Tree Top, is that the name of the road, the one you and I went out and looked at several weeks ago?

Bill Morpew: Tree Top Lane. I met John Stoll out there and we did look over some drainage areas and John was going to look at some profiles and see if there was any other possibilities of where that water could go. But no, I haven't talked with him since on that.

Commissioner Mourdock: And nothing is scheduled to commence out there?

Bill Morpew: No.

President Borries: Okay, any further questions of Bill? Thank you, Bill.

Bill Morpew: Thank you.

RE: JOHN STOLL - COUNTY ENGINEER

John Stoll: The mylar you have before you is for replat of outlot A in Oak Meadow. This will be an asphalt street with no curb and gutter. The road will not be accepted by the county, it will be maintained by the Oak Meadow Homeowners Association. I've reviewed the plans and everything's in order, and I recommend the plan be approved.

President Borries: Okay, but it will not be accepted by us?

John Stoll: Right. It's in a public right-of-way, but it won't be accepted by the county. It couldn't, even if they wanted to, without having the county accept all the rest of the streets in Oak Meadow because this does not connect to another county accepted road.

Commissioner Mourdock: Is that to say that the other streets in Oak Meadow are not capable of being accepted, either? Is that what you're saying?

John Stoll: There are some speed bumps and things like that. They probably could be if some minor changes were made, but as it stands right now, no, they couldn't.

Commissioner Mourdock: And the same, in the future, the same is true of this, at some point this could be, if they made some "minor" modifications.

John Stoll: This section won't have speed bumps and things like that. This will be built to county standards except for the lack of curb and gutter, but there aren't any curbs and gutters anywhere else out there, so that's why it didn't seem appropriate to put it on this one short cul-de-sac.

President Borries: Even though I've been here awhile, I never quite understand why we sign this. Tell me again why we sign this. I mean, it's not an approved road --

John Stoll: I could stop bringing them if you'd like. I just bring them because --

President Borries: No, I think, you know, we speak through our minutes, we acknowledge that they have been built according to county standards. But I always, I don't know, I can't quite figure out why I sign these.

John Stoll: The only reason I bring them to the meetings is because they're within a public right-of-way, and if it wasn't for that, I wouldn't bring them to the meeting. But since it is in a public right-of-way and that right-of-way is dedicated to the county, that's why I bring them.

Alan Kissinger: Any improvement made within a public right-of-way has to be approved by the County Commissioners.

President Borries: Alright, thank you. That's what I needed to know. You have to remind me sometimes. I'm never quite sure why I sign these.

Commissioner Mourdock: I'll move acceptance of the non-accepted roads of the Brown Oak Court plan as submitted by the County Engineer.

Commissioner Tuley: I think I second.

President Borries: Okay. So ordered.

John Stoll: The next item I've got that you have there, Rick, is all the documents for the removal of the special waste generated by the Franklin Street Bridge. What we've got there are documents that certify the fact that all the waste that will be generated by the bridge will just be sand resulting from sand blasting and paint chips. Since there is lead in that, it has to go through the special waste procedure and it needs to be signed off on by a representative of the county. I don't know if you want me to sign it upon your approval, or if you want to sign it, but it's all the documents necessary in order for the landfill in Pike County to

accept this once the sand blasting is complete.

Alan Kissinger: John and I have discussed this. It can be done either way. John can be authorized to sign this in behalf of the Commissioners or the Commissioners can sign it, either way. We did basically the same thing for the Columbia Street overpass, if you recall, that waste went to Louisville. John informs me that this waste is going to a landfill in Pike County.

Commissioner Mourdock: Officially, what we're doing is we're designating Vanderburgh County, regardless of who signs it, somebody is becoming the generator --

Alan Kissinger: Right.

Commissioner Mourdock: EPA lingo.

Alan Kissinger: Yes. We will be waste generators.

President Borries: Okay, your call. What do we want to do here?

Commissioner Mourdock: I would just suggest maybe that we have John go ahead and handle it. The reason I say that is because these things have a funny way of changing on site, which is to say I don't want us to get into a situation where we agree for lead paint, and then you end up with something else out there that's a minor thing, but you'd have to come back to us and change it, or come up with some other designation as another waste that's been generated. That's just my thinking.

Alan Kissinger: John is much more likely to be on site than any of the Commissioners.

President Borries: Motion to authorize?

Commissioner Mourdock: I'll move that the County Engineer be authorized to sign on behalf of the county for the generation of waste from the, Fulton?

President Borries: Franklin Street Bridge.

Commissioner Mourdock: Franklin Street Bridge.

Commissioner Tuley: I'll second.

President Borries: So ordered. How are we coming on that bridge?

John Stoll: It's going to be real close. I talked to Stewart May today and he said it's going to be real tight whether or not they make it in time for the Fall Festival.

Commissioner Tuley: John, this is for you guys as well. I got a call from a county resident about the closing of Baseline for the work on the road widening there on Baseline. When are we scheduled for that to begin closing?

John Stoll: It's already closed.

Commissioner Tuley: Okay.

John Stoll: The revised completion date would take it out to January, but the contractor is wanting to get it done long before then. They've already started the grading work, they've removed all the pavement from the bridge on the west, they've got part of the bridge rebuilt on the east side. The east end of the new bridge is being rebuilt so they're moving ahead fairly quickly. So I hope that they're done long before the revised January completion date.

Commissioner Tuley: But well beyond the harvest season, is their concern. Apparently this individual, and I forget the name, I've got their name in my notes at home, but the concern that they and several others that farm east of there had is, which way do they have to go to get back to 41, a different route than going Baseline? I mean, the way they talked, it's several miles out of their way.

Suzanne Crouch: They can go Inglefield.

Commissioner Tuley: Inglefield may be the road they said.

John Stoll: They'd have to go Inglefield or Staser.

President Borries: They could go Inglefield to 41.

Commissioner Tuley: Just a block?

President Borries: Yeah.

Commissioner Mourdock: Well, a country block.

President Borries: It's south of PPG.

Commissioner Tuley: Okay, I know where that's at.

President Borries: Can you go Staser?

John Stoll: Yeah.

President Borries: To the north?

Commissioner Mourdock: Are you talking about east or west?

John Stoll: Take Old Princeton out to Staser.

President Borries: They want to go east.

John Stoll: I'm not sure which one's shorter, but they could take Staser or Inglefield, either one.

Commissioner Tuley: I've only gotten one call, apparently you guys haven't gotten any calls.

John Stoll: The original completion date would have been last Friday, I believe, but due to the utility easements not being dedicated back when the site was sold, that started out the delays and then it took Sigeco quite a while to get the poles relocated. That, I think, took about eight to twelve weeks for that to happen, so we didn't really get started on the project until August and we had originally wanted to start in May, so --

Commissioner Tuley: So now your expectations are, the listed or quoted completion date is January, but you think you'll be done much sooner?

John Stoll: I hope they're done in November based on what they're saying at this point.

Commissioner Tuley: Okay, thanks.

President Borries: Okay, any other questions of John?

John Stoll: The only other item I've got is a claim for the Baseline Road project that we didn't receive in time to get it on the consent agenda. It's to Blankenberger Brothers and it's in the amount of \$28,000 and I don't remember the rest of it.

President Borries: 28,395.

John Stoll: The claim has been reviewed by Dave Franklin, he's the inspector on the job. Everything is in order and I recommend that go ahead and be approved.

President Borries: Motion to approve?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

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

President Borries: Thank you, John.

RE: CONSENT ITEMS

President Borries: We have consent items. These items involve employment changes, various travel requests and approval of some claims.

Commissioner Tuley: I move the consent items be approved as submitted.

Commissioner Mourdock: I'll second.

President Borries: So ordered.

RE: SCHEDULED MEETINGS

President Borries: Scheduled meetings, there should be an attached list for the end of September. We've approved, then, the consent items.

RE: OLD BUSINESS

President Borries: Old business, Locust Creek Hydrologist.

Commissioner Mourdock: I have, and during one of our previous meetings, we had some discussion that BFI, as part of their landfill expansion request, apparently had an agreement with the county, or has an agreement with the county, for somewhat of a third-party hydrologist to monitor Locust Creek. I did some checking around, found a local firm, well, a Mt. Vernon, Indiana firm which has a hydrologist on staff. They've submitted to us a letter quoting their rates which were very reasonable and I would recommend the use of MAI, which is Moore & Associates out of Mt. Vernon, and that we submit that on to BFI. I don't know if that needs to be in the form of a motion, but I'll make it as --

Commissioner Tuley: I'll second, just for the record.

President Borries: So ordered.

Commissioner Mourdock: And, I guess, I would ask with that, perhaps Cindy, you could draft a letter to BFI and forward this on to them and probably copy that letter to Moore & Associates.

President Borries: We'll give it to Suzanne. Any other old business? One item, I did reach today, the gentleman who is, I guess, the operator of Marina Pointe. We had a frank discussion.

Commissioner Mourdock: His name wasn't Frank!

President Borries: I told him that, at this point, it looked as if our Board had taken this under advisement, but probably had postured about all we could. Something was going to happen and

that he was going to have to cooperate. He invited us to come down, and I told him, I'm not going to speak for our Board, they may not like that kind of music. We continued our frank discussion in which certain facts were all disputed, but the bottom line is, we continued this discussion and I'm going to talk with him again, and we're going to see what kind of modifications he can make. He insists that the noise is not as loud as the residents say. He also says that if he doesn't have these shows, that ultimately, his business will fail because he doesn't feel that his food business, at this point, is quite as good as the music business right now, outside music business. We'll continue these discussions and hope that they can become a little less frank as we go through this process and I will report back to you, maybe, in a week or so. But I did tell him that it looked as if we were headed for an ordinance that somehow or other was going to have to limit the noise in that area. So, that's where we left it.

Commissioner Tuley: Just to give you a little leeway to speak on my behalf and continue this discussion, I would hope that there would be a way to come to some kind of workable solution with his neighbors, so as not to have to go through an ordinance.

President Borries: Yeah, he invited us into the neighborhood, but he insisted that it was not as loud as what he says. It will be over with in a few weeks, but I said, well that doesn't solve the problem within a few weeks, so, --

Commissioner Tuley: Or next summer.

President Borries: Yeah. He is going to look at maybe moving the whole stage around to the other side, that might help, put some kind of a sound barrier up there, all of which, you know, there's some possibilities, but --

Commissioner Tuley: If he could work it out, I'd rather see him work it out than us have to adopt an ordinance, but I don't see, if he doesn't, that we have a whole lot of choice.

President Borries: There are some ordinances that Mrs. Cunningham gave me today through the Area Plan Commission.

Commissioner Tuley: I'm not saying necessarily new ordinances, but enforcement maybe of some existing stuff.

President Borries: Yeah, so we may hear back from him, but I think all of us would probably agree that we've talked with these residents enough and at some point, if we can't compromise, we have to do something.

Commissioner Tuley: I can sympathize, my neighbors dogs kept me awake last night and apparently it must not have bothered them because they barked all night long. And to them, it must not have been that loud, but to me it was irritating as you know what.

Commissioner Mourdock: We need to get some of those folks from Knob Hill. Well, in your next discussion with those folks, you can add my sentiment to that. I'm not...my first choice is not to have a new ordinance. I think such an ordinance might be appropriate, though, if this isn't resolved, strictly towards entertainment events, and secondly, the residents might have less credibility had they not come in with Officer Ellsworth, who stated very clearly that we need an ordinance if we have a problem.

Commissioner Tuley: Good point.

President Borries: Yeah, I never fully understood, again, the location of some of these places until you go to this Deer Creek Music Theater up in Indianapolis which is way out there in Noblesville, Indiana. I mean, it is out in the prairie and I can

understand now, given the decibels of the music, why they have it where they have it.

Commissioner Tuley: So that (inaudible) people can hear it.

President Borries: Yeah, and so that other folks don't have to hear it. At any rate, we'll continue to talk on that. Any other old business? Probably just two quick items, I've been asked to give a State of the County speech of some sort coming up this week and I will be happy to, again, express only my thoughts, but now that the County Council has adopted a resolution in relation to the securing of funding for Auditorium improvements, I would like for this Board to review what those specs would be and I am circulating around to you some information about that. As we go forward, there, to look to see what other, if any, improvements we need to be looking at. I would hate to get into a design situation and then have to change our minds and, in a sense, waste dollars by having to go back and redesign anything. So, let's give that some consideration as you are reviewing those specs and I think I am circulating those around to you in a memo.

Commissioner Mourdock: Are these just broad, general specifications as far as what our targets would be? They're not architectural plans.

President Borries: No there are not any architectural plans at this point. But before we go through those architectural plans, I guess I'm saying that we're going to have to look to the future and perhaps look at this whole situation as we begin to look at these improvements again. One other item is that the developers who have expressed, well they've, I guess, had options on land at the intersection known as Burkhardt Road and the Lloyd Expressway, State Road 66, in that area are continuing to look at the TIF financing and I think we are progressing. I may have a report to you soon. A key element in this TIF financing, which is called Tax Increment Financing for our students, is that Vanderburgh County would absolutely have no property tax backup in the unlikely event that there would be any kind of foreclosure or problems with the issuance of any bonds for road improvements. So we're continuing to make progress and I'll try to have a report for you soon. Mr. Kissinger is ably assisting in some of these negotiations so those negotiations are continuing. I guess, Alan, one other final thing, too, and John Stoll is here, in regards to the previous bond monies, are we any closer to moving the remainder of the overpass funds to...

Alan Kissinger: The only two barriers we have to that occurring are, there is still a piece of property out there that the property is, basically, it has been appropriated by the county, but we do not yet have a judgement as to what the compensation to the property owner will be. However, just this past week I did make contact that was intended to get that case moving to a final conclusion. Hopefully, we can reach a compromise settlement on that, that obviously, I would bring to the Commissioners for approval before we did that. I am also informed that there will be a final cost generated by Bernardin Lochmueller and I believe that is for the purpose of putting together one complete legal description of the real estate so that it can ultimately be transferred to the State of Indiana by Vanderburgh County. Those are the only two expenses that are holding us up. Interestingly enough, the Auditor pointed out to us that we had made the statement that all existing claims had been paid, and we looked and all existing claims had not yet been paid, because there was some unanticipated claims that may still be paid. But that is progressing and, as I said, John and I have talked and we're going to try to get Bernardin & Lochmueller to perhaps give us a very, very close estimate of what their expenses are going to be so that we can make that transfer.

Commissioner Mourdock: Also under old business, just as a question, I know this week Council acted also on the appropriation line item, if you will, in the Safe House contract with the Teamsters. Have there been any other discussions with Mr. Mabrey on that, or...I'm sorry, Whobrey.

Alan Kissinger: There have been and I think it would be appropriate for us to discuss that at our Executive Session next Monday.

Commissioner Mourdock: Okay.

President Borries: Any other items?

RE: NEW BUSINESS

President Borries: We have one item under new business.

Commissioner Mourdock: Mr. Eric Williams had been serving on the Redevelopment Commission. He had to resign for reasons of moving out of the county, and as his replacement, I would recommend the appointment of Harold Calloway to that board.

Commissioner Tuley: I would gladly second Mr. Calloway. I've known him a long time. He's a fine gentleman.

President Borries: I'll say so ordered. I'm sure he will do a fine job. Are there any other items of business this evening?

Commissioner Tuley: I have one item for discussion. Mike Wathen, who works out there at the Soil Conservation, has requested that, under the provisions of the County Handbook, in fact, he's even got it spelled out down here, Section 1.3 Management Rights - #9, he's requested to be put under a flex schedule. He is an exempt employee whereby he would be required, and he is requesting that he be allowed to work thirty-six hours the first week of the pay period and forty-four hours of the second, so he'd get his eighty hours, but because he is exempt, we would not be required to pay him overtime for those four hours.

Commissioner Mourdock: So you would alternate every other week?

Commissioner Tuley: Yeah, one week he would work thirty-six and then, basically, he's going to work four nine-hour days the week that he's only going to work thirty-six hours so he has Friday off. He has something personal and he needs to be off on Friday.

Commissioner Mourdock: Then the next week he'd work Friday and a half day Saturday, then?

Commissioner Tuley: Probably just longer hours each day.

Commissioner Mourdock: Oh, okay.

Commissioner Tuley: I don't think he intends to work on Saturday, although I think Mike does do, really, in my discussion with him, apparently, he tries to work with the people out there in the county as he can reach them. So, I would be surprised if he doesn't work some Saturdays. But I think his intent is to try to get in his forty-four hours over the five-day period.

Commissioner Mourdock: Does the new, brand-new enacted tonight Personnel Policy cover --

Alan Kissinger: It does.

Commissioner Mourdock: Where, on a case by case basis --

Alan Kissinger: Section 1.3 - #9.

Commissioner Tuley: (Inaudible) so called, I guess, an employee of the Commissioners? I mean, because he doesn't fall in anywhere else? So, he's put a request in to me. I, personally, don't have a problem with it. My only concern and comments to him were that's a three-person office out there. Really, one or two that are our employees, however, they do operate with an answering machine and there's always that possibility of sometime, due to vacations, illness, or whatever, that someone is not going to be in the office, they do have an answering machine that they do operate when someone is gone. I had a letter prepared in case it was okay to go ahead and sign. He needs to submit it to the Board out there from us saying that it's okay for him to do that.

President Borries: May I have a motion?

Commissioner Tuley: I'll so move.

Commissioner Mourdock: Second.

President Borries: So ordered. One other item on, I talked with Mike Wathen shortly before entering this meeting. I'm not sure it falls under drainage, since, well, it does and it doesn't. We approve drainage plans. He called my attention to a problem that seems to be occurring now on his extensive reviews of many county subdivisions which appears to be a way some developers can go around Rule Five. Now very quickly, Rule Five means that there are certain drainage and certain erosion requirements that must happen if a development is over five acres in length. However, as we so often see, some creative folks are looking at ways in which they could maybe circumvent the drainage process by designing certain subdivisions that are five acres or less. And so, it appears that Mike is having some concerns about this and I think we're going to have to talk about this in the future as to whether or not our drainage ordinance fits this, and whether or not there is some pending legal problems associated with circumventing or moving around this Rule Five. So, I wanted to state that for the record. I'm sorry, did you have one other item?

Commissioner Mourdock: I had one other item that I probably should have brought up during Bill Morpew's report. I have a copy here of a call I had from a Vicky Hertel. Did you get that?

Bill Morpew: Yes.

Commissioner Mourdock: Okay, so you've dealt with that?

Bill Morpew: Yes, I have.

Commissioner Mourdock: Or are in the process of it? Okay.

President Borries: Any other business?

Commissioner Tuley: Not from me.

President Borries: Alright, if there's no further business, then we are adjourned.

Meeting adjourned at 6:57.

COMMISSIONERS MEETING
SEPTEMBER 11, 1995

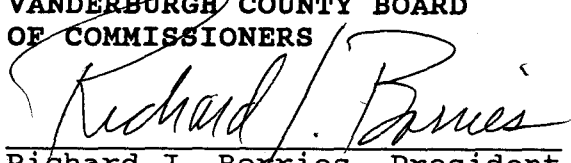
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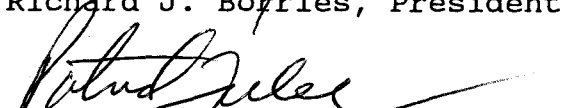
THOSE IN ATTENDANCE


Richard J. Borries
Richard E. Mourdock
Suzanne Crouch
Teri Lukeman
Joe Profaizer
John Stoll

Patrick Tuley
Alan Kissinger
Cindy Mayo
Lynn Ellis
Bill Morphew

VANDERBURGH COUNTY BOARD
OF COMMISSIONERS


Richard J. Borries, President


Patrick Tuley, Vice President


Richard E. Mourdock, Member

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS

SEPTEMBER 18, 1995

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The Vanderburgh County Board of Commissioners met in session at 5:37 p.m. on Monday, September 18, 1995 in the Commissioner's Hearing Room.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Borries: Good evening, everyone. I'd like to call the September 18, 1995 meeting of the Vanderburgh County Commission to order. We have several folks in the audience with us this evening. We want to welcome you and at this point, give our introductions. To my far right is Mrs. Cindy Mayo, she is Superintendent of County Buildings as her official title and serves as the Office Manager for the Commissioners. County Attorney is Alan Kissinger. To my immediate right is County Commissioner Pat Tuley, I'm County Commissioner Rick Borries, to my immediate left, County Commissioner Richard Mourdock, our County Auditor is Suzanne Crouch, and our official recording secretary is Teri Lukeman. Would you join us, please, for the Pledge of Allegiance?

We have an agenda that is available for your review. We want to welcome, again, our University of Evansville journalism students who are part of the Fourth Estate here and who keep us all under watchful eye, so we welcome them again. Under our action items, first I'd like approval of the minutes of our last meeting, and that one was held on September 11, 1995.

Commissioner Tuley: I'll move then that the minutes be adopted as submitted by the Auditor.

Commissioner Mourdock: I'll second.

President Borries: So ordered. At this time are there any persons or groups who do not find their items on this agenda who would wish to speak at this time? I believe there may be one person here, County Councilman Rick Jones. Rick, welcome.

RE: RICK JONES - COUNTY COUNCILMAN

Rick Jones: I'm Rick Jones. I'm a member of Vanderburgh County Council At Large. Several weeks ago I had introduced a new project, well, a new project as far as my involvement is concerned. Apparently, this has been an ongoing issue and it's basically two-fold. What we're proposing is a sewer extension for Highway 57 for economic development, but foremost and near and dear to a couple of business owners who are here this evening, since they have septic tanks and field beds in that particular area, they are in dire need of some kind of a sanitary sewers for that locale. I've asked Ken Alvey and two other businessmen here this evening. They have a short presentation that they would like to show you. I believe the last time the Commissioners were interested in several different items. Number one, what the project was going to entail and an estimated construction cost. Number two, what kind of rebate that we were going to get back from the state. I talked to Mr. Robling today, he informs me that we have applied for that rebate and it's still a ballpark figure, that's all I can give you. It's going to be something like \$100,000 to \$150,000. We won't know that until they set up the hearing which is scheduled for the 28th of this month, and also to show you where the sewer was going to run and what kind of impact it was going to have on the existing businesses as well as potential economic development.

President Borries: Okay. Welcome, Ken Alvey. We may have to ask you to get near the microphone, however, to introduce yourself and talk a little about this plan.

Ken Alvey: My name is Ken Alvey. I'm the owner of Alvey Sign Company. We have Bob Schmitt that is the owner of the Hornet's Nest and Bob Becker who is the owner of Alfab. These are just a few of the people that are participants and have been working hard for the last three years to get a sewer out in this area, and we're hoping that this can be a main trunk line that can service a lot of the area out there for economic growth and also it would be able to

help out with the residential and all that. But the main thing is for the economic growth. We have some business out there like Bob Becker's, Alfab, who the state thought was pretty significant with the amount of people and the type of wages he pays, that the state looked at that real favorable. They haven't come up with their dollars, but this is the lay out. We just had some rough lines drawn up by Jim Morley at Morley and Associates, and we're hoping this is what you wanted to see as far as more detail and the plan. The difference on your colored maps there with the different colors is force main and gravity, so that's what the different colors are on there.

Commissioner Mourdock: The numbers that you have, or that Rick gave us, are those numbers newly generated as a result of what Jim Morley has done with this map? These are not the same numbers we had before, as I recall.

Ken Alvey: Jim is saying that they are new numbers and one of the reasons that he was telling me this afternoon, is there is a little more gravity flow sewer in here because he said that on the previous one we had at the meeting, where you an attendant?

Commissioner Mourdock: Right.

Ken Alvey: There was some force main going downhill which would have eliminated some houses that could have got on that. He said that the Commissioners would have surely caught a downhill force main, and so he had that a gravity line and he said that subsequently made it just a little higher. I also asked him personally if this is a doable project for this and he thought that this was.

President Borries: Okay.

TAPE STOPPED

Commissioner Tuley: So we've got a range now somewhere between \$520,000 and \$575,000, roughly, once the state's amount is kicked in and is determined. I forgot, is there a way to recoup even yet more of this through tap in's or something?

Rick Jones: Through tap in fees, and of course, when it comes down to it and we get ready to let this thing, I mean, I'll have to have the legal safeguards in there, too, but I've already talked tentatively to Mr. Danks and he's willing to do that. I was not going to enter into a project if the City of Evansville was not going to participate in it, that they should get the tap in fees. So that was one of my main concerns, that future tap in fees would help offset the cost of this project.

Commissioner Tuley: Then the county would up-front the money, and then we would recoup it through the tap in fees as they --

Rick Jones: That's my idea, but I want to come to you first and then I think I've got enough support on Council to go ahead and take that out of the economic development funds.

Commissioner Tuley: Okay, and then maybe the county ends up still putting up maybe \$200,000 - \$250,000 total, all said, which the return on that \$250,000 or \$300,000 or whatever it turn out, has the potential to far exceed that in terms of economic development.

Rick Jones: Exactly. But the more critical thing now is that if you're satisfied with what we've got in place right now, and I'm not trying to force the issue, but there is the issue with the Hornet's Nest that over the last two years, the ground is completely saturated there, it is a health hazard, and I don't, I want to try to get this project going as quickly as we possibly can. So I guess my question is to you, if this is satisfactory to

you, what do I do next, or what do we do next?

President Borries: Well, we draw up an agreement which, basically, outlines exactly what you've said. I think it would be an agreement on this board of what would be recouped and to what account it would go back in, and we would endorse that, and then move it to you. You would appropriate the money.

Commissioner Mourdock: Let me go backwards a step, though. I missed some arithmetic. Using Mr. Morley's numbers of 670, and I'm going to pick 120 just because it's almost convenient between 100 and 150 from what the state said. That's \$550,000. Pat, you said the county would do 200, where did you get --

Commissioner Tuley: Well, somewhere in my mind I've got the potential for the recouping fees that's somewhere in the neighborhood \$300,000 - \$400,000.

Rick Jones: It could be, potentially, that much.

Commissioner Mourdock: Okay, but the county is still going to have to put out \$550,000.

Rick Jones: Initially.

Commissioner Mourdock: Initially, yes. And all that recouping, again, is dependent upon Mr. Danks and the Utility Board agreeing that they do not do as they have in the past, which is have the city recoup all the tap in fees.

Rick Jones: Well, that's why I asked him pointblank, because, I mean, this thing was not going to go any further, and had he not made that agreement, then the other side of the coin was, and you were at that discussion, we would probably have to set up a separate sewer district for that which would take even longer.

President Borries: But they are willing, at this point, am I clear on what you're saying, they are willing that, once this is installed, as long as they're not out any money, they will maintain it, it will become part of the existing sewer system?

Rick Jones: Right.

President Borries: Okay.

Rick Jones: Just like any normal subdivision or anything like that, if they do out there and do their smoke testing, or whatever they do, and everything's cool, then they'll accept it.

Commissioner Tuley: Rick,...I'm sorry, are you still...

Commissioner Mourdock: I was just going to say, the normal example by contrast, Rick, would be that they would put it out there even if it were out in the county, they county would see none of the benefits coming back, because all the tap in fees, historically, have gone right back to them.

Rick Jones: Right.

Commissioner Tuley: You say you think there's enough support on the Council, and I've read of several comments, and there does appear to be enough support to take it out of that Rainy Day Fund or whatever we want to call it, --

Rick Jones: Economic Development Fund.

Commissioner Tuley: Okay, Economic Development Fund.

President Borries: How much is in that fund, to the best of your

knowledge?

Suzanne Crouch: About 1.1 million.

President Borries: 1.1? Okay.

Commissioner Tuley: Which this seems like an ideal project for what, I assume, you've set that money aside for. Basically, it will meet two needs. We'll meet the need of the current business owners in that district, plus provides the opportunity to have already services in place for future development. I would recommend that if we agree to do this, that any tap in fees that we recoup be put right back in to be dedicated back into that Economic Development Fund.

Rick Jones: So there's always something in there.

Commissioner Tuley: So we can refurbish it.

Rick Jones: Sure.

Commissioner Mourdock: I guess the main question I have is, I don't want to use the word, credibility, because that infers there is none, but I guess I would like to see the Utility Board put something in writing at this point, or make it an integral part of what you would present to us next, following up on what Rick was saying a moment ago, as far as the next step, to say, yes indeed, we will maintain it. We're going to be charging those fees, but not only for this immediate system, but all the tap ins that come in indirectly off this. In other words, the new subdivision they're talking about up there will be, I don't know, one hundred houses - one hundred fifty houses, make sure that it's understood that it's not just the immediate tie-ins on this initial system, but everything that comes back to this system.

Rick Jones: I agree.

Commissioner Tuley: Up to the amount of our maximum cost.

President Borries: Right.

Commissioner Mourdock: Sure.

Rick Jones: I guess I would ask the Commissioners help in doing that because that's to the point where I am. I've only verbally asked Mr. Danks and he was agreeable to it, but it is time to put it into writing and (inaudible)

Alan Kissinger: The theory that the city has always used in installing sewer lines and recouping with the tap ins is that that's how they recoup their construction costs, but quite frankly, this agreement can be drawn in one of many ways because we are fronting the construction costs, is actually what it comes down to. So, if we don't say that we want to continue to take the tap in fees back until we've recouped everything, then there is a point at which they will start taking those tap in fees back, and so we have to be very clear about that. We need for them to understand that up front because we have entered into preliminary negotiations on other situations like this and never get to this point because of that very question.

Commissioner Mourdock: I would hate to think that the city would hinder the economic development of the county in a year like this.

Alan Kissinger: I just don't know what they would do.

Commissioner Tuley: Better get some other advisors --

Alan Kissinger: I don't think they would intentionally do

something.

Rick Jones: If it helps any, we had asked for the sewer department to tell us if they had any funds available this year or if they have foreseen any funds going to be available for 1996, and I believe, Rick, you were there, and there were no plans to even help participate, the way I understood it from Mr. Leek, there was no plans to do that at all on the Sewer Department's behalf. So, we were left with two choices, either finance the thing through economic development or create the sewer district.

Commissioner Tuley: I think Mr. Alvey and several other people out there, as you said, three years they've been fighting this and trying to get this done and this is where we're going to have to do it because it's not going to get done any other way.

Rick Jones: That's true.

President Borries: Well again, I heard it said long ago, and I believe it, there is nothing more important for economic development than sewers in the county. I mean, that is the bottom line, that is the most important thing we can do to encourage economic development in this county. Rick, I certainly want to commend you for your work on this to move it to this level. So, you're really done an outstanding job. What these gentlemen said, I want to agree with, and emphasize here, though, that it is very important that we do get that agreement that our attorney has outlined for us so that we can recoup that money so you'll have a future pot there to look at other economic development ideas. I think we've listened to these businesses for quite some time, tried to work this out as best we could and this is really a great way of doing it. It should be a win-win for the county. It should be, as long as we can, again, emphasize to the Sewer and Water Department that they will maintain this, and if it's done according to their specs, and I see no reason why they wouldn't, we don't, meaning 'we' the county, we don't want to get into situations where we have to maintain, frankly we just don't have the wherewithal to that, on an ongoing way. That will be critical. But I don't believe that there should be a problem with that, particularly since it's our cash outlay, and in all fairness, we should recoup it. Up to the point where we've recouped our money, then they would use the money to maintain the lines in the sewer in the future. So I don't see any problem with that.

Commissioner Mourdock: I would think that as a practical matter, the question will simply come, and let me use that new subdivision that will be out there some day, and I mean that in the most generic sense, we would, at least as I hear this discussion, we would be expecting the tap in fees to help pay back, does that mean we're also going to put in the connecting feeder system that would come back to this? Because if we do, we're just adding more and more capital cost, which I don't think is our purpose right now.

President Borries: No, I don't think so.

Commissioner Mourdock: But that's where they would have to come in and say, well yeah, they'll put that system in, and yet, forego what they normally have accepted as the cost, as Alan was saying, for putting that system in.

Alan Kissinger: That's never a problem, Commissioner Mourdock. When they see that type of immediate return on their dollar, they will make that investment very quickly. If they see a subdivision, they will make that sewer available to that subdivision quickly, because the money will come back quickly.

Commissioner Mourdock: As far as the county is concerned, meaning the financial side of it, and I'm sure you've looked at it this way, Rick, as well, simple from what is there now, the cost of

putting this in, and the immediate tie ins that will come in to it won't come anywhere close to getting that front money back to the county, so it's something in the future that we're planning on.

Rick Jones: It is for the future, and I'm hoping that we get by for the time being within the next couple of years, maybe 200,000 - 250,000, but I mean, it's an investment in the future. I guess I'd like to ask one other thing. Now, to this point, I know that I need to get an agreement from Mr. Danks, but I need to know the particulars that needs to go into that agreement. Is that something Mr. Kissinger is going to do?

President Borries: Yes.

Alan Kissinger: I'll talk with you and Mr. Danks, I'll meet with whomever, yes.

President Borries: And again, basically, it's a matter of just what he described. We just need to find out at what point we can continue to collect the funds to recoup ours for future economic development and at what point that it will kick in to them. I think, as Alan says, once there is other development that would come off on this, I think that they, obviously, are going to see some economic advantages to doing this, and so, really, we should be able to work out an agreement with them.

Commissioner Mourdock: One last question, I know Mr. Robling is here for another matter, but I might ask him, the proposal that's gone to the state, again, we're looking at a ballpark between \$100,00 and \$150,000, and that number is derived based off the expected new jobs of the businesses that are there today, is that said correctly?

Mike Robling: They were calculated based upon the weighted average of the salaries for the projected new jobs. The forms we sent up spoke of between eighty and ninety-seven jobs, so it's a little lower than the number we talked about before, because one of the businesses didn't really qualify.

Commissioner Mourdock: If, let's play what if, for a minute, if a new business were to locate out there that we don't have on the books at all today, somebody takes a look at that and says, yeah, I want to put in a business that's going to employ one hundred people, can we go back to that commission and pick up some more funding?

Mike Robling: No, it's sort of a one-shot deal and this is an unusual deal anyway because, generally, they're looking at a single new business who needs some kind of infrastructure. This will be the first for them to be pooling together a group of businesses that are already in place. They're already, I think, letting us go back to like April of this year to start counting the jobs and investments (inaudible) which is when they started the process. Usually it's a from this point forward kind of deal, but we wouldn't be able to go back and again if other businesses came in unless there was a need to extend the sewer further --

President Borries: That's what I was --

Mike Robling: Further out to support a new business beyond the end of this particular sewer line.

Commissioner Mourdock: But if it were a half mile south of the northernmost extension of this, then it wouldn't qualify, but it were a half mile north of the northernmost extension --

Mike Robling: Right, well, because you'd have to have an additional project if it went north, but you've already got the project in place. You would already have the project in place for

anything that would take place within the confines of where the project would be.

Commissioner Mourdock: Okay, thank you.

President Borries: Any further questions?

Rick Jones: Rick, I'll try to get in contact with Mr. Danks tomorrow and then, Alan, I'll be in contact with you and we'll get it started. Thanks a lot for your time.

President Borries: We're glad to help. I think, again, I want to commend you for your fine work on this and hope that we can serve these businesses here as quickly as we can. Thanks for coming, gentlemen.

RE: MIKE ROBLING - REDEVELOPMENT COMMISSION

President Borries: Mike Robling, do you want to take your item here on the economic development area resolution?

Mike Robling: Yeah, back in February the Redevelopment Commission adopted a declaratory resolution for the Burkhardt Road Economic Development Area. This project is stimulated by the development of a, I think it's a 500,000 plus square foot shopping center that would be located on the northeast corner of Burkhardt Road and the Lloyd Expressway. This project, as well as, I'm sure, other projects in the near future out there, will require the widening of Burkhardt Road to enable it to accommodate the increase in traffic flow. This project, plus a number of things that are already in place now appear that they will be able to generate enough incremental new taxes in the area that would support bond financing for the widening of Burkhardt Road, which is estimated at about \$5,000,000 from going from the Lloyd Expressway north to Morgan Avenue. The Redevelopment Commission has, as I said, adopted the declaratory resolution in February, the Plan Commission issued it's approving order in April and the approval of those two actions by the County Commissioners is the third step in the first round of approvals. After your approval of the declaratory resolution and the approving order of the Plan Commission, the next step would be for the Redevelopment Commission to hold a public hearing and take final action to confirm their declaratory resolution. Then it would come back to you again to ratify everything that had taken place beforehand.

President Borries: Okay, any questions of Mike, at this point?

Commissioner Mourdock: Just a question on behalf of the Auditor.

Suzanne Crouch: Are these bonds issued to the Redevelopment Commission?

Mike Robling: These would be Redevelopment Commission bonds, not Redevelopment Authority Bonds.

Suzanne Crouch: Okay.

Alan Kissinger: Mike, would it be the Authority or the Commission?

Mike Robling: No, it would be the Commission. Basically, we only use the Authority when you are have a leasing arrangement. It would be unusual to lease the road.

President Borries: Okay. Is there a motion to approve this resolution?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Mike Robling: Thank you.

President Borries: What we're signing now is a document from last week that formalizes the appointment of Harold Calloway to the Vanderburgh County Redevelopment Commission. This Board took action on Mr. Calloway's appointment last week, so I'm not calling for any vote at this time since we've approved his appointment.

**RE: PERMISSION TO OPEN BIDS FOR EARC PARKING GARAGE DECK REPAIRS
VC95-09-02**

President Borries: John Stoll, oh man, this is like a broken record here, permission to open bids for VC95-09-02, that almost sounds like a disco record on this 02-02, it's like we're stuck here, for the EARC Parking Garage Deck Repairs.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

RE: ARTHUR PAUL - CARLSON TRAVEL AGENCY

President Borries: Mr. Arthur Paul from Carlson Travel Agency regarding a benefit package.

Arthur Paul: Yes, sir. Good evening. I'll be very brief, in fact, I'll tell you that you don't need to take notes because I did bring some copies and I'll present this pretty much verbatim.

President Borries: Okay.

Arthur Paul: My request for consideration is to establish an employee leisure travel benefit at no cost to the County of Vanderburgh. The concept is establishing an opportunity for county employees to substantially lower their leisure vacation travel costs and options as a benefit of employment with Vanderburgh County. It provides a means of increasing employee motivation, productivity, performance and morale, but unlike any of other standard employee's benefits like health insurance, there is no cost to Vanderburgh County in offering this benefit. The benefit to the county, with budgets getting tighter, employers must find more creative ways to show their employees how much they're valued and with this program, you can achieve greater employee satisfaction and increased employee loyalty, higher employee productivity, retention and stronger morale at no cost to the county. How it works, an example is, at Welborn Baptist Hospital a variation of this plan involved a volunteer employee recreation committee, who meets on their own time which includes a staff person from human resources and in this model, at Welborn the committee selects some major and several minor vacation trips to be offered to employees during the year. The number of employees traveling during this same period can be limited in consideration of company departmental operational needs. That's totally coordinated with your human resources or your department heads or however you want to do that. Each employee has the opportunity to, at Welborn again, authorize a regular payroll deduction to be made and held by the employer for the purpose of funding the travel, however, participation by payroll deduction is not required. I'm discussing this same thing with the city right now and they like the idea of employees choosing to participate through monthly bank drafts to their checking account or as on a pay as you go basis. So, probably the city, if it does this, is not going to be involved in any payroll deduction or handling any of the funds for this. The employees don't miss the small, set aside, spread over twenty-six or more pay periods, but due to a significant savings possible

through group travel, forty percent is not unusual, the employees can save enough to enjoy a vacation cruise, for example, at the end of his or her year. At Welborn, the employee committee meets on their own time, the employee committee member who chose to serve as project leaders for a particular group trip often are compensated by the travel provider in complimentary travel. For example, a complimentary trip for the coordinator or the project leader on that particular trip is available with as few as eight couples or families, sixteen persons traveling together. At the employer's discretion, the complimentary trip may be used in any number of ways, for example, as an award to the employee of the year, as a fund raiser prize for a charity, to further reduce the individual trip tickets for all. In other words, that complimentary trip can be used to reduce the number of paying tickets and reduce the cost to everybody. Best of all, no staff salaries or time is expended, we do all the work. All you have to do is to pass on information which we prepare for your employee newsletter or bulletin boards, or paycheck stuffers, whichever means you prove or wish to use to communicate the offers to the employees. So, in summary, the benefits to the employee are they'll get a great vacation cruise or a mini-vacation at a price they could not get as individuals, a special offer just for being your employee, an added employee benefit. For the benefits to the county, an added employee benefit which costs nothing to the taxpayers, satisfied employees, increased employee loyalty, higher employee retention and productivity, stronger employee morale and that's basically it. I'd be happy to answer any questions you may have. I didn't bring enough copies, but I've got a half dozen copies here of just what I've presented.

President Borries: Okay, questions of Mr. Paul?

Commissioner Mourdock: Let me give you my employer's phone number. I don't know that I have any specific questions. It's a very interesting idea as a benefit package. I guess, from the managerial sense, if it's a real successful program, the biggest drawback would just be you'd have a lot of people going at one time or conceivably could have from one office, for instance, I'll just pick Suzanne because she's next to me, here, the Auditor's Office suddenly has seven or eight people who all want to go on the same trip. Something like that would be a bit of a managerial nightmare.

Arthur Paul: We would work with you in limiting the offers. For example, let's say a major trip like a cruise, we could offer one every quarter or as many as there are needed so that we don't have a problem like that. Some of the trips, by the way, are mini-vacation trips. For example, a Welborn employees group wanted to go down to Gatlinburg for a weekend of intensive shopping and it was just a motor coach type of thing. But whatever they want to do is, what we offered, we would work with you so that we don't have a problem presented like that.

President Borries: Pat?

Commissioner Tuley: I think Richard just hit on the key thing, that you would, obviously, have to limit the number of people, but you've already spoken as to how we could adjust that problem, so I don't really see any other real drawbacks.

President Borries: I agree to what they both say, the only thing, Mr. Paul, that would be a cost to us would be payroll deduction because it would involve some employee time, not only to work this in, but as well, to monitor the situation. So, you have underlines and, at this point, I would feel more comfortable if we said that it was not required, if we could structure something else because I don't...the Auditor gets hit with a variety of situations that do take employee time. Other than that, it certainly does seem to be a benefit. We do have an employee committee that meets in place

frequently, and this would be a nice benefit, something that they might want to think about. If we can consider, maybe not requiring the payroll deduction amount, I certainly don't have any problem supporting it, realizing full well that it is voluntary and you've made that real clear. Are you all okay with that?

Commissioner Mourdock: Yeah, probably the most appropriate action we have is what you just mentioned, make sure the personnel committee gets a copy of this.

President Borries: Yeah. We do have a committee and we'll certainly give that to them and I think we could support the request from that standpoint.

Commissioner Mourdock: Did you get one of these, Cindy?

Cindy Mayo: Yes, I did, and I do sit on that committee, so I can get with Mr. Paul. Perhaps, he would want to present something to the committee.

President Borries: Sure.

Commissioner Tuley: That's a good idea.

Arthur Paul: Sure. The only question I had, then, and maybe you've already answered that is, how would I proceed?

President Borries: Well, depending upon what this Board does here, if we approve it, then Mrs. Mayo will give it to the committee and explain it. She'll tell you when to be there and you'll be on your way.

Arthur Paul: Very good. Any other questions for me?

President Borries: I don't think so.

Arthur Paul: Thank you very much for your time.

President Borries: Thank you for coming.

Commissioner Mourdock: As far as the formal approval, is there even a need for us to do something, Rick? I think --

President Borries: Well, I think just the record needs to show that we would approve it as a voluntary benefit. I'd prefer to have some discussion because we have to speak through our records and someone may ask us --

Commissioner Tuley: I'll move that his request be approved and that it be forwarded to the personnel committee.

Commissioner Mourdock: I'll second.

President Borries: So ordered.

Arthur Paul: Thank you very much.

President Borries: Thank you.

RE: SUE ANN HARTIG - EXECUTIVE DIRECTOR LEGAL AID SOCIETY

President Borries: Sue Ann Hartig regarding Hepatitis B vaccines. Is Sue Hartig here?

Commissioner Tuley: There is a letter, though.

President Borries: Yeah, there is a letter that...I don't understand why she contacted...Cindy Mayo may have further information on this.

Commissioner Mourdock: That's why she contacted us, I think she wants to know how the payment is going to be made --

President Borries: Well, we've done work with Occu-Med and they have done work with us in terms of other, and I don't understand how she feels...

Commissioner Tuley: Bloodborne pathogens, how much blood do they come in contact with?

Commissioner Mourdock: That's my question, yeah, and --

Commissioner Tuley: I could see the Sheriff's Department or Health Department, but I'm a little curious as to why the Legal Aid Society feels like they're going to be exposed to a lot of blood.

Commissioner Mourdock: Yeah, and I think this is, and I mean be wrong on this, but I think when she wrote the letter to us about the personnel policy, I think she had a question in there regarding this, did she not? And maybe the question, simply then, was about the payment, but as Suzanne was just pointing out to me, clearly the policy says employees working in high risk jobs, which I, in my own crude way would define that as a jailer, perhaps, someone at the Safe House, you know, certainly a police officer. Beyond that, I don't know what they do well enough to begin to consider high risk.

President Borries: Well, there's...

Commissioner Tuley: The other comment I'd have, if she is concerned, and I don't mean this to sound as smart aleck as it's going to sound, but maybe she can find the funds within her own budget. I'm a little curious, too, though,...

Commissioner Mourdock: That's where she reads the last line that she forwarded to us, I would suspect,

"This control plan is available for all county employees."

President Borries: Well, I think what we need to do is to determine if, in fact, they are in a "high risk job". We have a...

Caroline Dow: I was just in the audience today. We did some research on this at UE and it is not just bloodborne pathogen, but it is an STD and it is also fecal to mouth, which means if they are handling dirty paperwork, or if they are working closely with people, they could be high risk. There seems to be a target population where this has been found, although the papers haven't carried what target population that is.

Commissioner Tuley: So it's not as you just said --

Caroline Dow: It's not just bloodborne, no, which is the only thing I am speaking to. Your's is the policy decision, of course.

Commissioner Tuley: Well, I'm glad to know that, though.

President Borries: Thank you, Ms. Dow.

Commissioner Mourdock: Yeah, right. This is specifically bloodborne, everything in the ordinance was specific to bloodborne, which Ms. Dow's comments not being irrelevant to this discussion at all, please don't misunderstand this, since the letter we have seems to refer specifically to the policy and the bloodborne issue, again, I come back to the question of, how is that high-risk, what they're doing, other than paper cuts on a dirty piece of paper, which is a possibility, I guess.

Inaudible

Commissioner Mourdock: Sure, every office, absolutely, which may be her point.

President Borries: I would like to have a little more information about what, in fact, is a high risk job. I would also want to have some quotes. It sounds like she's taken the step of quoting one hospital and one firm here. I mean, what are our other options? Can we get these from our own Health Department?

Alan Kissinger: They may very well be available through our Health Department, especially in consideration of the fact that I'm sure our Health Department is one of those high risk groups and they already have been vaccinated. We probably should definitely check with them.

Commissioner Mourdock: Somewhere there has to be a definition as to who this would apply to.

President Borries: Alan, what would you suggest we go to, the folks that worked with us in developing this county personnel policy to get some kind of --

Alan Kissinger: Yeah, as far as the risk group is concerned, in her letter, she does specifically mention Hepatitis B and the ordinance does specifically mentioned Hepatitis B, and whether or not the drafters of the ordinance were aware that it could be other than just bloodborne, I don't know. If they know of a group of people that are high risk, or a group of people that come into contact with them that are high risk, that would certainly help us. But also, that information may well be available to us through our own Health Department.

Commissioner Mourdock: And even the wording that they use in drafting this language states that OSHA has determined that certain employees, so OSHA must have a list --

Alan Kissinger: There must be an OSHA standard somewhere then, yes.

President Borries: Cindy Mayo, could you contact the Health Department, please, to get further information concerning "OSHA's definition of certain employees in the workplace" and see if there is some kind of listing of the determination of a high risk job? I've often thought on certain rezonings nights that this was a high risk job. I'm not real keen on wanting to get these shots if I don't have to either, I'll tell you that! But at any rate --

Commissioner Mourdock: The shots are only 50% effective, too. They thought I had hepatitis earlier this year and --

President Borries: I remember one time when they were around behind me in the wall and that one kind of --

Suzanne Crouch: Circling.

President Borries: Yeah, they were indeed circling. That one kind of made me a little nervous, but anyway, if we could find that information, and also maybe get another quote, but I think the bottom line would be that, since we do have Health Department, perhaps there is a way in which some of this we could work on. So, could we defer this for a week for further information?

Commissioner Tuley: So moved.

President Borries: Is that okay with everyone?

Commissioner Mourdock: That's fine.

RE: ARTS COUNCIL OF SW INDIANA - REQUEST TO INSERT ADVERTISEMENT

President Borries: The Arts Council of Southwestern Indiana regarding a payroll insert advertisement. This has to do with First Night which is the alcohol free New Year's Eve celebration and I met with them. I always feel a bit, I won't say frustrated, but a bit confused as to exactly what we were to do. You know, we just don't have a budget to purchase buttons for employees out of any budgetary item we do. If this is voluntary, I certainly think that we could, just as United Way, we could certainly promote this. It is certainly a desirable community event and I guess that's what we're trying to do is that we could certainly publicize and promote this to get these lapel buttons, see if county employees would have them. We could probably get a group of them, maybe, over here.

Cindy Mayo: They brought the inserts to the office, they would like for these to be put into the payroll checks.

President Borries: I think we would all support it, but I just am always a little, well, not a little, I'm just always confused to how we would ever, you know, we just don't have any funds to pay for --

Commissioner Mourdock: I don't think they're asking for us to pay for --

President Borries: They were originally. That's what I had some confusion over as to exactly how we would do this. But I don't think, at this point, there is anything here. I think, I don't want to speak for either of you, but I certainly would support it.

Commissioner Tuley: Suzanne, typically speaking, if somebody wants something put into payroll checks, does your staff do it or do you ask the...oh, they do the --

Cindy Mayo: We ask that they fold them and have them in the form that they can be put in the payroll checks and bring them, either to our office, or to the Auditor's Office a week before the payroll is to go out.

Commissioner Tuley: Okay. You don't have a problem with it?

Suzanne Crouch: Not if you all don't.

Commissioner Mourdock: Do we do this fairly routinely, then?

Commissioner Tuley: Seems like it.

President Borries: We do for United Way, we have for, I think there are others.

Cindy Mayo: There are several different inserts that go in checks.

Commissioner Mourdock: I'll move, if we need a motion, that we go ahead and accept the Arts Council inserts for payroll distribution.

Commissioner Tuley: I will second.

President Borries: So ordered.

RE: ALAN KISSINGER - COUNTY ATTORNEY

Alan Kissinger: The first matter that I have is, at the request of the Commissioners, I have made a preliminary determination that Norma Dickens, who is a retiring employee, in an addition to the benefit time that she has already been granted, she is entitled to an additional three weeks benefit time on her retirement as of her retirement date. The next matter is the bid recap on the EARC

parking garage deck repair. VC-09-02, there were two bidders. The first bidder was Harry S. Peterson, Inc, \$123,600. The second bidder was Mid-Continental Restoration Company, Inc., \$109,906. I don't know if Mr. Stoll needs to take those under advisement or not.

Commissioner Tuley: He does, I'm sure.

Commissioner Mourdock: I think that would be wise.

President Borries: Are these the same two firms that we've...

Alan Kissinger: Yes. I'm sorry, I should go back. On the benefit payment, I'm assuming that verification at the Auditor's Office will indicate that these benefits have not previously been granted, and assuming that verification is forth coming, then those benefits should be paid. I'm at the point of apology here. I apologize, I have not had the time to work on the Fixed Assets Capitalization Ordinance, although I do have a sample ordinance and I will do my very best to get the Commissioners something solid on that at next week's meeting. I have nothing further to report.

President Borries: On those fixed assets, County Auditor Suzanne Crouch and I have met again with our agent of record, Dennis Feldhaus and...was anyone else in that meeting? We are moving forward with our student help and we intend to look at potentially two young people out of the vocational education area of the EVSC who would be computer literate and who will be hired to begin to enter this data in the Auditor's Office. We'll have other students involved in terms of actually identifying those things. As Mr. Kissinger prepares that resolution, that will fit in with our plans, but we will be moving forward with that with October 9th as a tentative starting date. Right now, that's our date.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Cindy Mayo: There was a travel request that came in the office late today, it's from the County Assessor's Office. Her chief deputy is asking permission to attend a GIS conference scheduled for tomorrow and he is requesting mileage per diem and parking in Indianapolis.

President Borries: Motion?

Commissioner Mourdock: I'll probably make the motion, but I want to see it first. Aside from the last minute nature, I see Commissioner Tuley has a questioning look on his face...

Commissioner Tuley: (Inaudible) It's a one day seminar, right?

Commissioner Mourdock: Correct.

Commissioner Tuley: No lodging, per diem, mileage, and what was the other thing?

Commissioner Mourdock: Parking.

Commissioner Tuley: Parking. If he's willing to drive up and come back the same day, I guess we can pay for that, then. I'll move that it be approved.

Commissioner Mourdock: I'll second.

President Borries: So ordered.

Cindy Mayo: This office has contacted the Sheriff's Department two or three different times about the...he had resigned from the Advisory Council for EMA and he would like for the Commissioners to consider an appointment, and it does need to be from the Sheriff's

Department, but the Sheriff has not designated someone and has asked that the Commissioners designate someone from the Sheriff's Department, so you might want to think about that.

Commissioner Mourdock: Didn't we --

Commissioner Tuley: The Sheriff asked us to make a --

Cindy Mayo: Yes.

Commissioner Mourdock: I thought...this, we've played ping pong with this, right? It originally came to us and he said he didn't want to and we had the question --

Cindy Mayo: I believe it's been since maybe, February. Yes.

Commissioner Mourdock: Yeah, same one. Okay.

Commissioner Tuley: He's already resigned so we can't put him on there.

President Borries: We have to have somebody on this from the Sheriff's Department.

Commissioner Tuley: Well, what about one of his chief deputies, then?

President Borries: Name one.

Commissioner Tuley: Steve Woodall.

Commissioner Mourdock: I'll second.

President Borries: So ordered.

Commissioner Mourdock: He'll come to these meetings from now on.

Commissioner Tuley: He'll be at the next meeting.

Cindy Mayo: The last thing that I have, the Clerk's Office called last week and said that they are down to about thirteen card passes to get into the Court Building. The first set of card passes was purchased by the Sheriff's Department, the second set was purchased by the Judges, the third set has been purchased by the County Clerk and they are not going to purchase them any more. They are asking that this come out of the Commissioner's budget. They're \$4.00 a piece and it must be a minimum order of one hundred cards.

President Borries: What happened to the other cards?

Cindy Mayo: They are cards that are lost, that have to be replaced, or when someone leaves employment or take them with them, and they have to void the card for any number of reasons.

Commissioner Tuley: If we don't purchase it, they've got to walk outside.

President Borries: It's always ironic that the whole purchase of this safety network over there in the courts was designed to protect the persons and the people who work over in that particular section. Now, there are apparently so many cards out that, you know, that little safety network looks a little weak from time to time, if that many of them are out. I don't know. I think we'd better...I appreciate you bringing this to our attention. Maybe we can take this under advisement, here.

Commissioner Mourdock: Take it under advisement with the reminder there is an incentive fund over there. There is (inaudible).

Commissioner Tuley: (Inaudible) the Clerk's Office?

Cindy Mayo: The Clerk's Office, yes.

President Borries: I would like to have some information as to what happened to all --

Commissioner Tuley: You guys (Inaudible)

President Borries: Do we have any information as to, yeah, I've never used a pass. I walk around. Do we have any information as to how many of those cards are out?

Cindy Mayo: No. I'm sure I could get that information. It is, the Sheriff's Department keeps that.

Commissioner Tuley: There's four hundred cards already out there -

President Borries: The reason why I was asking is like, you know, from time to time, as you know, when there are change overs in the parking lot, which always becomes a real push-pull situation out there in the county lot, we reissue stickers, we change colors, we move on with what we have to do. I just don't get what happened to all those other cards.

Cindy Mayo: When the cards are replaced, when someone has lost a card and they have to get a replacement, I believe there is a \$5.00 charge for that which does go into the County General Fund. But that is not, I don't believe, where the majority of the cards are. It's replacement of a lost one, it's through new employees, or when an employee leaves when there is no money recouped from that.

President Borries: If we can have some information as to who gets these cards, who has them. I've never had a card.

Cindy Mayo: Most everyone in the Court Building does have a card. It is basically for court employees. Office holders, I believe all office holders are issued one and then I know there is one lady in the Auditor's Office that did a great deal of work over there that was issued one, I don't know if that is still open, but the abstract people have one. There are a few in this side of the building that do have cards.

President Borries: I think with your experience, and I don't want to put you on the spot, but, I mean, we ought to be able to determine exactly who, and I think you've answered the question --

Cindy Mayo: I would say 90% of the cards are in the courts, yes.

President Borries: There ought to be some kind of budget stream, I mean, if we used it, I'd feel a little better about this whole request.

Commissioner Tuley: So would I. Let me ask you this, is the cards for them to come back and forth to protect them?

Commissioner Mourdock: Yes.

Commissioner Tuley: (Inaudible)

Alan Kissinger: All of the prosecutor's office has them.

Cindy Mayo: Yes, that's correct.

Commissioner Tuley: They get an incentive fund, too, don't they?

Alan Kissinger: Yes, they do.

Commissioner Mourdock: What was that question?

Commissioner Tuley: They've got an incentive fund, too, don't they?

Commissioner Mourdock: How much is in the Incentive Fund, roughly?

Suzanne Crouch: For the Court, it's a little over \$300,000.

Commissioner Tuley: It's pretty evenly divided, I think, they all get about that much.

Suzanne Crouch: I don't think the Prosecutor's is as high.

Commissioner Tuley: It's not that high?

Suzanne Crouch: I think that's --

Commissioner Tuley: \$400, though?

Suzanne Crouch: I think it's under \$200, but...

Commissioner Mourdock: \$200,000?

Suzanne Crouch: Correct.

Commissioner Mourdock: Yes.

President Borries: Well, I think the Clerk once asked if there was "something we needed," we could ask for that. I think we need for the Clerk to take that out of her incentive fund. So, if we could make that in the form of asking --

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: We'd like to see if we could have her pay for those out of her incentive fund.

Cindy Mayo: That's all I have.

RE: BILL MORPHEW - COUNTY GARAGE

Commissioner Tuley: Don't have any requests for money, Bill.

Commissioner Mourdock: Just be glad you're not coming for that distributor tonight.

President Borries: Yeah, we probably should have had a little better diet today, I don't know what's going on here. Okay, for the record, Bill Morphey has submitted the progress report for the week of Friday, September 8th through Thursday, September 14th showing work done in all parts of the county by the County Highway Department and the County Bridge Crew. Any questions of Bill? You're where, paving at this point...

Bill Morphey: We've completed Huebner Lane, Huebner Drive, whatever.

President Borries: Those folks are happy, I'm sure.

Bill Morphey: Yes. We took the paver to the garage to do some minor maintenance and repair and we'll go ahead down to Old Henderson Road this week.

Commissioner Tuley: There is a note, a letter that came to me. It's in the distribution system, I don't know if it's gotten to you yet, or not. I'm trying to remember, from --

Commissioner Mourdock: Is that the one on Vogel, or something on

Seib Road?

Commissioner Tuley: Yeah, Vogel was the name. So, you'll be getting...

Commissioner Mourdock: Yeah, I have several of those. Let me just hit them real quickly, Bill. You may have already dealt with these, but I just found them in my package here and they were all complaint-type forms. One is Jeff Yates, bushes growing about six feet into the road on the northwest corner of Brookdale and Upper Mt. Vernon. Have you had that one?

Bill Morphey: Yes, I do have that one..

Commissioner Mourdock: Vicky Hertel, that's the one we spoke of last week.

Commissioner Tuley: We did that last week, yeah.

Commissioner Mourdock: Let's see, no name given. Since the June 8th storm there's been a lot of debris in the ditch on both sides of Old State Road and Sunrise. They've made several calls and nothing has been done to clean it out. When it starts raining, it will not be able to drain. Have you heard that one?

Bill Morphey: I've got that one. Most of that has been cleaned up.

Commissioner Mourdock: Okay. I just want to make sure --

Bill Morphey: I think we got a little assistance from the county residents. They contributed more and more.

Commissioner Mourdock: You mean in filling the ditch or sending in forms?

Bill Morphey: Well, a little bit of that, too. I had a call last week about some trees and limbs that we had moved off the road onto Hillside Terrace in a vacant lot. They asked if we could come mulch those up. I told them we could, it was leftovers from the June 8th storm and we went over to mulch them up today and there appears to be quite a few more trees there now than what there was to begin with. So, we've had a lot of contribution there, too.

Commissioner Mourdock: Storm just keeps going on and on.

Bill Morphey: It sure does.

President Borries: I did have a call from one resident and I've referred this to John Stoll, but at some point you will be involved on some concerns on Mt. Pleasant Road in the Deer Creek Subdivision area. We have some awful tight situations here that residents have continued to express some concerns about and particularly the guardrail along the road, so I've referred the matter to John and would ask maybe that you work with him as we look at some ideas along Mt. Pleasant. This would be from Old State east to 41, so we will....I'm sure you can work with John on that.

Bill Morphey: There's some wooden posts out there that were placed (inaudible) years ago.

President Borries: Yeah, and many of them now are over and it's a pretty tight situation there on a road that's becoming heavily traveled, so we'll have to take a look at the whole area, but obviously, the first thing is to see what kind of right-of-way needs we're going to have out there.

Bill Morphey: Okay.

President Borries: I don't think we have much right-of-way.

Commissioner Mourdock: Here's one more, Bill, that I missed. This one, I guess, calls for inaction instead of action. Did not leave name, a gentleman called saying that there was a grader out on Old Henderson Road where it intersects with Long Road. Are you familiar with this one? It says this is the fourth time this summer one's been out there smoothing the gravel. There's only about five cars a week to travel this road and feels our money should be spent more wisely. So, too bad they didn't give a name, I'm sure you'd give him a telephone response.

Bill Morpew: That's the guy that rides his motorcycle on Old Henderson Road standing on the seat. He probably lives next door to the guy that says you can't travel down that road ten miles an hour.

President Borries: Somewhere in between is the truth, huh?

Bill Morpew: Somewhere in between.

President Borries: Is the guy still riding down there?

Bill Morpew: Yes, he does.

President Borries: Every day, huh, a little trip?

Bill Morpew: Yes, he does. There's no one down there to show off in front of. I don't know the story there.

President Borries: That will be proof positive that something's right with that road, anyway. Well, thanks.

Bill Morpew: Yes, sir.

President Borries: Appreciate it.

RE: JOHN STOLL - COUNTY ENGINEER

John Stoll: I've got four items this evening, all of which are change orders. The first one is on the Lynch Road project. There were some modifications made in the elevations of the joint which resulted in an increased cost of \$631.00. Of that, 20% is ours, which is \$126.00. I recommend that change order be approved.

President Borries: Okay, may I have a motion?

Commissioner Tuley: So moved.

Commissioner Mourdock: Who is the vendor?

John Stoll: On Lynch Road, this is Blankenberger.

Commissioner Mourdock: I just wanted to make sure it wasn't anything to do with me. I'll second.

President Borries: So ordered.

Commissioner Mourdock: Caution, caution.

Commissioner Tuley: Don't get in trouble that way.

John Stoll: The next change order is for the Burkhardt Road overlay at Columbia Street. We had to delete a manhole that wouldn't fit within the right-of-way and we replaced that with a "T" section of pipe. That resulted in an increased cost of \$261.20 and this was with Law Construction. I recommend that this change order be approved.

President Borries: Motion?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Borries: So ordered.

John Stoll: The next change order is also with Law Construction, this is on the concrete repair project. This is just the final change order to increase and decrease all the items for all the overruns and underruns on the project. We had a decrease in the amount of flowable grout, an increase in the amount of compacted aggregate, an increase in concrete, a decrease in PVC downspout drain, increase in expansion joint material, decrease in under drains, and decrease in geotextiles, and then liquidated damages were assessed on this project as well. The overall effect of this change order is a decrease of \$1,787.51.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

John Stoll: The final change order is for the Franklin Street Bridge. The contractor out there is Gohmann Asphalt & Construction. The original amount of trainee hours on this contract was for two thousand hours of trainee for E.E.O. and that's all been used. This is an increase of \$1,500.00 to add another thousand hours of E.E.O. trainee hours to the job. Here again, our cost is 20% of this, so our actual local cost is \$300.00. There's also a change in materials out here. There was a tinted seal that was going to be put on this, but now it's going to be a clear seal and there is no change in cost for that, so the only change in cost is as a result of the E.E.O. trainees.

Commissioner Mourdock: Are we changing that for a reason beyond the scope of this project? In other words, our E.E.O. obligations, obviously, go beyond what this one project dictates. Are we trying to do something here that goes beyond the scope of that project?

John Stoll: The hours were used up on this job. It was an estimate when it was originally started and this is just to increase the E.E.O. on this particular job.

Commissioner Mourdock: So are you saying it's basically like any other unit price? I mean, instead of using five hundred yards of gravel, you used fifteen hundred? Is that the way it was bid?

John Stoll: I'd have to go back to the original contract and see what it was bid. I think it was originally two thousand hours of trainee --

President Borries: Originally, it was a thousand.

John Stoll: A thousand, okay.

Commissioner Mourdock: Let me try to rephrase the question. Maybe you can help, Alan. Are we under an extraordinary obligation somehow beyond this project to deal with the E.E.O. commitment that the county would otherwise have?

Alan Kissinger: In relationship to this project? I don't know how we could be. No. Not beyond this project.

Commissioner Mourdock: Okay, that's...my experience with something like this has come about through conciliation agreements and that type thing where you have to make the effort and have to put the

E.E.O. program in place and have to do so much hiring pursuant to that, and training being a part of that. I guess what I'm hearing is we just have a commitment here and for some reason, there's more hours being used than what we originally thought there was going to be.

John Stoll: This would have been established through the goals that INDOT put into the contract originally and I understand your question now. They didn't give me a detailed reason on why this extension or increase in hours is being put on this project. If you'd like I can get some more information.

President Borries: It says,

"...trainee hours to contract current contract quantity at two thousand hours has been used."

Commissioner Mourdock: My original concern was that if this was just part of the normal agreement, that somehow that was saying that was going to be an overrun in everything else we were going out there. In other words, if we were short, we were supposed to have two thousand hours of this work and instead ended up with this addition, is all the other work going to be increased by the same amount?

John Stoll: The only other pending change order that should come about on the Franklin Street job will be in regard to the steel and the bolts. The original quantity of bolts was left off the contract, inadvertently. So, we'll have a change order for the entire number of bolts that were put on the job and we'll also have a change order for additional steel that was replaced that they didn't foresee wouldn't need to be replaced back when the job was started. So, those are the only two pending change orders, so there shouldn't be corresponding increases in every other item, like what you're concerned about.

Commissioner Mourdock: Okay.

John Stoll: If there are other change orders, Stewart May hasn't made me aware of that as of yet.

Commissioner Mourdock: Okay. With that, I'll move that we accept the change order as submitted.

Commissioner Tuley: I'll second.

President Borries: So ordered. Anything else, John?

John Stoll: That's all I have.

President Borries: Thank you.

RE: CONSENT ITEMS

President Borries: We have a list of employment changes under consent items that appear in your packet. We have travel requests and a Council Call for Burdette Park.

Cindy Mayo: I have a Council Call that I am putting together now, that I meant to put into your packet and I apologize that I did not. It's a rather large request from the Commissioners.

President Borries: And this is for?

Cindy Mayo: Several different things.

President Borries: Oh, okay. I appreciate all this information. I'd say, basically, the one, particularly, I guess, the tuition transfer is about over with, you think or not?

Cindy Mayo: I believe that it is. We have about \$60,000 in bills that have come in. I think a lot of this laid on people's desks over the summer since it is school corporations that are involved and we now are getting the certificates in and the bills in. We hope that most of it is in. As of July 1st, the county is no longer responsible, but the ones that we are receiving are through the end of the school year.

President Borries: Through June 30?

Cindy Mayo: Yes.

President Borries: Okay, '95 school year.

Cindy Mayo: Yes.

President Borries: May I have approval for Mrs. Mayo to go on Council Call here to represent our budget on this?

Commissioner Tuley: So moved.

Commissioner Mourdock: I'll second.

President Borries: So ordered. How about the rest of the consent agenda, then. Is there a motion to approve.

Commissioner Tuley: I've just got to make one comment first. There's one in here, Circuit Court, Sheila Eichmiller. The position is other, the salary is blank.

President Borries: On the...

Commissioner Tuley: Employment changes.

President Borries: Circuit court.

Commissioner Tuley: It's about the first page of your employment changes.

President Borries: Okay, I've got...

Commissioner Tuley: You've got the actual slip.

President Borries: Yeah, Sheila. I don't get that one, either. Well, what's your feeling here on this? I mean, we could pull this until next week.

Commissioner Tuley: I just...I don't know, what do we move on? There's nothing to, I mean, it's not zero, but there's nothing. I don't understand why it's on there without something.

President Borries: There's an account number which is the same account number as the intern right above it. It's the same number.

Commissioner Tuley: There is?

President Borries: Well, look. Mine says 260-1980.

Commissioner Tuley: Yeah, 260-1980.

Suzanne Crouch: Which would be part-time. That's \$5.00 an hour, isn't it?

President Borries: Yeah. This says just simply, other.

Commissioner Tuley: But the 1980 account is a part-time account which would be \$5.00 an hour, correct?

President Borries: Can we put that in there?

Commissioner Tuley: I think we could go ahead and put that in there. If that's not what they intend, we'll hear back from them next week.

Commissioner Mourdock: Well, it is effective 10-1-95, so we could pull that for a week or...

President Borries: I'm going to, for the record, add \$5.00. I mean, they do have a number here and the account also is consistent with the same person who was released from that same account. So, it must be a part-time hourly account. I'm going to put \$5.00...

Commissioner Mourdock: Actually, the one that was released, it's \$5.50.

President Borries: Yeah, well this person is going to go to \$5.00. Is that agreeable with the Commissioners? I just added that.

Commissioner Tuley: That's fine.

Commissioner Mourdock: Did I hear a motion?

Commissioner Tuley: I'll so move at this time, then.

Commissioner Mourdock: I'll second.

President Borries: So ordered. Okay. Thank you.

RE: SCHEDULED MEETINGS

President Borries: Scheduled meetings, there should be a list of meetings attached.

RE: OLD BUSINESS

President Borries: Under old business, that issue is back, but I'm not going to, maybe, talk at length tonight, but maybe to ask you to gain some information to see if we need to reconsider any issues that have to do with this convention center or what we refer to as the Vanderburgh Auditorium and Convention Center. We do need to move forward with architectural plans. However we do that, I'm sure you would share the concern that we would not want to advertise, receive requests, interview, go through the design and then have to redesign. So, perhaps if you could consider this issue and what you believe might be in the best interest of our community, we could discuss that if you would chose to do so at, maybe, next week's meeting. If that's agreeable to everyone?

Commissioner Tuley: I put in a couple of calls to some people I'd like to meet with this week, I set some appointments to meet with them this week, so...

Commissioner Mourdock: I have no problem revisiting that next week, and I agree, we do need to get off center, we need to do something. I think, from last January when we all acted together to endorse the Food & Beverage Tax extension with the purpose of the Auditorium, that was certainly giving us some direction and we need to follow through.

President Borries: Okay.

RE: NEW BUSINESS

President Borries: New business?

Commissioner Tuley: None.

Commissioner Mourdock: I will pass.

President Borries: Okay. I don't think I have anything at this time that would be considered new business. We do have these items to sign. If there are no further items then, we do have Rezoning which will happen immediately. But if there's no further business, I will adjourn this portion of the Commission meeting.

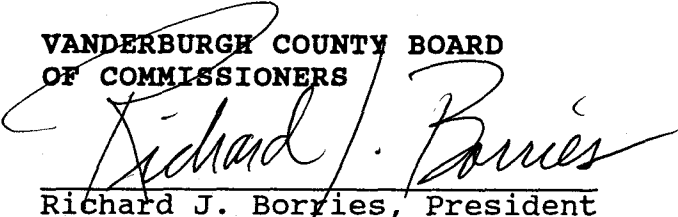
Meeting adjourned at 6:58 p.m.

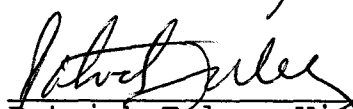
THOSE IN ATTENDANCE

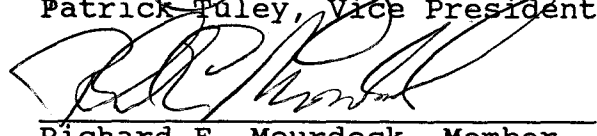
Richard J. Borries
Richard E. Mourdock
Alan Kissinger
Teri Lukeman
Ken Alvey
John Stoll
Caroline Dow

Patrick Tuley
Suzanne Crouch
Cindy Mayo
Rick Jones
Mike Robling
Arthur Paul
Bill Morpew

**VANDERBURGH COUNTY BOARD
OF COMMISSIONERS**


Richard J. Borries, President


Patrick Tuley, Vice President


Richard E. Mourdock, Member

**VANDERBURGH COUNTY BOARD OF COMMISSIONERS
MEETING OF REZONINGS
SEPTEMBER 18, 1995**

The Vanderburgh County Board of Commissioners met in session for the purpose of rezonings at 7:00 p.m. on Monday, September 18, 1995.

President Borries: Welcome, we are reconvening the September 18th Vanderburgh County Commission meeting for the rezoning portion. We have some folks here, we will...

Steve Bohleber: Not too many.

President Borries: Was there one other item? That one is merely going to be a formality on first reading, so why don't we consider yours first.

**RE: VC-6-95 PETITIONER: DAVID ALSTADT
2118 HARMONY WAY**

President Borries: The requested change is from an R-1 to a C-4 with a Use and Development Commitment. His attorney is with us this evening, Mr. Steven Bohleber. We will turn the program over to you at this point for your presentation.

Steve Bohleber: Thank you, Mr. Borries, and good evening, gentlemen and ladies. My name is Steve Bohleber and I represent David and Cynthia Alstadt. David is sitting here in his Nut Club outfit because he's supposed to be at a publicity meeting for the Fall Festival.

President Borries: Oh, we're trying to get that Franklin Street Bridge going. I just want to tell you, we've done all we can now, David. So don't get mad at us.

Steve Bohleber: In any event, they own 2118 Harmony Way. They're requesting to rezone a small portion of their home to bring the family business, Alstadt Plumbing Service, into compliance with the zoning laws. As you can see from the description and site plan, it's basically a plug out of the center of their property around the pole barn structure that has, for the past eleven years, at least at that site, been the focal point for the business. To allay the fears of the neighbors, we have the restricted Use and Development Commitment that Mr. Borries made reference to. But very briefly, for the past eleven years, this business has operated with very little notice from the outside world. If you pass by Harmony Way, you're not going to see anything but a very tasteful residence that the Alstadt's and their family live in. The general neighborhood is consistent with this quiet atmosphere. Quite honestly, I've known David for along time, most of my life, and I've walked through this neighborhood since I don't live too far away, and didn't realize there was anything there other than the plumbing service, even though I knew David was a plumber by trade and had used him on many occasions. Currently, the business is centered within a pole barn structure to the rear of the residence, and it's that area that we seek to rezone. David employs three people who travel from their homes to this site each day and then leave, where assigned, to perform plumbing tasks off site. There are no customers generated by this. There's no fabrication on the property. It's basically for the storage of the vehicles and as a staging site for the business. Three employees generally perform their tasks away from this location, as I indicated. In the evening, the three vehicles owned by the business are parked on the site. They consist of two one-ton step vans and one three-quarter ton van. These vehicles easily can be parked in the pole barn structure at night. While the zoning map may reflect a predominantly residential area along this section of Harmony Way, you go a thousand feet in either direction and you see businesses, historic business, some are zoned, some are pre-existing, and if you do travel that neighborhood, you will find that probably this

type of family business has historically been the type of activity you will find interspersed with residences in that general area. David doesn't know of any significant problems with his neighbors. They have enjoyed his company for a long time and his business has not presented a problem for them. I'd like to acknowledge that his neighbors were not a complaining force behind what brings us here this evening. But to continue this harmony with the neighbors, we have submitted the Use and Development Commitment simply allowing that plumbing contractor shop to continue, nothing else. There will be no signs on the premises and that's part of the commitment. In addition, David has volunteered, for the sake of his neighbors, to do something very unique. In addition to the Use and Development Commitment, he has executed a covenant to be recorded in the chain of title with the property that reads, and the pertinent part is as follows:

"In the event of a sale of the above referenced real property by the undersigned,"

meaning the Alstadt's,

"On the event of his alienation from the Alstadt family in the future, the undersigned, the heirs, successors and assigns shall be affirmed and be required to rezone the property to R-1."

So, we are going to make that a part of the record and chain of title on this property. We think with these commitments and his eleven year proven history, he is a responsible and valuable member of this neighborhood. This comes to you with a seven-one to pass recommendation, I believe, from the Area Plan Commission.

President Borries: Eight-one.

Steve Bohleber: Eight-one. I'm sorry. Since there weren't, apparently, any remonstrators here, I think we've satisfied the neighborhood concerns. David is here to answer any questions. If there are none, we'd ask for a yes vote from members of the Commission.

President Borries: Thank you, Mr. Bohleber. Any questions of him?

Commissioner Tuley: You've used him as a plumber and he's using you as his attorney, who's got who for the most money so far?

Steve Bohleber: I'm ahead, so far...and the longer we stand here tonight, the further ahead I get!

Commissioner Tuley: I'll say this, I saw a cartoon one time drawn in the paper. A guy is pulling into his driveway and there's a plumber's vehicle parked in the drive. His first words in the caption read, "Oh my God, I hope it's an affair!"

President Borries: Okay, well thank you, Steve. For the record, is there any person here who wishes to remonstrate, speaking for or against this petition? Let the record show there was none. With that said, may I have a motion to approve this ordinance, VC-6-95, Petitioner: David Alstadt?

Commissioner Tuley: You got any questions?

Commissioner Mourdock: No. I was going to make the motion. I'll move passage of VC-6-95.

Commissioner Tuley: I'll second.

President Borries: Okay. I'll call for a roll call vote at this time. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Borries: Commissioner Tuley?

Commissioner Tuley: Yes.

President Borries: And I vote yes. The ordinance is approved.

Steve Bohleber: Thank you, gentlemen. We'll record the covenant.

President Borries: Thank you. Yeah, we're trying our best on that bridge, so...tell them to hang in there with us.

David Alstadt: Thanks a lot.

RE: VC-8-95 PETITIONER: JAMES K. NEVILLE
5522 POLLACK AVE.

President Borries: The second item is a first reading only and, of course, the procedure then, it is forwarded to the Area Plan Commission for their review and recommendation. This will be VC-8-95. The petitioner is James K. Neville. The location is on Pollack Avenue at 5522, which is currently R-1 and the change, the requested change is to C-4. Any comments at this point as we forward this to the Area Plan? Okay, hearing none, may I have a motion to approve VC-8-95 on first reading and forward it to the Area Plan Commission?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered. I believe that concludes our abbreviated agenda. Mrs. Crouch, is there any...we had some discussion before I adjourned this meeting concerning the fixed asset project that we are working on to satisfy the State Board of Accounts. Do we need any authorization to go to the Council for funding for the part-time persons or...?

Suzanne Crouch: It may not hurt to do that. I'm going to check my part-time budget and see, I know I have some monies available. I may be able to pick up one of the two students. Certainly, I will pick up two if I've got it, but if not, then it probably would not hurt to have funds available.

President Borries: May I ask for approval for us to go on Council Call for part-time help? It would be minimum wage for these students to assist us in this fixed asset project.

Commissioner Tuley: So moved.

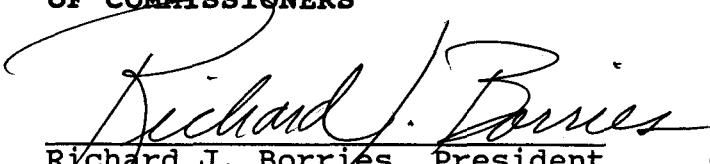
Commissioner Mourdock: Second.

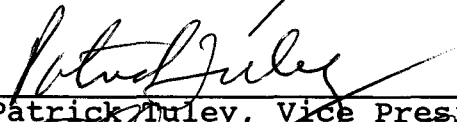
President Borries: So ordered. Any other business this evening? We're adjourned.


Meeting adjourned at 7:17 p.m.

REZONING MEETING
SEPTEMBER 18, 1995

VANDERBURGH COUNTY BOARD
OF COMMISSIONERS


Richard J. Borries, President


Patrick Tuley, Vice President


Richard E. Mourdock, Member

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS

SEPTEMBER 25, 1995

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The Vanderburgh County Board of Commissioners met in session at 5:41 p.m. on Monday, September 25, 1995 in the Commissioner's Hearing Room.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Borries: Welcome to the September 25, 1995 meeting of the Vanderburgh County Commission, called to order at this time. Let me introduce the folks here with us this evening on our staff. To my far right is Mrs. Cindy Mayo, she serves as Superintendent of County Buildings and also as the Commissioner's office manager. He will be here momentarily, County Attorney Alan Kissinger. To my immediate right is County Commissioner Pat Tuley, I'm County Commissioner Rick Borries. To my left is County Commissioner Richard Mourdock, County Auditor is Suzanne Crouch, and our Official Recording Secretary is Teri Lukeman. Would you join us please for the Pledge of Allegiance?

We have agenda printed for your information and available to you on the table next to the wall. We do have some action items that we will consider at this time, the first of which is approval of the minutes of our last meeting, which was held on September 18, 1995.

Commissioner Mourdock: Having reviewed the minutes, I'll move approval of the minutes of the meeting of September 18th.

Commissioner Tuley: I will second.

President Borries: So ordered. Before we get into the other agenda, we do have an item here for any groups, individuals, and I notice we have some guests here this evening, some folks that don't normally attend or have to put up with much of the detail of our meetings. We welcome you. I think we had, again, some opportunity to fax some information to you today that Mrs. Mayo was able to find out by talking with the Commissioners. Any statements at this time, so maybe we can get on with some of the other business. Some people probably are here for one item.

Commissioner Tuley: Right. I would imagine most of the media is here just for the one item. Basically, I had hoped that by this week I would have had a chance to meet with enough people to revisit, I guess, the Green Convention Center. I had a series of about four different meetings last week and there's other information out there still being gathered. So, I'm really not ready at this point in time to bring that issue back up tonight. It's in a news release to that effect or at least a memo to that effect. My reaction is, there needs to be at least one more joint meeting with the Council to rule one way or the other on the finality or whatever, of the Green Convention Center in terms of support, where either the Commissioners, through the County either purchase it, or through a joint venture with the County and Convention and Visitor's Bureau, or whomever, another local unit of government, that may want to participate or join in. What I'm asking for tonight is that we have a joint meeting on October 9th in the Gold Room of the Auditorium, have a joint meeting with the Council and members of the Convention Bureau to determine exactly which direction we need to go in, in terms of this community's convention business. I don't think any member of the Council that I have talked to, or any member of this Board, feels that we do not have a need for a viable convention business or a viable convention center in this community. The questions arise as to what that building or convention center should be, an expanded Vanderburgh County Auditorium or the Green Convention Center, or a combination of the two. I don't think, tonight, that there would be support among the Council members to support the purchase of the Green Convention Center, however, what I'd like to have that meeting for, is for them to give us some guidelines in terms of what they would support, be that an expanded auditorium and to what degree. So, at this point in time, I'm not going to bring up the Green Convention Center again until after we've had that meeting on October the 9th, if that's agreeable.

Commissioner Mourdock: Okay, just to clarify it, though, are you saying then, that after a presentation on the 9th, that you would expect to have a vote as to the final disposition of the Green property?

Commissioner Tuley: I would say by the 16th, we should be ready to put it to a vote to either put it to rest or whatever.

Commissioner Mourdock: So you're thinking that whatever information you glean, one way or the other at the meeting of the 9th, would lead to that third and final, whatever final vote that would be.

Commissioner Tuley: Yeah, and I know you're not trying to put it lightly, it's just there are so many different opinions about what's the right thing to do and I really think, until we get an agreement with the Council as to what that is, it's a moot point. I mean, we can sit here and we can vote, I could change my vote and it go to the Council, and I'm of the opinion that wouldn't change anything that would come out of the Council, we'd still be in that same situation. But I'd like to see even more of a positive situation where the two bodies can agree which way we're going to head on this. If they, in fact, will not support the Green Center in any way, shape, or form, then this Board, I think, has to be given some guidelines in terms of financial commitment as to what we could do, be it the Auditorium, a new building, or whatever.

Commissioner Mourdock: The wording you used previously, I think, is, I know it speaks for my position and I won't attempt to speak for members of the Council, they can more than adequately speak for themselves, but my previous vote against purchasing the Green Convention Center, if we were voting tonight, I would maintain that position. However, I would hate to think that would be a vote interpreted as a vote against the convention business in Evansville. I don't mean it that way at all. It's simply a question of that facility.

Commissioner Tuley: Yeah, and I sometimes don't make it very clear, and I would say that, and I'm trying not to speak per se for the Council, but in the conversations that I've had, I think they're in agreement. There is a need for a convention center, as to whether or not it's the Green Convention Center, I think that's where the question is. So, I'm not trying to put words in their mouth either, they're quite capable of speaking for themselves.

Commissioner Mourdock: I'm sure they will.

Commissioner Tuley: Oh, I'm sure they will, too. But, I guess, basically, what I'm saying is, the reason I don't want to do this next week, Commissioner Borries is going to be out of town, I think, the 9th. I just think we need some input, and I think we need to work together and put this thing, because if it's going to be the Auditorium, it needs to be expanded. We need to start rolling, but there are several issues that all need to be addressed: parking, what we do during that period of remodeling, and everything else, if that's the way it comes down.

Commissioner Mourdock: And I think those are going to be valid issues regardless of what we do. We know something has to happen. I guess, just finally, to clarify it again, I want to be sure in my own mind here what you're asking for then is, if not direction, which I don't know that we can necessarily throw the ball totally in their hands, if not direction from the Council, you're looking for some sort of indication as far as what kind of --

Commissioner Tuley: Financial commitment they're willing to...you know...

Commissioner Mourdock: Okay, what kind of financial commitment

they're willing to make.

Commissioner Tuley: Right. I don't want to come back later with a plan that would be a total expansion of the Auditorium and then come back and say, look, you guys are way out of line, here. We need to get some kind of guidelines so if it is going to be an expansion of the Auditorium, we know what they are from the get go, in terms of what they feel they're willing to commit to financially to see that come about, and that's all.

Commissioner Mourdock: And basically, then, I guess that would be determined on some prediction as to what the Food & Beverage Tax will be generating in revenues and see how much of that commitment is willing to be made.

Commissioner Tuley: Yeah.

Commissioner Mourdock: Okay.

President Borries: Maybe you guys ought to go ahead and do something next week when I'm out of town, they might get a lot done since my position has been somewhat outspoken, I guess, at least for one alternative. But, I'm always ready to consider other alternatives, and I think that it's been well said here that we need a convention business. I think that is the bottom line and the next step is, how we're going to get there and how much that's going to cost. I would certainly be willing to consider any alternative that we might be able to hear and allow people to speak as we did before on Monday, October 9th, if you agree to do that. I will say that the bottom line is, I have some serious concerns that, again, in this age of downsizing, negativism that sometimes is so pervasive in things that we do, that I will not support what I consider is a feeble attempt at doing something to the Auditorium that, in my opinion, will not plan for the future, not improve the convention business here. It's almost as if sometimes there's a mentality, well, this is Evansville, we can't do anything really nice here. And I don't want to see that. It is going to cost money, we need to find out what those costs would be if we're going to go into a full-fledged consideration of improvements at the Auditorium. It's going to cost a lot of money, and frankly, I will speak long and hard about doing it right and doing something that this community is going to be proud of in the future for a long, long way. So, I'm willing to consider all alternatives, and if it's the feeling of this Board, would we want the...I'm sorry.

Commissioner Mourdock: I didn't mean to interrupt you --

President Borries: That's all right, I was just going to ask for a motion to set that meeting date and have the Auditor advertise it.

Commissioner Mourdock: Okay, that would be fine with me. You said something a moment ago that sort of waved a flag at me when you spoke of having people come back and state their case, or whatever. I think if we're going to do this, we ought to stipulate that if we're going to have people speak, as clearly they should, that those who speak are presenting new information to us. We don't need to just rehash what we've gone over as far as projections as to what the convention business has been, what we might think it could be, that type thing.

Commissioner Tuley: Yeah, and I would agree, because what I'm asking for is a commitment as to how we get where we all know we need to be and what form of a building do we chose to do that. I don't think there's any need to argue whether we need a convention business or not.

President Borries: I think we'd better look at the interpretation of the ordinance, the enabling ordinance, that allows us to do

things at the Auditorium. I think that, with the Food & Beverage Tax, I agree with that, I think we need to get some cost estimates, and again, because I think I'm hearing both of you say that you want to do something right, too, and we need to look at those costs and see what kind of commitment that the County Council as well as the Visitor & Convention Group will want to bring to the table, because I think, also, I can speak for both of these people who have thought about this issue long and hard, we're going to keep this off the property tax role. To say that this thing is going to be a completely profit-making situation, well, again, it's hard to predict the future, but we can't just look at expenses and say it's now going to cost this much to operate until we also figure in the revenue and we've never talked about the revenue in this situation, too. So, it's been a complicated thing. I think it's been good for the community to raise, certainly, the awareness of what we want to do. It's an exciting kind of thing, and hopefully, we can resolve this at some point, here, in October.

Commissioner Tuley: This got into a heck of a lot more discussion than I had really planned for it to tonight.

Commissioner Mourdock: This project keeps doing that, doesn't it. I just noticed in my notes here, it was January 17 when the three of us voted unanimously, when, Rick, you and Councilwoman Bettye Lou Jerrel came forward to speak on behalf of doing the funding for the Auditorium. So, again, I think you're right. We do want to see the convention business, we want to see it done first class and I just want to see us start moving positively down that road.

President Borries: And one final point, how soon can we get this done? What are our immediate needs in the short run? Is there a possibility of getting conventions in here in 1996? I understand there is some concern, at least on the part of one person in the Kiwanis, about some state Kiwanis gathering that's supposed to be here, and what could be our short-term needs? What kind of facilities do we have that could promote this community and get us into the convention business in 1996? These are some questions we also need to consider. If you're willing to do so, then, may we ask the Auditor to advertise, then, for a meeting at the Vanderburgh Auditorium, perhaps, somewhat the way we arranged it the last time with members of the Vanderburgh County Council and the Visitor & Convention Bureau at the Vanderburgh Auditorium at, we'll have a what, Solid Waste meeting before that, but we can begin at 5:30 p.m., if that's your will?

Commissioner Tuley: So moved.

Commissioner Mourdock: I'll second.

President Borries: So ordered. Well, that's all we're going to say about that tonight. We have other items to do and we have a lengthy Drainage Board, so those that were here for other business, we welcome you to stay, but I don't think that we're going to belabor this point any further at this time. Thank you very much for your attendance.

**RE: HARRIS HOWERTON - EXECUTIVE DIRECTOR OF COMMUNITY CORRECTIONS
VANDERBURGH COUNTY**

President Borries: Harris Howerton, approval of a grant amendment for the Vanderburgh County Community Corrections Board.

Harris Howerton: Good evening, Commissioners. I'm Harris Howerton, Executive Director of Community Corrections. As you know, our downsizing at the Community Corrections Complex including a reduction of the number of residents in the work-release component, something that we all had a hand in and that's worked out pretty well. Included in that plan was an expansion of the electronic monitoring house arrest program, a very successful

program, very few problems, a great deal less liability and a good alternative for the courts to consider placing people in with regard to intermediate sanctions as opposed to a residential type component. I have some good news, I think. I wrote the Department of Corrections a couple of months ago, I told them about our reduction. I told them that we had a need for expanding the program and I got a letter in return from Mike Brown from the Department of Corrections suggesting that they'll look at it very favorably. The Community Correction Advisory Board met last Thursday and they resolved that I should go to the Department of Corrections and ask that we be given the monies to do that. The breakdown would be two caseworkers, officers, placed in the house arrest program, and their salaries and the benefits be paid for, on an on-going basis, year after year, in other words, not a one-time shot, by the Department of Corrections and that they purchase forty-five more electronic monitoring house arrest units for a total of \$104,012. Purchase of the equipment will be a one-time shot and the officers will be paid for year after year, so it would up our base in our grant. So, I think that's good news and I'm very optimistic that they'll do this for us. I ask that you resolve tonight that you allow me to do that.

President Borries: Questions of Harris?

Commissioner Mourdock: You say they'll be paid for year after year, I don't follow that, Harris.

Harris Howerton: The officers.

Commissioner Mourdock: Right, I understand it's the officers, but how are they going to be paid year after year, are you saying that we're going to get this same grant year after year after year?

Harris Howerton: Yes, they're going to work this into our base grant. We get approximately \$270,000 a year --

President Borries: Which hasn't gone up since the initial --

Harris Howerton: It hasn't gone up much, but they did give us an extra \$70,000 last year, and they're looking at giving us a one-time shot of approximately \$50,000 for the unit, and then raising our base on an on-going basis to pay for the officers.

Commissioner Mourdock: Okay, so the folks that the forty-five electronic units you'll be putting in house arrest, does that mean you'll be moving people out of the current facility to put them on house arrest?

Harris Howerton: Basically, we've already done that. In fact, there are about seventeen people waiting for electronic monitoring equipment now. My hopes are that we can also, as I have suggested to the Prosecutor, to the judges, I've talked to some attorneys and pushed for the courts and everyone to consider that intermediate sanction first before we talk about putting someone in a work-release component. With the available equipment and manpower, I think that it might be sellable.

Commissioner Mourdock: So, as of today, though, you've seventeen people who, if you had these units, would be, tomorrow, under house arrest?

Harris Howerton: Be on the program and I think that it would enhance the probability of judges sentencing people to that component versus work release.

Commissioner Mourdock: So are these two employees, then, are they employees, the two officers who will be transferred from their present positions and reassigned under this, or are these two new employees?

Harris Howerton: No, these, in fact, are people that are part-time folks that we can raise to full-time and the Department of Corrections is willing to pay for it.

Commissioner Mourdock: But they're working for you already?

Harris Howerton: Yes.

Commissioner Mourdock: As part-time.

Harris Howerton: On a part-time basis.

Commissioner Tuley: Harris, given the understanding that your budgets were greatly reduced and what have you, what's the optimum number that you'll be able to house out there, within your budget? Do you know where you're at now? Are you getting there?

Harris Howerton: We're there.

Commissioner Tuley: You're there.

Harris Howerton: It's my opinion, we're there. Quite frankly, the Council cut some monies out that have to do with the part-time monies and it has to do with food. Last year, we got by, basically, by the Jobs Program, Inc., a not-for-profit corporation component within that organization, basically, footing the bill for giving the county about \$39,000. If we did it last year, I think we can do it this year. I think we're just about right where we need to be. We've got one hundred and eighty bunks out there, one hundred and fifty for the males and thirty for the females. That's down from three hundred. I think we did a good job of managing to bring it into a controllable and affordable community corrections program.

Commissioner Mourdock: So the direct answer, which isn't to say you've answered indirectly, let me rephrase that. Pat asked you how many people out of your current budget, that number is one hundred and eighty?

Harris Howerton: Yes.

Commissioner Tuley: And for future, then, does this type of system, I know you had told me at one time, I think, you can put ten people on a monitor from the same one guard that you can put --

Harris Howerton: More like twenty-five.

Commissioner Tuley: Twenty-five?

Harris Howerton: Yes, sir.

Commissioner Tuley: Okay. For the same amount of people they guard in-house and can be responsible for?

Harris Howerton: Right. So, it's an affordable, practical type of component. It's very popular with other counties around the state and the nation.

Commissioner Tuley: Okay.

President Borries: Yeah, I really like this concept. I think that it provides us with some alternatives here that we haven't had before and I certainly want to commend you for lobbying the Department of Correction to get this money, because this allows us to do a couple of things: to maintain the goal that we had in terms of downsizing, but also to still have some kind of viability for some sentencing should it be appropriate in this particular situation. So, good. May I have a motion to approve this request?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Harris Howerton: Thank you.

President Borries: Thank you, Harris.

**RE: KOESTER CONTRACTING - VACATION OF A PORTION OF OLD GREEN
RIVER ROAD**

Beth Burger: Good evening, Commissioners, my name is Beth Burger. I'm an attorney with Bamberger, Foreman, Oswald and Hahn. I'm here representing Koester Contracting Corporation. They are petitioning to vacate a portion of Old Green River Road. They own a parcel of real estate that abuts Old Green River Road. The portion that they would like to vacate, and you can see the site plan and the location map, it dead-ends into I-164 and it is a gravel road.

Commissioner Mourdock: Excuse me, I don't know that we have the map. Do you have a copy, Rick?

Beth Burger: It should be attached to the petition, and there is another location map that sort of shows you the bigger picture of where it is.

President Borries: I don't have it. Wait a minute, I've got it.

Commissioner Mourdock: Okay, we've got it. I'm sorry.

Beth Burger: Okay. The reason they are requesting that the road be vacated, or at least that portion of the road, they have been experiencing tremendous difficulties with trespassers in that area who are coming in, actually even dumping things onto the property that adjoins that road. All the other abutting property owners have consented to that and, in fact, by written consent, have also expressed their desire that the road be vacated, that portion of the road. They have also been notified, their green receipts have been filed as well, and they should be in your file, and notice has been made by publication in the Courier. We have also, and you should have on file, letters from the utilities with respect to that. All have stated that they have no objections, although Sigeco, Southern Indiana Gas & Electric Company, has expressed a concern in their letter that they continue to have access to electrical lines that they have lying in that area. We have discussed that matter with them and our purpose is not to exclude public utilities or anyone who should have access to the property, it is merely to exclude trespassers from that property. If you have any questions, I'd be happy to address those, or another representative from Koester Contracting, Mr. Tim Buehner, is here as well and he can address any question you have.

President Borries: So Beth, to put that another way, you're saying that if Sigeco needed to get access, that Koester Contracting Corporation, to the best of your knowledge, is saying that they can if they need to do so.

Beth Burger: And, in fact, at least as of now, we have all sort of discussed and agreed that there will be a gate across that road if the vacation is ordered, and it will be locked, but it will be a common lock and Sigeco will have a key to that lock as well.

President Borries: Okay. So, Koester Contracting still would use it, it's not a paved road --

Beth Burger: No.

President Borries: But you would still use it for access to business that goes south. Is that correct?

Beth Burger: Access to their facility that they own abutting there?

President Borries: Yes.

Beth Burger: And the other property owners will also, it's all been discussed, and they will also have access to that, complete access.

Commissioner Mourdock: Does that mean they would have a key also, as Sigeco would?

Beth Burger: Yes.

President Borries: Okay, I don't have any further questions on this. This is, for the record, a public hearing held in conjunction with the official meeting of the Vanderburgh County Commission. Are there any persons here wishing to speak for or against this particular petition? Is this an ordinance, Alan?

Alan Kissinger: It is not.

President Borries: Anyone wishing to speak for or against? Okay, let the record show there was none.

Commissioner Mourdock: Even though --

President Borries: Well, I mean, we do have someone here speaking for, a remonstrator is one of these homegrown words that I don't understand the meaning of, so I always say for and against, because if people want to speak for it, they can do that. Most of them speak against, but, whatever. There is no ordinance involved, then?

Alan Kissinger: Well, they have prepared an ordinance, and I'm assuming that they have done the proper advertisement, etc.

Beth Burger: Yes, yes.

President Borries: It has been advertised?

Beth Burger: Right.

Alan Kissinger: At the present time, you're having a hearing on the petition. If you grant the petition, then you would, by granting the petition, you would adopt the ordinance.

President Borries: Okay.

Alan Kissinger: But we don't have to go through the procedure of advertising, etc., because that has been done.

Beth Burger: It has.

Commissioner Mourdock: I would make a request, even though it's not an ordinance, that we have a roll call vote so I can abstain, obviously, since I have a vested interest here, with the Koester organization being my employer.

President Borries: Okay, well, I would have called for a roll call if it was an ordinance, anyway, at least to get permission to sign it. Again, let the record show there was no further comment. May I have a motion at this time, Commissioner Tuley?

Commissioner Tuley: I'll move at this time, then, an ordinance to vacate a portion of a certain public way within Vanderburgh County,

Indiana commonly known as Old Green River Road, be granted.

President Borries: I will second that. Call for a roll call vote at this time. Commissioner Mourdock?

Commissioner Mourdock: Abstain.

President Borries: Commissioner Tuley?

Commissioner Tuley: Yes.

President Borries: And I vote yes. The ordinance is approved.

Beth Burger: Thank you.

RE: KEN MONTGOMERY - 2730 EASTSIDE PARK DR.

President Borries: Ken Montgomery has requested to be here regarding a gun ordinance.

Ken Montgomery: My name is Ken Montgomery and I am owner of Crestmont Corporation located at 2730 Eastside Park Drive, which is in the Cullen Avenue industrial park. I come before the Commissions requesting, I don't know if it's an ordinance, or regulation, or whatever, to prohibit an activity that is going on next to our property that is, people are hunting. I guess they're shooting at doves. The city, I guess, is expanding its' way out into the county and we've got quite a few businesses in the area as well as residential areas being built up. This activity, needless to say, is potentially injurious to our employees and our customers and definitely has been disruptive to our business and customers coming to our plant to conduct business. The activity of guns being fired makes us kind of nervous, and has scared some people away or wanting to leave, our employees have requested to leave work early. What we're asking and looking for is some relief from this activity by method of an ordinance or regulation to move hunting activities farther away from this property area.

President Borries: Okay.

Ken Montgomery: What I've given you there is kind of a summary of that. Some of that is expounded on a little bit further on contacts that we have had and things that we've tried to do.

President Borries: Questions of Mr. Montgomery?

Alan Kissinger: Is this property within the city limits of Evansville?

Ken Montgomery: No. Just on the border.

Commissioner Tuley: I was going to say, it's got to, I work at Ad-Craft, so we're real close to you, but we're in the city, there.

Ken Montgomery: Right. We're on the other side of Negley which is the borderline and --

Commissioner Mourdock: Is there --

Ken Montgomery: Pardon me?

Commissioner Mourdock: Go ahead.

Ken Montgomery: I just wanted to explain.

Commissioner Mourdock: I apologize. Is the property where most of the shooting is going on, is it owned by one property owner? You say the fields that --

Ken Montgomery: No, I don't believe it is. In our contact with people and where we've noticed the hunters, and the most recent time the Sheriff's department was there, they went out and looked at it, it's several different owners of different properties. I mean, the hunter isn't standing all the time in one place, one day you'll see him one place, another day he'll be moved to another place and sometimes there's two or three. It gets to sound like a war-zone some evenings. When a dove flies up, there's bang, bang, bang, bang, bang. Everybody looks around to see what happened, which way are we pointing guns and which way the shells fly. I think if you're familiar with the area, there is a lot of things being built up along Green River Road. If you know where Spurling's home is, we're just talking of the area that's to the east of that, kind of to the west side of Burkhardt where you'll see most if it. If you're familiar with the extension of Fitzgerald Road, it would be running east to west, it's just kind of south of that is the area that we're looking at, where we see most of the activity, or at least where you'll see them and where you can hear the gunfire is coming. And you can see them. They used to be almost twenty feet away from the property and when we talked to them, they moved farther away, and then a little farther, and now, you can still see it from out in the fields where Spurling is expanding and building farther to the east.

President Borries: I share your concern on this, I mean, it is certainly a dangerous activity. Our problem, however, is when you start, as you well know, getting into some constitutional issues about guns, and particularly in rural areas, as you have correctly pointed out, I would say that this is no longer, certainly, a rural area. But now, maybe our County Attorney here could give us some guidance on some of this. Aren't hunters required to carry a license? Wouldn't that be a state law?

Alan Kissinger: Yes, hunters are required to carry a license, and number two, if they are on property that is not owned by them personally, --

President Borries: That's illegal, I mean, it could be --

Alan Kissinger: They're required to also have on their person a permit from the person who owns the real estate allowing them to hunt on that real estate. A Department of Natural Resources Enforcement Officer has the authority to enforce those laws. I understand what you're saying as far as your concern about this activity is concerned, and don't get the wrong impression that I'm saying, well, if somebody gets hurt, you certainly have a remedy. I'm not saying that at all. But I do know that you say you've repeatedly called the Sheriff's department, the Sheriff basically has said that there isn't anything that they can do, and to a degree, they're right. But as far as, you know, if this activity is creating a substantial risk of bodily injury to someone other than the hunters who assume that risk, then there is a state statute that can be enforced in reference to that. It's known as the Criminal Recklessness Statute. If the noise becomes unreasonable to the point that it disturbs people generally in the area, and that noise is not stopped after they've been asked to stop, that's, again, there is a state statute, the Disorderly Conduct Statute, that could be enforced by the Sheriff's department. As President Borries was briefly addressing, the constitutional issue that we have involved here is the right of individuals to hunt, to have guns, to own guns, to shoot guns, etc., within the county and the historical tradition within the county. It has been allowed, and then drawing an ordinance so narrowly that will protect areas such as yours and still allow people to exercise their constitutional rights and bearing arms, hunting, etc., as I said, I can understand your concern and I certainly hope that nothing does happen, but...

Commissioner Mourdock: May I take another grab at this, Alan?

Alan Kissinger: Yes.

Commissioner Mourdock: I think there may be one other remedy here, and I've never been a licensed hunter in Indiana, although I have in other states, have you contacted the Division of Natural Resources, because a game warden, if you will, has arrest authority and certainly anything that he would investigate that would be considered reckless, kind of by your definitions, are certainly already in the hunting regulations. If anyone is hunting near these buildings near people, surely there are state regulations that the agency has power to enforce.

Alan Kissinger: Anything where you're creating a substantial risk of property damage or personal injury.

Kim Sullivan: My name is Kim Sullivan and I work with Mr. Montgomery at Crestmont Corporation. I did talk to the Department of Natural Resources. They told me that they could not do anything since it was not a state hunting area. Since it was being done on private property, there was nothing that they could do for us. I'm sorry, that's what I was told when I called Indianapolis.

Alan Kissinger: I understand what you're saying. I don't doubt that you got that information.

Kim Sullivan: When we have called the Sheriff, many times they come out there, they ask the hunters, are you allowed to hunt here? The guys go, yes. The Sheriff goes away. It was only last week that they actually decided to even check with the property owners that these people were really actually allowed to be there. We've been calling the Sheriff for two years --

Connie Montgomery: And they weren't allowed -- I'm Connie Montgomery. I'm Ken Montgomery's wife and Kimberly's mother and I'm an officer of Crestmont, also. This is an extremely dangerous situation and we have called the Sheriff's department and they would like some kind of rules or regulations from the Commissioners. They have been asking us to try to do this. They are the ones that told us to come before you to see if something could be done, because if you look at the map on the last page, I believe, that you have, there is one empty lot there, number forty-seven. They were shooting right there. That is owned by Concrete Pavers, and Concrete Pavers gave one person permission to shoot there. From the Sheriff's department, David Anson came out, and he looked at the situation. There are buildings, I mean, the other lots now have buildings and businesses on them, it's not empty anymore. He said if there's shooting going on in that lot 47, it's dangerous. That's what we're here to say. We need some help. Someone is going to be hurt, really hurt.

Alan Kissinger: What I'm saying, and I don't mean to say, you know, there's nothing we can do, all I'm saying is there are laws that the Sheriff can enforce now without another ordinance. Number one, they can enforce the trespass law. If any individual is on that property without permission, the Sheriff can tell them to leave and not return. If that person does return, then they're guilty of trespassing. Number two, there is the disorderly conduct law in reference to the noise. If the noise becomes unreasonable, and a disturbance to the people generally in the neighborhood, I guess in that area, it would not.

Connie Montgomery: No, the noise is not a problem, it's the danger.

Alan Kissinger: Number three, there is the law in reference to criminal recklessness, and that law says basically, if an individual recklessly, knowingly, or intentionally performs an act that creates a substantial risk of bodily injury, that person is guilty of the crime of criminal recklessness. If they're firing

guns in such a fashion that it is obvious that it is dangerous, then the Sheriff has something to enforce. I will be happy to instruct the Vanderburgh County Sheriff's deputies in reference to these laws that are already at their disposal.

Connie Montgomery: We would appreciate that.

Ken Montgomery: The thing that you had mentioned, I think it was the first activity, at least to the best of our knowledge, none of the people that own any of those properties have given anybody any permission to be there, and if you're saying they should be carrying a written permission to be able to hunt there, I think that will eliminate, because the people that we have talked to say that they don't want them there. They're nervous about it. They don't even want to come to talk here for fear that the hunters may shoot at their property area. They're in homes adjacent to that section --

Connie Montgomery: And businesses.

Ken Montgomery: So, I would feel confident that nobody has given anybody any permission to be there, so that would eliminate somethings if the Sheriff's investigation says you don't have a permit, you have to leave.

Commissioner Tuley: The question that comes to mind is, why would the owners of lot 47 give someone, even one person, permission out there?

Connie Montgomery: I think you would have to ask them.

Commissioner Tuley: Have you asked them?

Connie Montgomery: Yes.

Ken Montgomery: It's away from, it's still an empty lot. They're not building on it yet, and their employees are close to that and say, go ahead, you go ahead out there and shoot. Originally, they once said, you know, after 5:00, well, now it's 3:00 in the afternoon, then it was 2:30 in the afternoon and somebody is out shooting already. You know, our employees, and business is still being conducted. After 5:00, well, it wasn't too bad, once. But then it was Saturday, or then it was down to 3:00 and somebody is out here now, let's just start a little early. But I think even they would probably be acceptable to stop the activity if it was in the right way. But even, I think, one hunter or whoever was it was doing it there, it seems like he's either left or he's moved farther away, because the close proximity shooting has now seemed like it's going a few hundred yards more away, but still, you can see it and you can see guns being waved around, you know. Frankly, I'm not a hunter, I don't know how far a shot goes, and I don't think the people walking out of my plant know how far a shot goes, either, but except the, boom, I think I want to leave.

Alan Kissinger: Just for general information, and not coming from an expert, approximately a hundred yards.

Connie Montgomery: Oh, they're much closer.

Ken Montgomery: No, it's how far the shot goes.

President Borries: Can we have our attorney issue some directives to the Sheriff's department on this specific information to empower them to do this. Mr. Montgomery, our, a bit of a dilemma which we've researched is that, in terms of splitting hairs, when you talk about Vanderburgh County, essentially, we're talking about an area that encompasses everything outside of the city limits of Evansville, and yes, there is urban development there and that's where we're very careful insofar as trying to develop at least some

kind of a law or sanction, let's say an ordinance, that applies to the whole county.

Ken Montgomery: I understand.

President Borries: And that's where we have to be careful.

Ken Montgomery: That was my dilemma as well, but we wanted to bring it forward. We could ask for the attorney, as well, if you could give us something, a letter or whatever, that you just outlined of the remedies that we may have, or what offices we may go to and what the statute law is --

Alan Kissinger: I would be happy to do so.

Ken Montgomery: Then we could put that in somebody's hand when they have to confront...

Alan Kissinger: I am curious about the information you got from the Department of Natural Resources and enforcement officers in consideration of the fact that it's boldly printed on each hunting license, fishing license or hunting license, that you must have permission to be on the property where you're hunting.

Connie Montgomery: But you carry it with you?

Alan Kissinger: You are supposed to, yes.

Connie Montgomery: Okay.

Ken Montgomery: Which says from that information you have, I can (inaudible) what we understand it to be.

Alan Kissinger: I'd be happy to do that.

President Borries: Thank you very much for that, then, we will make every effort to support you on this. Again, we're not trying to be coy on this, frankly, as I was just saying to Commissioner Mourdock, it seems as if, if you can see the gun, it's too close. I don't know how we can put that into a law, but we will empower the Sheriff to do whatever he can do, first of all to ask those people to remove themselves from property if they've not been sanctioned to do so, to carry those permits, and in the case of common sense, I mean, it certainly could be criminal recklessness if you can see it. If you're within earshot, that's one thing, but if you can see that gun, then there could be some concerns here of criminal recklessness.

Ken Montgomery: We understood in the beginning that we couldn't change the world and some people's habits. When we bought this property, in walking over it and putting the building on it, we found the gun shells. This has been people's hunting area for years, and it's kind of hard to move from where it was, but it is getting populated now and I guess things have to be spread out and stretched out a little further as time goes by.

President Borries: Sure.

Alan Kissinger: As Commissioner Tuley was just discussing with me briefly, also, if Concrete Pavers would agree to put up No Hunting/No Trespassing signs there, that would greatly facilitate enforcement by the Sheriff.

Kim Sullivan: I have talked to somebody over at that business, and basically, he kind of shrugs his shoulders and says, well, it's hunting season. My guys have been working late. He has not been very helpful in curbing his...

Alan Kissinger: I will send a letter to the Vanderburgh County

Sheriff and I will also send a copy of that letter to you.

Kim Sullivan: Okay. Thank you very much.

President Borries: Thanks for coming. Department head reports, Alan Kissinger, County Attorney.

RE: ALAN KISSINGER - COUNTY ATTORNEY

Alan Kissinger: The first matter I have concerns the Teamsters Jail Corrections Officers contract. As the Commissioners are aware, the jail corrections officers have been working without a new contract since December 31st of last year, or January 1st of this year, and the County Auditor has, I think, pointed out that in consideration of the fact that there is not a valid contract, certain payments cannot, and appropriately, should not be made. In response to that concern, an agreement has been prepared between the Teamsters and the County Commissioners. Basically, this is a stopgap method of allowing the previous year's contract to continue until we are able to amend that contract, hopefully, sometime this year. The wording is, basically, the controlling wording is:

"The parties agree to be bound by the terms set forth in the section below and said terms are to be complied with as fully as those set out in the Master Agreement.

The complete "Master Agreement" shall be extended until a new Agreement is reached.

The wage increase negotiated with the County Commissioners and the County Council will be put into effect January 1, 1995."

That is already in effect.

"The remainder of the Master Agreement shall remain unchanged."

I encourage the Commissioners to give favorable consideration to approving this agreement on a temporary basis so that we can continue with our negotiations, and hopefully, arrive at a new contract with the Teamsters.

President Borries: Do we need to take action, then, to ratify this, just to...

Alan Kissinger: Yes.

President Borries: Okay. Again, it basically continues the contract until it's changed.

Alan Kissinger: A little history on this, basically, I think, and correct me if I'm wrong, Ms. Crouch, I think it's time to pay the clothing allowance, is it not? The Teamsters are very concerned they aren't going to get paid their clothing allowance if the Auditor isn't authorized to make the payment.

Suzanne Crouch: Right.

Alan Kissinger: And this would authorize the Auditor to make that payment.

President Borries: May I have a motion to approve this?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Alan Kissinger: The next matter I have is, pursuant to the ordinance that was adopted by the Commissioners in reference to poor relief appeals, I acted as hearing officer for the County Commissioners this evening in case #94-112. The Knight Township Trustee had refused poor relief. The reason given was that the individual seeking poor relief had failed to seek or accept gainful employment when it was offered and there was information brought out indicating that one of the individuals requesting the relief had, in fact, refused work through an employment program. The reason given, basically, was that if one member of the household was working, then the other one had to baby-sit, and I think that it specifically violated a rule that is set out in the Knight Township Trustee's standards booklet which says, basically:

"Failure to seek or accept gainful employment when offered, whether the compensation for the work would be payable in money, in house rent, or in commodities consisting of the necessities of life..."

If you refuse that work, then that is a reason for them to refuse you the poor relief or the assistance that has been requested. After having the hearing, and hearing the testimony of both parties, the township trustee and the applicant, it is my recommendation to the Commissioners that the denial of the poor relief for the reason given by the Knight Township Trustee be upheld and approved by the Commissioners.

President Borries: May I have a motion to accept the attorney's recommendation?

Commissioner Tuley: So moved.

Commissioner Mourdock: I will second the motion with the comment that, this certainly verifies one of the often heard criticisms I hear from the "working poor" which is, there is a desperate need for some child care facilities in Evansville.

Commissioner Tuley: Yeah, it's not one of those things you want to vote for, but having sat through a few of these things, I think the best way to explain it is, our only job is to determine whether or not the trustee has acted within those guidelines. And according to Alan, his opinion in this particular case, he has. But you're right, it's tough to take people who are making minimum wage and tell them, get a job and pay for a baby-sitter all at the same time, on a limited income.

President Borries: I will say, so ordered.

Alan Kissinger: I have nothing further to report.

President Borries: Thank you, Alan.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Cindy Mayo: The employee handbooks did come in to the office today, so I would like to get your direction or your instructions as to how you would like for our office to proceed with seeing that those are given to the employees. I did speak with Mr. Tuley this evening and he suggested that it be, whatever the number might be of employees in that particular office, it be given to the office holder and they sign for those, and then the office holder, in turn, return the signed copy showing the employees did get their copy.

President Borries: Yes, that's what I'd like to see.

Commissioner Tuley: Cindy and the staff can handle our departments in terms of getting it to the department heads, but...enough said. Give it to the office holders and let them give

them to their employees.

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

President Borries: Yeah.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Cindy Mayo: I'm sorry?

Commissioner Mourdock: The question is, the date of effectiveness of the policy itself?

Cindy Mayo: It was whenever it was adopted, two weeks ago?

Commissioner Mourdock: And we obviously got in one question regarding dates and advertisement and all that, but all that's past now, so we ought not have a problem.

Commissioner Tuley: I don't think so.

President Borries: However, on certain benefits, where there were some changes made in terms, I'm referring specifically to vacation. Wasn't it the feeling of this Board that those would take place, since we operate on a calendar year, January 1, 1996?

Commissioner Tuley: Yeah, that was my impression because of the adoption being so far into the year, we couldn't very well go back and give extra time.

Commissioner Mourdock: Right, I concur with that.

President Borries: Okay.

Cindy Mayo: The only other thing that I have, the Evansville Black Coalition did purchase several of the surplus properties earlier in the year with the hope that they would get some community block grant funds. They were not granted those funds, they will not have the funds to rehab these properties and would like to give them back to the Commissioners. Well, rather than something come up as with the Reitz Booster Club.

President Borries: Oh, we'll take them, I mean, what choice do we have?

Cindy Mayo: I believe there are four properties.

President Borries: Okay.

Cindy Mayo: And I did tell Mr. Ogburn that I would talk to the Board and draw those deeds up if that was your wish.

Commissioner Tuley: Let me ask you, though, before we jump too quickly. There were several properties at different points along the time that were asked for by more than one organization, and they worked it out. Can we possibly double check and see if any of these were requested by anybody else?

Cindy Mayo: Most of the properties that there was more than one were vacant lots where they could build. Choice and Habitat were really the two that were interested in...

President Borries: Are there still some structures on these, because usually what Bobby Ogburn's group did was rehab some existing --

Cindy Mayo: There are, I believe, three structures and one has been torn down by Code Enforcement.

President Borries: Yeah, see, they don't want the liability on it. We're going to have to do the same. I would think that if we have to take them, and it looks like we will, we need to either have them razed or have them secured ourselves because --

Cindy Mayo: They are. When we get these properties, Bennie does go out and board all of the properties up, and Mr. Ogburn did go into all of the properties before they requested them to make sure that they could be rehabbed, but they are still boarded up.

President Borries: Okay. I guess what I'm concerned about, though, and I'm not looking at any expense to raze these except that they'd be in that condition for over a year, wouldn't they? If they don't have any funding for 1996, that means nothing is going to happen to them.

Cindy Mayo: We should be able to offer them, and some of the properties people have, the neighbors have expressed an interest in purchasing. I believe that we will be able to sell the properties when we have our public auction.

President Borries: Good, good.

Commissioner Tuley: Real quickly, because we're talking about neighbors, we need to make sure we check the law because the abutting property owners have certain rights over the general Joe Public, in terms of first rights --

Cindy Mayo: You did mention that to me and I sent a letter to Keith Rounder and asked that when he, he's working with the Auditor's Office on tax sale right now, but as soon as that is over with, he will be able to work with me on the surplus property and I did, in the letter, mention that you wanted him to research that.

Commissioner Tuley: Yeah, I think if there's a value under X amount of dollars, they can get it for, I mean, they get first shot at it. If it's over that, then I think it goes to a public auction, but Keith can research all that. I'm glad you remembered that.

Cindy Mayo: That's all I have.

President Borries: Thank you. One item that occurred to me and I know we will be getting into October here and I hope that Cindy, we could ask for your cooperation to give you another thing to do. But, I know that the United Way drive will be moving up and could we ask you to help coordinate it?

Cindy Mayo: I have a meeting scheduled with Mr. Evan Beck, I believe, Wednesday of this week.

President Borries: Great. Yeah, I remember some correspondence, and I'd strongly urge us to, at least I'd be happy to send out a letter to all of our employees again. I really hope that we can increase our giving because I don't see many alternatives. Someone, a friend of mine once said, and I think it was well said, that if you didn't have United Way, somebody would have to invent it, because it's either that or we're going to have to pay more tax money for a whole bunch of other services that are given. I hope we can give that message to our folks because there are such limited monies available. So, I'm glad that you'll be working with that. Hopefully, we can have a real good 1995 campaign.

RE: BILL MORPHEW - COUNTY GARAGE

President Borries: For the record, a progress report was prepared

by the Vanderburgh County Highway Department from Friday, September 15th through Thursday, September 21st, 1995. Also, the report included the Vanderburgh County Bridge Crew and it shows work done in all parts of the county. Bill, give us an update here on where you're paving and your equipment at this point.

Bill Morpew: Old Henderson Road, the majority of it. We're paving 4.2 miles down there, we've got all the rough spots wedged in now and the road is actually, it's a good road to drive on.

President Borries: Is our guy still doing his wheelies every day at noon?

Bill Morpew: I saw him haul his motorcycle in the back of his truck heading toward town last week. I think he broke down or something. He can go faster on that road now. It's smooth.

President Borries: Good.

Commissioner Mourdock: It's not as much of a thrill now. He probably won't do it.

President Borries: That's right. Okay. Any questions, Commissioners, at all?

Bill Morpew: I do have one fellow that I guess has retired. He got his social security September 19th, Tuesday of last week. I did post that job today at the garage. There was another job at the garage that went county-wide as of this Friday which is a mechanics job that will be vacant. So I assume that I'll have to look for a mechanic. That will be next week.

President Borries: Okay.

Bill Morpew: That's all I've got.

Commissioner Mourdock: I just had one fellow call. I think you may have already done something with this gentlemen or at least have something in planning, Robert Norrick, 4619 Upper Mt. Vernon Road.

Bill Morpew: He called in about a pothole, yes. I went out and marked it and we're going to fix it for him.

Commissioner Tuley: Bill, before you leave tonight, let me talk to you. I didn't get a chance to talk to you about something earlier, so...

Bill Morpew: Sure. I'll be here.

President Borries: Thank you, Bill.

Bill Morpew: Yes, sir.

RE: JOHN STOLL - COUNTY ENGINEER

John Stoll: I'd like to recommend that we award the EARC Parking Garage Deck Repairs to Mid-Continental Restoration for the amount of \$109,906.

Commissioner Mourdock: This was the low bidder?

John Stoll: This is the low bidder and this isn't the company --

President Borries: I'm afraid to ask too many questions on this. Everything with the bid was in order?

John Stoll: Yes.

Commissioner Tuley: It's not the person we danced with before?

John Stoll: Right, this is not the contractor who was the low bidder the one time the contract was awarded.

Commissioner Mourdock: I move acceptance of the bid.

Commissioner Tuley: You moved faster than I did. I second.

President Borries: And quickly, so ordered! That's great.

John Stoll: Yeah, if we could finally get it done this time.

President Borries: I think, also, once this is completed, I believe we may have to ask Alan, I think we have in the past prepared certain documents in terms of a potential transferring of ownership.

Alan Kissinger: Yeah, John, if you would advise me when you've inspected that job and it's considered to be completed, I'd appreciate it and then we can do the follow-up work on it.

John Stoll: Alright. The next item I've got is the agreement between CSX, Azteca, and the county for the railroad spur turnout. This is for the switch off CSX mainline to the railroad spur that the county was committed to install for Azteca. This agreement basically says that the county will pay the \$72,195 on the upfront fee for Azteca to install the switch, and then the county will be reimbursed at the rate of \$25.00 per car over a five-year period. So, hopefully, we'll get all of our money back. Based on Azteca's projections, we will get all the money back. When this was last brought before you, there were several changes that Alan and I had recommended that CSX add into the agreement. All those changes have been made on the agreement, so it's got everything in it that the county was concerned about and I recommend that it go ahead and be signed at this time.

President Borries: Okay. May I have a motion to sign this agreement?

Commissioner Tuley: So moved.

Commissioner Borries: I will second. So ordered. What else, John?

John Stoll: Also, on the subject of railroads, Indiana Highrail is in the process of going through bankruptcy court, so they don't have any money available to improve some of the crossings that they've got that are in pretty poor condition. One of those is the Allen's Lane crossing. We've gotten numerous complaints, and several other agencies, EUTS and you name it, have all got complaints on that crossing. Indiana Highrail has proposed that if we could use some county crews in conjunction with their crews, they could go ahead and remove one crossing and improve the other one that will remain in place. They need the county to help provide asphalt and barricades and hauling away anything that will need to be removed out there on site. I didn't know if this is something that you want to proceed with. Since they're in bankruptcy, this may be our only shot to be able get the crossing there improved. It would be work that they had to do, that they would be responsible for, but given the fact that they're in bankruptcy, they're not jumping at the chance to get out there and do that work.

President Borries: And what will be their --

John Stoll: They'll provide equipment to help work, I guess they're going to install the improved crossing and remove the rails on the other crossing that will be taken out, and then the county

will basically have to bring in the asphalt patch over it and haul away any debris.

Commissioner Mourdock: If we proceed along those lines, and I'll direct this to Alan, do we forego any opportunity as a claim in the bankruptcy, or would we have needed to have filed that already?

Alan Kissinger: If we file a claim in bankruptcy, basically, you're going to be spinning your wheels because you're going to get, number one, you have to have a claim for money spent. We do not have that and number two, if we file an action against them to enforce their responsibility to maintain the crossing, that suit would be stayed as a consequence of the bankruptcy proceedings.

Commissioner Mourdock: So this is as good as it's going to get?

Alan Kissinger: Yes, it is.

Commissioner Tuley: Have you got any idea, John, cost wise?

John Stoll: Just for asphalt and some other things, county garage crews, I wouldn't think it would be very expensive.

Commissioner Tuley: That's a bad crossing.

Commissioner Mourdock: Yes, it is.

President Borries: A thumper. May I have a motion?

Commissioner Mourdock: I'll move that we proceed as directed or as suggested by the County Engineer.

Commissioner Tuley: I'll second.

President Borries: So ordered.

John Stoll: The time frame that Highrail was looking at was sometime the middle of October. I talked to Bill Morphey about that, he said he felt that might work in pretty well with their schedule, so hopefully, we can get it taken care of.

President Borries: Okay.

John Stoll: I've got one other item and I don't know if all of you have had a chance to see it as of yet, but I forwarded over to you last week a copy of some revised procedures to select consultants for federal aid projects. This probably didn't get over to you until last Friday so you probably haven't seen it, but it's eventually going to need your signatures on it in order that we may keep getting federal aid money on road projects. There are really no significant changes to it, but I just wanted to bring it to your attention and that way, give you a chance to review it prior to bringing it up at a meeting.

President Borries: Okay. Well, let's try to do so in a timely fashion and perhaps the Board could act on it next week.

John Stoll: Okay.

President Borries: And again, you say there's no significant changes in it?

John Stoll: They added provisions that a cost estimate would be provided by INDOT for the consultants' services. The county has to provide some more detailed information concerning the scope of work for the project that the RFP is issued for and I believe that was about it. So, it's basically the same thing as before and I included in the information that I sent you, a copy of the previous consultant selection procedure so you can see what we had and what

we will have once the revised procedures are approved.

President Borries: Okay, next week, maybe you gentlemen can consider this? Thank you, John.

Alan Kissinger: John, I have one question for you, and I have more empathy for the County Commissioners now having local residents calling my home personally about their problems. All of my neighbors want to know when the Eickhoff Road culvert is going to be completed.

John Stoll: They're supposed to set the beams tomorrow and then I would assume they would be paving on it by the end of this week, so middle of next week, probably, at the latest. It's been going along fairly quickly. They were allowed three weeks at closure time and I believe this is the start of their second.

Alan Kissinger: Yeah. Thanks, John.

President Borries: And, should I ask? They're really coming along, I'll tell you, the part of the bridge that I see at the West Side Fall Festival is going to be great. It starts next week, but they're not going to be done. They understand that, particularly on, well, there'll be enough access there and then for the parade route on the 7th, it's pretty close.

John Stoll: I've spoken to a couple of people with the West Side Nut Club and they're making --

President Borries: They're not going to be making (inaudible) out of this at all or anything?

John Stoll: They're not yet.

Commissioner Mourdock: Put it this way, they're going to serve Borries burger!

President Borries: Ooh, that's right.

John Stoll: Their main concern was security and barricades around the site. Since the deck is poured, the sidewalk may be poured, but the rail won't be. They were concerned about people getting out on the bridge and liability and safety concerns. They wanted to make sure that the contractor would have security and barricades to prevent people from wandering around on the job site. At this point, the contractor has been saying that's no problem, they'll make sure they've got it all covered.

President Borries: Good. Thanks, John.

John Stoll: You're welcome.

RE: CONSENT ITEMS

President Borries: We have consent items including employment changes, travel requests and, of course, there's a scheduled meeting list. If you've had the opportunity to review these, may I have a motion to approve?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered. I mentioned that the scheduled meeting was included.

RE: OLD BUSINESS

President Borries: I have one item under old business. This, I

think, was an invoice. John, is that invoice, is this part of, on Pfeiffer Road, part of our...

John Stoll: It should be on the consent agenda.

President Borries: Consent agenda? Okay. The one item of old business is a memo that says:

"Please attach an addendum that needs to be signed so that Burdette Park can receive the money they were shorted in '93 due to the salary only being carried out two places behind the decimals instead of four. The money was appropriated in 1994 for this."

Cindy Mayo: And again in 1995. I left that off of there.

Commissioner Mourdock: Say that again, the money was shorted because it was --

Commissioner Tuley: Rounding out two decimal places instead of three caused them to be short?

Commissioner Mourdock: Two decimal places instead of (inaudible). So how much are we talking about? What were they shorted? Okay.

President Borries: It should have been...it's not a lot.

Commissioner Mourdock: Is there a standard policy as far as State's concerned on rounding things in payroll? Any idea?

Suzanne Crouch: If the budget is done one way you round up, and...

Commissioner Mourdock: Okay.

President Borries: May I have a motion to approve this addendum?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Borries: So ordered. Any other old business?

Commissioner Tuley: Just a reminder. We kind of talked (inaudible) tonight or we might (inaudible) later, the vacancy on the tourism board.

President Borries: Okay. We possibly could do that under new business, if you care to do so. Also, one quick item, DSM Engineering had a very nice open house. I have press kits for our friends in the media. It was a very nice event held, I think, really insofar as good news to show some of the progress that they were doing and I have some information about that. I attended that this past weekend. I think that's all the old business I have.

Commissioner Tuley: (Inaudible) name, Mike, is that right?

President Borries: Yeah, Howerton.

Commissioner Tuley: Yeah, I knew it was Howerton, I couldn't remember what his first name was.

RE: NEW BUSINESS

Commissioner Tuley: I move at this time that Mike Howerton be appointed to the Convention & Tourism Board to replace Mr. Stan Atchison who had to resign because of a change in employment.

Commissioner Mourdock: I'll second.

President Borries: So ordered. He is a hotelier, as they call themselves. I believe he manages the Holiday Inn formerly known as the Ramada Inn on Highway 41.

Commissioner Tuley: Correct. That's that (inaudible).

Commissioner Mourdock: I have one item of new business that I think is very exciting for us, to be honest. As Commissioner Borries and Commissioner Tuley know, I've had some discussions with you each individually regarding business development potential for, not only Vanderburgh County, but Southwestern Indiana, and particularly, in spite of the interest of possible large businesses that would affect not only Vanderburgh, but surrounding counties. It has certainly been my contention, having spent a lot of political time, some would say wasted, outside the boundaries of Vanderburgh County over the years, I've gotten a little bit of a feel for how some of the other county governments view Evansville and Vanderburgh County. With all of that in mind, I have talked to Commissioners in Warrick, Posey and Gibson Counties regarding the formation of a four-county business alliance, which Indiana State Statute would allow as an economic development district. The formation of such a district could allow us to have bonding capacity beyond the strengths that individual counties would have and could allow for revenue sharing from a large plant locating here. Each county, as members of that board, we could get together, establish basic incentive plans so that if a major employer were to come here, we could define on day one how the incentive packages would be offered to that business or support businesses that may eventually develop. With all this in mind, and obviously, with the need very much to have public meetings, in speaking with the Commissioners of the surrounding counties, I've asked if they would be interested in getting together to try to formalize such an arrangement. I'm very pleased to report that representatives from all the Commissions have responded very positively. They understand the need for joint revenue sharing, for joint development potential as far as infrastructure and, by and large, just the opportunity to work together. I have done some checking. The conference room at the Evansville Airport is available at 10:00 on October 14th and what I would like to offer this evening is a resolution that basically reads, I'll be very brief here:

"BE IT RESOLVED THAT,

- 1) ON THIS 25TH DAY OF SEPTEMBER, 1995, Vanderburgh County Board of Commissioners state their commitment to meet jointly and publicly with the Commissioners of Gibson, Posey and Warrick for the purpose of discussing the formation of a permanent Four County Economic Development District.
- 2) On the 14th of October, 1995 at 10:00, the Vanderburgh County Board of Commissioners will meet at the conference room of the Evansville Regional Airport for the purpose of commencing such discussions, and
- 3) The Vanderburgh County Board of Commissioners request and encourage the presence of the Commissioners from Gibson, Posey and Warrick Counties to join in such discussions at the aforesaid time and place to formally pursue the formation of a Four County Economic Development District."

In my discussions, I have highlighted to them that I wanted to make sure that we strongly supported this concept. If we did, then I would like to go personally and invite both of you, or if you would care to do it in my stead, that's fine, too, to attend their meetings to formally offer this invitation and to begin to kick around some ideas that I think would be a very, very positive

message that we could send both Indianapolis and any potential employers that are out there. Having been in Boston last week, perhaps it's the sense of history the place gives, but I was reminded of Benjamin Franklin's words to the Continental Congress when they started to get a little squeamish about signing the Declaration of Independence, and he told them if we don't all hang together, we will most assuredly hang separately. We have a lot at stake in economic development and I think if we hang together and send a message to business and to Indianapolis that we want to work together for the benefit, not just of our individual county, but for the area at large, I think we would be very well served and, therefore, I would ask your support for this Resolution so that we can begin to pursue this possibility.

Commissioner Tuley: I think the fact that this, as you explained to me, would be information gathering and exchanging ideas in terms of revenue sharing, cost sharing and what have you. I would be supportive of such a formation to be allowed legally to meet and discuss it. I think you quite well pointed out that, if we work together, we all benefit from the move, be it right here directly in Evansville or in the surrounding southwest Indiana. So, I can support your Resolution.

President Borries: And I can do the same. My concerns will be, which I will want to voice at that time is some kind of shared tax base, because we in Vanderburgh County, as Commissioner Mourdock and Commissioner Tuley well know, do accept and have much of the burden in terms of a lot of economic development. I think, sometimes, this has caused some suspicion. So certainly, we will want to build that trust. I also believe that we'll have to have the services of a professional economic development arm or agency such as Vision 2000 or some group to help coordinate and provide that level of trust. As we all know, this is an extremely complicated, complex situation that will involve a lot of meetings, a lot of dialogue. We are a bit, I won't say penalized, but inhibited, when we meet together as we are here, and as we will on that day, we must inform everyone and so it will involve a lot of people and, oftentimes, communications can sometimes break down when you have a lot of people. But I do support this concept, I hope we can work through these items and, as I say, I know that these other counties certainly would get good use from all of us working together.

Commissioner Mourdock: I am not so bold as to say this is a lead pipe cinch that we can pull all of this together, because you're right, it is going to be very involved, it's going to take a lot of meetings. I will say, I don't think a year ago we could have gotten the interest of the other counties to work together on this, but the time is right, right now. I think, well, I certainly appreciate your support of the Resolution and I will certainly keep you informed and look forward to seeing you on the 14th.

President Borries: Great.

Commissioner Mourdock: Do we need a formal motion?

President Borries: Yeah, we'll need a motion.

Commissioner Tuley: Then I'll move at this time that the Resolution as outlined by Commissioner Mourdock be adopted.

Commissioner Mourdock: I will happily second.

President Borries: So ordered.

Commissioner Mourdock: The Auditor just asked, do we need to advertise this?

President Borries: Yes.

COMMISSIONERS MEETING
SEPTEMBER 25, 1995

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Commissioner Mourdock: I have no other new business.

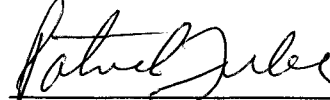
President Borries: Any other new business? We do have a Drainage Board that will follow immediately. If there's no further business, we are adjourned.

THOSE IN ATTENDANCE

Richard J. Borries
Patrick Tuley
Richard E. Mourdock
Suzanne Crouch
Alan Kissinger
Cindy Mayo
Teri Lukeman
Harris Howerton
Beth Burger
Ken Montgomery
Kim Sullivan
Connie Montgomery
John Stoll
Bill Morphew

**VANDERBURGH COUNTY BOARD
OF COMMISSIONERS**

Richard J. Borries, President



Patrick Tuley, Vice President



Richard Mourdock, Member

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS

OCTOBER 2, 1995

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The Vanderburgh County Board of Commissioners met in session at 5:35 p.m. on Monday, October 2, 1995 in the Commissioner's Hearing Room.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

Commissioner Tuley: We'll call the meeting to order, if we might. In terms of introductions, don't worry about these two signs here. Commissioner Borries is out of town; he will be back next week. To my far right down there is Cindy Mayo who is our Superintendent of County Buildings and our office manager. To my immediate right is Alan Kissinger, the County Attorney. I'm Commissioner Pat Tuley. This is Commissioner Richard Mourdock, County Auditor Suzanne Crouch is to Mr. Mourdock's immediate left and Teri Lukeman is Recording Secretary from the Auditor's Office. If you will, please stand with us, face the flag and say along, as we do the Pledge of Allegiance, please.

The next item on the agenda is the approval of the minutes from the last week's meeting.

Commissioner Mourdock: Having reviewed the minutes from the meeting of September 25, I'll move that we accept the minutes as submitted.

Commissioner Tuley: I'll second and so order. There are, I think, additional copies of the agenda over there along the wall. At this time, we always give the opportunity for anybody who has something to address to the Commissioners who does not find their topic for discussion or their name listed on the agenda, now is the time to come forward.

RE: LYNN ELLIS - PURCHASING

Lynn Ellis: The first item is to request permission to open bids for the asphalt distributor. We have three bids.

Commissioner Mourdock: So moved.

Commissioner Tuley: You have three bids? We have a motion. I will second and so order. We'll come back to that one here in a few minutes.

Lynn Ellis: The second item is to approve advertising for bids for towing services, and this is another joint county/city bid. Currently, Mike's Towing has all of the business. Previously, the bids were split out; abandoned vehicles was under one bid and nuisance and impounded, and city and county cars were under another. This is to join the whole contract under one umbrella. It allows for the award of the bid to more than one vendor, but the whole service would be under one contract, then.

Commissioner Mourdock: I'm not sure I followed that, Lynn. Is that to both tow and store the vehicles? Is that what's being broken into separate parts?

Lynn Ellis: And sell. Right, and there's a potential for the sale of the vehicles as well. It would be for the towing and the storage, and then for the potential sale like we do with the...the city handles the abandoned vehicles slightly different than the county does right now. What they do is advertise periodically, a list of abandoned vehicles that are up for sale and, under the current contract, Mike is required to bid an amount equal to his fees assessed against that vehicle so that the city is not out any money. Those fees are any assessed for towing and storage, and then the vehicles are auctioned. Mike ends up with a lot of them and other interested parties can bid on those if they're interested. Sometimes they are higher, sometimes they are not. There has been an interest, and I know that Wolfe's made a presentation to the Commission and those concerns were taken under advisement when drafting that bid and there is an option, Option A in the bid. There is a copy available in your office if you'd like

to look over it. But Option A allows for the towing and the storage of the abandoned vehicles. Option B is for just strictly the towing. Option C is for the storage and sale. Option D is the towing of the nuisance, impounded vehicles and the city and county vehicles. Their unit price is for other services, whether they would need a winch, a larger tow truck or what have you, depending on the services required. So there are a lot of different options that can be awarded.

Commissioner Mourdock: I'll move for the advertising of bids for APA026-95 for towing services as recommended.

Commissioner Tuley: Okay, I will second and so order.

Lynn Ellis: Thank you. I had one more item added this afternoon, actually it was at noon. The county clerk's office is requesting that we advertise to purchase an imaging system and Joe is here to answer any additional questions or if you want to get more detailed information concerning the equipment. I indicated bids on there and, I think, really what we want to do is do an RFP. The solutions that may be offered to solve the problem of the clerk's office can be varied. We would like to get computer equipment that will take an original document and make an original so that it can't be altered and it would stand up in court if it was ever questioned. It cannot be altered at all in the system. You can take that original document and make a copy of it and alter that copy how ever you want to, but the original can never be affected. It would be equivalent to microfiche or microfilming, that kind of thing. It should stand up better than that because, like I said, it can't be altered. But again, Joe is here if you want to ask any more.

Joe Profaizer: As Lynn said, the county clerk is --

Commissioner Tuley: Joe, I'm sorry. Just for them, so they know who --

Joe Profaizer: Joe Profaizer, Computer Services. The county clerk has been pursuing imaging, we've been talking about imaging for some time now. One of the main reasons that they're pursuing imaging and they can see this as a county-wide issue, actually, is that document storage is a huge problem here. The county clerk has asked VanAusdall & Farrar to come in and do a feasibility study and they have, concerning one of their tax warrants programs to help them reduce paper flow, increase productivity and reproduce original documents on disks with warm technology on optical platters which is write once, read many. That has been the technology passed, I believe, through the Indiana Statute where you can copy these original documents into the warm technology, and therefore discard the originals and you'd have that document on a disk platter and, like I said, you can discard the originals. Filing storage is another problem. You can fit roughly 20 - 25,000 pages on one CD. Also, with this system, it would be networked and multiple users can look at the same file at the same time. You can index it a certain amount of ways; it just depends upon the operator imaging it, but I see multiple solutions that this can solve here.

Commissioner Mourdock: So is this effectively a scanner? I mean, a scanner (inaudible) a CD? Is that...

Joe Profaizer: What it is, is they would have scanning stations set up throughout the county clerk's office and there would be a server with a so-called jukebox hanging off of it with these optical disk platters. They would just scan in the original documents and then at the end of the day, they would have a designated operator who would index these documents accordingly which would get written once to the optical platters; therefore, be there for life, which can be called up by anyone who has security

privileges to do so.

Commissioner Mourdock: And Lynn, you said, even though you have bid on here, more specifically, you're actually calling for an RFP at this point?

Joe Profazer: Yes.

Commissioner Mourdock: Do you have any estimates as to what this is going to cost? I'm just curious.

Joe Profazer: Ballpark, they're, I believe, taking this out of their incentive fund, and it was approved at the last Data Board meeting.

Commissioner Tuley: That was going to be my question, it did require approval of the Data Board?

Joe Profazer: Yes.

Commissioner Tuley: And it's been given?

Joe Profazer: Yes.

Lynn Ellis: It's estimated at \$80 - \$100,000.

Commissioner Mourdock: The way of the future. Pat, did you have something else?

Commissioner Tuley: No, that was it. I just wanted to make sure that, if it did require it, that we've got it already.

Commissioner Mourdock: I will move that we accept the recommendation of Ms. Ellis for an RFP for VC9509.

Commissioner Tuley: I will second and so order.

Lynn Ellis: Thank you.

RE: MARK TULEY - BURDETTE PARK

Commissioner Tuley: Mark Tuley, acceptance of check.

Mark Tuley: Good afternoon, Commissioners. I have with me today John Hill from the East Side Lions Club, and John, you want to go ahead?

John Hill: Well, as we all know, Burdette Park is one of the most beautiful parks in the county, of course, in the state and this part of the country. The June 8th storm this year destroyed hundreds of trees at the park and hundreds more were damaged. The East Side Lions Club is here to help to begin replanting some of the trees and we would like to donate to the park \$500.00 towards this cause. We also would like to challenge all of the clubs and organizations down on Franklin Street this week to take a part of their profits that they're going to make during the Fall Festival and donate some of that money to Burdette Park to restore some of these trees. It's going to start looking like a desert out there in a few years if we don't start getting some of these trees back in there. I'd just like to present this check to Mark right now for \$500.00.

Mark Tuley: Thank you, John. We appreciate that. As John said, you're obviously aware of all the damage to the park from the storm and, unfortunately, we don't have the assets right now for the county to go back and replace those. I want you to know that Stocker's, this check is actually made out to Stocker's Landscaping and they are working with the park and giving us a tremendous discount. Any of the trees that are purchased through them, they

are going to plant and give the park a two-year warranty on them, so that's a very good deal. We're excited about that, and hopefully, other groups will help out here, also, and we can try to secure some more funding for this. The woods out at Burdette, as you know, it looks, when you walk out there, you would think that we probably needed to lose a few trees, but over the years we're losing quite a few of them. We've started putting some trees back and we certainly appreciate what John and his group are doing for us, and hopefully, we can get some more money. We'd like to get at least a hundred trees planted this year if we could secure the money to do so.

Commissioner Tuley: Just a quick question. John, we appreciate the donation on behalf of the Lion's Club, how big...saplings? What can we anticipate that you'll be able to...

Mark Tuley: Actually, the trees that we are looking at right now, most of them are, no, they're not saplings. These are two to three inch caliper trees. We have, from various sources over the last few years, been planting quite a few of the saplings. What we are needing is the, I guess, the in-between size, trees that are going to be there in fifteen to twenty years. A lot of the hundred year old pines out there were severely damaged. We replaced a bunch of those. We're planting some bald cypresses, a variety of evergreens, and also, we have received some money. During the storm, much of the woods that had fell down, there was a group that was doing some logging not too far from that, and Deig Brothers, when they came in during that storm, during emergency order, we asked them to hold some of those logs that were in fairly good shape. We couldn't do anything with that, we were going to have to pay somebody to cut these up and haul them off. This group came in and said hey, we're right next to your property, we'll take these and give you a part of the money. We wound up with Stocker's, which again, the county was going to have to pay somebody to haul off, we wound up with like \$700, \$680, that Stocker's had a credit for us for that. So now, we're at \$1,000. We're off and started, and we'll keep you posted. We've been talking to our advisory board about it and letting them know. We've still got a bunch more we're going to have to take out, though, due to the damage. Thank you.

Commissioner Tuley: Thank you. Thanks, John.

Mark Tuley: Oh, something else about trees. I'll let you know something that I didn't realize. Dutch Elm Disease, (inaudible - comments not made from microphone) Red Oaks around this area which Vanderburgh County has an (inaudible) of Red Oak, they have got (inaudible). A lot of ours have (inaudible). It doesn't affect the other Oaks. I learned that last week. Thank you.

Commissioner Tuley: We're ready for department head meetings. Alan?

RE: ALAN KISSINGER - COUNTY ATTORNEY

Alan Kissinger: We have the bid recap on project VC9508, the asphalt distributor. Three bidders: the first bidder was Construction Machinery Corporation, the amount of the bid was \$77,000; the second bidder was Carlisle Equipment Company, Incorporated, the amount of the bid was \$74,744; last bidder was Southeastern Equipment Company, Incorporated, the amount of the bid was \$68,808. I don't know, what do we want to do with this? Take it under advisement?

Commissioner Tuley: Bill, do you need to take these under advisement for a week to review everything?

Bill Morpew: Yes.

Commissioner Mourdock: If that was a motion, I second it.

Commissioner Tuley: I was supposed to make the motion. So ordered anyway.

Alan Kissinger: I have nothing further to report.

Commissioner Tuley: Okay. Cindy?

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Cindy Mayo: There's a Lynn Morehead that had called the office and wanted to be on the October 9th agenda. She called this afternoon and said that she's not going to be able to attend that meeting. I told her that I would make her presentation for her. They have a rap concert scheduled at the Vanderburgh Auditorium. The contract calls for \$5,000 in medical insurance. They have \$1,000 in medical insurance. Sandra Toton told her they could not waive that. She did get in touch with Dennis Feldhaus from Helfrich Insurance and he said that the only people that could waive it, and this is not a recommendation, but he said the only people that could waive the insurance are the County Commissioners. I told her that I would bring this to your attention tonight. The concert is scheduled for November 3rd. She said they will have six security guards there and they consider this to be a positive group and they are not like some of the negative groups that you read about. She wanted me to stress that and so I am bringing this to you tonight.

Commissioner Mourdock: What group does she represent?

Cindy Mayo: On the note that Sunny has here, it does say something about South Circle. I don't know if that's the name of the rap group or if that is who she represents. The lady's name is Lynn Morehead and I'm sorry I don't...

Commissioner Mourdock: And the insurance requirement is simply --

Cindy Mayo: It's \$5,000.

Commissioner Mourdock: For?

Cindy Mayo: Medical, and they have \$1,000 in medical insurance.

Commissioner Tuley: They're not willing to...

Commissioner Mourdock: I mean, how much can it be?

Commissioner Tuley: Yeah, that's my concern.

Alan Kissinger: It would be, in consideration of the cost to them to increase that for a one-night stand to \$5,000, compare that to the cost to the county if something should happen and they didn't, my recommendation would be that the Commissioners not look favorably on that request.

Commissioner Tuley: I don't recall having anyone else come before us and ask for a similar request, so, I mean, it doesn't sound like it's unreasonable that there's a \$5,000 amount that we ask for.

Alan Kissinger: \$5,000 is not unreasonable at all. As a matter of fact, Dennis and I have discussed one of these things previously. We talked about an even greater amount, but this is strictly medical pay and it's not liability. It's strictly medical paid to each individual who may be injured if something should occur there and the bad thing about it is, if they do not have that med pay on their policy, then the county is going to be liable for it.

Commissioner Tuley: Parliamentary procedure here, motions are made

in the affirmative; your recommendation is that we not look favorably on this?

Alan Kissinger: Yes.

Commissioner Tuley: Would the request die for lack of a second, or do we actually have to take action?

Alan Kissinger: Well, you can vote, it can be proposed, it can be seconded and then you can have a roll call vote.

Commissioner Tuley: There you go. We can do that.

Commissioner Mourdock: I'm sorry, I was looking --

Commissioner Tuley: Okay, basically what we'll do is, I will ask for a roll call vote. You will ask in the affirmative for approval of the request and then we'll go for a roll call vote.

Commissioner Mourdock: Okay.

Commissioner Tuley: So, is there a motion to the request being made?

Commissioner Mourdock: I'll move that we approve the request as made.

Commissioner Tuley: I will second the request and we will ask for a roll call vote. Commissioner Mourdock?

Commissioner Mourdock: No.

Commissioner Tuley: And I vote no as well. The request is denied.

Cindy Mayo: The second item that I have, I did speak with Sam Elder the 28th and got a little more information from him on the clerical help that they have. He said that the clerical help that they have in the clinics do get the shots because they dispose of the needles, handle some of the specimens that come in and change dirty diapers. They do deal with bodily fluids and, for that reason, are considered at risk.

Commissioner Mourdock: The clerical people?

Cindy Mayo: Yes.

Commissioner Tuley: But not all of them, or is it all of them?

Cindy Mayo: He said that they do switch around, so even the people that do not work in the clinics, there might be a chance that they would have to go in there and work for a day, so for that reason... they do not make them sign a waiver. Any of the nurses that work in the clinics, must get the shot. If they do not, they have to sign a release form that they denied the shot. They do not make the clerical help do that, but they do request that they get this shot because they do deal with many of the bodily fluids that come into the clinics. Even though they don't give shots, they do dispose of the needles and handle some of the specimens. But again, he said that most clerical help, they are an exception rather than a rule because most clerical help is not considered at risk.

Commissioner Mourdock: I think that was primarily informational. I don't know that you need a motion --

Commissioner Tuley: We don't need to act on it.

Commissioner Mourdock: I appreciate the report. It verified, I think, what we discussed earlier at the last meeting.

Commissioner Tuley: I agree.

Cindy Mayo: The last thing that I have, I have a corrected deed from Choice. When the legal description was turned in on the first deed it was for an adjacent piece of property so that has been corrected and needs to be signed, and I have the deeds from the Evansville Black Coalition that I discussed with you last week. You don't need to sign those, but you do need to sign the exempt transaction forms and I believe that, Pat, you're the only one that needs to sign these. And that's all I have.

Commissioner Tuley: Did Alan get to review those and are they ready for signature?

Cindy Mayo: Yes.

Commissioner Tuley: Okay, motion for me to sign?

Commissioner Mourdock: So moved.

Commissioner Tuley: I will second and so order.

Cindy Mayo: Thanks.

Commissioner Tuley: That's all you have, Cindy?

Cindy Mayo: Yes.

Commissioner Tuley: Bill Morpew, I think you are next.

RE: BILL MORPHEW - COUNTY HIGHWAY

Commissioner Tuley: Let the record show that Mr. Morpew, Superintendent of County Garage, has submitted a weekly progress report from Friday, September 22nd through Thursday, September 28th for the Bridge Crew and Highway Crews. Bill, basically, how much more paving do we have to try to get done and material and stuff to do it, weather permitting?

Bill Morpew: I've got about four thousand feet left of one lane on Old Henderson to put the base on and then I've got to start on surface. It's 4.2 miles. I hope to be done in about six days, five days. Then I've got several box culverts, different locations that we need to pave over for cum bridge and a couple other small roads. We'll just be a day or so on each one.

Commissioner Tuley: Then we're virtually out of money and material?

Bill Morpew: Then we'll be out of money and it will be too cold.

Commissioner Tuley: Okay.

Commissioner Mourdock: And none of us look forward to that.

Bill Morpew: I do ask the Commission to travel. I believe this is to Washington to the Community Center there for a seminar on drug testing for the CDL license. I do have a question on that. I really don't know how to phrase the question. According to the DOT, we have to provide one hour of training for all CDL license members, drivers, and two hours training for supervisors. I was wondering, I don't think we can shut the garage down and send all of our drivers off in one day to have this done. I was wondering about the possibility of having someone come to the garage to do this.

Commissioner Mourdock: What kind of training are you talking about?

Bill Morphey: They're required to have one hour of drug training, and I'm not sure exactly what the training involves, per year, two hours for supervisors.

Alan Kissinger: Bill, is that part of the safety training that's available from the Teamsters?

Bill Morphey: No, that I don't know. I couldn't answer that question. This is a federal program. Everyone that holds a CDL license has to be randomly drug tested. We have, 25% of the people would be tested annually for drugs, 50% of the people would be tested annually for alcohol and it is a random test.

Commissioner Mourdock: I'm sorry, I was...50% randomly for alcohol and --

Bill Morphey: Yes.

Commissioner Mourdock: And 50% randomly for drugs?

Bill Morphey: 25% randomly for drug.

Commissioner Mourdock: Okay.

Commissioner Tuley: His question is, is there a way to get someone down here. Who actually sponsors the training or puts it on? Is this one for public employees?

Bill Morphey: This particular one is. I think there are a number of groups that actually do this. But this is the flier that I got. I received another one today and I just glanced over it; I didn't actually read it, from another company.

Commissioner Tuley: You might see, Bill, if someone would be willing to come to Evansville and do this. See if there is a fee involved.

Bill Morphey: Should we ask the, would the Teamsters be, I know they have to be tested, but the Teamsters organization, itself, they do provide safety training. I wonder if we couldn't approach them for that.

Commissioner Mourdock: I think that's the logical way to go. Obviously, that wouldn't take care of you as far as the two hours for the supervisors, but that would be a lot easier one to resolve than this would be.

Bill Morphey: It sure would.

Commissioner Mourdock: I guess the best we could do tonight would be to take it under advisement and let you see if that would be a solution.

Commissioner Tuley: I agree.

Bill Morphey: And I do request travel to go to this one. It's on the 19th of this month.

Commissioner Mourdock: I'll make that as a motion.

Commissioner Tuley: I'll second and so order.

Bill Morphey: That's all I've got.

Commissioner Tuley: Questions for Bill?

Commissioner Mourdock: No.

Commissioner Tuley: Okay, thanks.

Bill Morphew: Thank you.

Commissioner Mourdock: This is not a question for you, Bill. I guess, Alan, since this issue is before us, am I wrong in any way in assuming that if any county employee, especially those with CDL's is under the scope of what Bill was just talking about, tested positive, they are automatically terminated. Is that not true?

Alan Kissinger: That is not necessarily true. I think the Teamsters' agreement indicates that the County Commissioners have the option of putting them through whatever the County Commissioners deem to be appropriate as drug or alcohol rehabilitation, although we can terminate, but we do have options.

Commissioner Mourdock: Okay. I'll go on record now as saying if that situation comes up, I would be awfully hard pressed to do anything other than terminate.

Alan Kissinger: The one thing that I have read and discussed with someone about the alcohol, it is not infrequent that an individual may have consumed alcohol the night before and it will be detected at the time they are actually tested. They said that, supposedly, they are attempting to do the inspections at a time when it should no longer be present, like at the end of a shift. But apparently, that (inaudible) but as far as the drug testing is concerned...

Commissioner Mourdock: My question then, and I appreciate that answer, my question was more specific to the drugs in light of Bill's comments here and also what's been in the news of late.

RE: JOHN STOLL - COUNTY ENGINEER

John Stoll: The first item I've got is a letter that was written by Mike Wathen of the Soil & Water Conservation District regarding some erosion problems on Campbell Road. The ditch along Campbell Road on the north side has some erosion occurring in it and Mr. Feagley, who lives on the south side of that ditch, was complaining about some sedimentation on his property, so Mike went out and inspected it. What the county will do is go out there and do some ditch work; Mr. Feagley is supposed to seed it and that should take care of the problem.

Commissioner Tuley: It is a legal drain or county --

John Stoll: No, this is just a roadside ditch.

Commissioner Tuley: But it is a roadside ditch that we're really responsible for anyway?

John Stoll: Right. It's an on-going thing out there on Campbell Road with several different property owners and this is just the latest thing that we need to take care of.

Commissioner Tuley: Okay.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second and so ordered.

John Stoll: The other item I've got this evening concerns the Ohio Street Bridge. I need authorization for two things. The first, to proceed with the administrative settlement with Mulzer Crushed Stone for right-of-way acquisition for this project. What this settlement would entail would be, we would receive a permanent roadway easement across the property for the new bridge and temporary construction easement in exchange for Mulzer's getting an easement, a ten-year lease agreement with the water and sewer department to tie the barges off adjacent to the pump station down

on Ohio Street and they would acquire one small parcel of land from the water and sewer department. We would put in two additional driveways and this would be done for \$28,000. The original right-of-way appraisal was for \$160,000, so this is substantially less than what the original appraisal was for. I just need your authorization to proceed with signing this; then we can move ahead with the right-of-way documents.

Commissioner Mourdock: So that was the second of the two things? You said, first you need approval for the administrative settlement.

John Stoll: The second was for the appraisal of the tract of land adjacent to Ohio Street. We've got one appraisal done and we need to get a second one. It would be for an amount not to exceed \$500.

Commissioner Mourdock: Okay, I'll make this one motion, then. I'll move that we direct the County Engineer to go ahead with the administrative settlement with Mulzer Crushed Stone regarding the Ohio Street easement and also to initiate the appraisal.

Commissioner Tuley: I will second and so order.

John Stoll: That bridge, they should start working on next week. We've got a right of entry onto the property and we'll be moving ahead. That's all I've got unless you've got any questions.

Alan Kissinger: I think it's probably appropriate to mention now; if you noticed the difference in the figures there, I think John should be congratulated. This was tough negotiating with people who just, at one point or another, each party appeared to be unreasonable, and John brought it through with...I think this is an excellent result because, what we would have paid and what we're actually going to pay, is a significant difference. We probably would have ended up in court for another eighteen months or so getting the job done.

Commissioner Tuley: Well done, John.

John Stoll: Bernardin Lochmueller deserves some credit, too, because they've been going through this as well. It's taken about a year to get this result, so...

Commissioner Mourdock: You're getting so good at negotiating, we'll send you with Alan over to the Teamsters!

Alan Kissinger: I could use him.

Commissioner Tuley: Thanks, John.

RE: CONSENT ITEMS

Commissioner Tuley: Okay, we're up to consent items.

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

Commissioner Tuley: I'll second and so order.

RE: SCHEDULED MEETINGS

Commissioner Mourdock: The one meeting that is not on there that we probably ought to put on just as a reminder is the October 14th meeting, where we're trying to get the commissioners from the adjacent counties together for discussion regarding possible joint economic alliance.

Commissioner Tuley: Where are we...

Commissioner Mourdock: It is October 14th, on a Saturday at, I believe it's, I'm going to say 9:00 a.m., and it's at the conference room at the Evansville Regional Airport. It's at 10:00?

Commissioner Tuley: Is it 10:00? Okay. Just for the record then, just as a reminder, the Commissioners meeting scheduled for 5:30 p.m. next week will be held in the Gold Room of the Auditorium which will be a joint meeting with the County Commissioners, County Council and, hopefully, some members of the Convention & Visitor's Bureau will be there as well. Okay.

RE: OLD BUSINESS

Commissioner Tuley: Any old business tonight?

Suzanne Crouch: I've been asked by the payroll department to have you all address the additional vacation pay to an employee in the clerk's office.

Commissioner Tuley: That issue, basically, for this week, I would recommend that what we do is just to go ahead and pay as submitted by the voucher that has been submitted by the county clerk's office. Pay that amount of money and we'll see if we can't negotiate that additional money somewhere else.

Suzanne Crouch: Since there's two people on that line item, don't pay the vacation time until you've had a chance to...

Commissioner Tuley: Yes.

Suzanne Crouch: Okay.

Commissioner Tuley: Wasn't that what you recommended, Alan?

Alan Kissinger: Yes.

Commissioner Tuley: Because they've already got somebody else. Any new business?

Commissioner Mourdock: Before we leave old business and just as an update for the record, the letters have gone out to Gibson County and Warrick County. Gibson is in a meeting even as we are, right now, and the Posey County Commission had their meeting this morning. So hopefully, we'll be hearing back tomorrow as to how they viewed the invitation to that meeting on the 14th.

Commissioner Tuley: Okay, hopefully, there will be a positive response.

Commissioner Mourdock: Hopefully.

RE: NEW BUSINESS

Commissioner Tuley: Is there any new business, then?

Commissioner Mourdock: I have nothing new.

Commissioner Tuley: Motion for adjournment?

Suzanne Crouch: So moved.

Commissioner Mourdock: You can't say that! The Auditor cannot say, so moved. So moved.

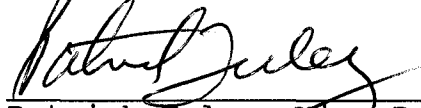
Commissioner Tuley: Second and so ordered.

Meeting adjourned at 6:11 p.m.

THOSE IN ATTENDANCE

Patrick Tuley
Richard E. Mourdock
Suzanne Crouch
Alan Kissinger
Cindy Mayo
Teri Lukeman
Lynn Ellis
Joe Profaizer
Mark Tuley
John Hill
Bill Morphew
John Stoll

**VANDEBURGH COUNTY BOARD
OF COMMISSIONERS**



Patrick Tuley, Vice President



Richard E. Mourdock, Member

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS

OCTOBER 9, 1995

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The Vanderburgh County Board of Commissioners met in session at 5:40 p.m. on Monday, October 9, 1995 at the Vanderburgh County Auditorium.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Borries: Good evening, everyone. Sorry for being a bit late. It was such a wonderful day that, actually, I thought we might be able to reconvene this meeting outdoors, but that's not exactly the reason we're late. We had a Solid Waste meeting that ran a bit over and so, as soon as Commissioner Tuley, who I see is walking right now through the lobby joins us, we will get started. Again, thank you for coming this evening, we appreciate your interest in this issue. We look forward to hearing your comments in a few minutes. Let me, at this time, formally convene the meeting of the Vanderburgh County Commission this evening on this October 9, and welcome everyone. We may have an agenda, I haven't seen one yet, but I'm confident...yes, I do now, we do have an agenda for your information this evening. We will go a little out of the order in this meeting because of the issue concerning this facility as well as the Green Center. So, at this point, I would like to introduce our staff at the table and then also go around the various tables to ask those persons to introduce themselves who are in our audience this evening. To my far right is the person who serves as Superintendent of County Buildings and our office manager, Mrs. Cindy Mayo and to her right is our Administrative Assistant, Mrs. Sunny Titzer. Our County Attorney is Alan Kissinger. To my immediate right is County Commissioner Pat Tuley, I'm Commissioner Rick Borries. To my immediate left, Commissioner Richard Mourdock. Our County Auditor is Mrs. Suzanne Crouch and our official Recording Secretary is Mrs. Teri Lukeman. Again, we welcome you and would ask, at this time, if you would join us for the Pledge of Allegiance, please.

We have with us this evening, members from two other very significant bodies regarding this whole issue, and they are the Evansville-Vanderburgh Visitor & Convention Bureau and also the Vanderburgh County Council. Both are here because, again, both are vitally involved and directly involved with the convention business and the funding of the convention business. At this time, again, I would like to extend a welcome to both groups. I am pleased that they are here and would ask that, beginning with Mr. Pat Shoulders, to introduce the members of the Visitor & Convention Bureau Board that are here in attendance and then also begin with Councilman Wortman and introduce the members of the Vanderburgh County Council. Welcome, Mr. Shoulders.

Pat Shoulders: Thank you, Commissioner Borries. I'm Pat Shoulders, a member of the Convention & Visitor's Bureau.

Mike Belwood: I'm Mike Belwood. I'm a Commissioner with the Board of Convention & Visitor's Bureau.

Mike Schopmeyer: I'm Mike Schopmeyer, Counsel to the Bureau.

Michael Howerton: Michael Howerton.

Bev Oswald: Bev Oswald.

David Dunn: David Dunn.

Gloria Altman: I'm Gloria Altman.

Curt Wortman: Curt Wortman, County Council.

Bettye Lou Jerrel: Bettye Lou Jerrel, County Council.

Ed Bassemier: Ed Bassemier, County Council.

Joe Harrison, Jr.: Joe Harrison, Jr., Attorney for the Vanderburgh County Council.

Rick Jones: Rick Jones, County Council.

Phil Hoy: Phil Hoy, County Council.

President Borries: Thank you for attending, again, we appreciate you being here this evening.

RE: PURCHASE OF GREEN CONVENTION CENTER

President Borries: Why has this Board asked everyone to be here this evening? First, we must resolve, frankly, what kind of convention facilities are going to be needed in this community before we can go to any kind of architectural design. Second, we must find out from the members of the Vanderburgh County Council what kind of financial commitment they will give to this effort. Here's the format for this evening: first, there are two speaker's lists, one pro and one con. I think I have them right now. I would ask that if there are other persons who have just joined us that they sign up now, because once those lists are given to me, we cannot really accept any additions at this time, after that time, because we will have more Commission business to attend to in this regular meeting this evening. You may send us written comments at any time and I would urge you to do so, particularly if you choose not to speak tonight. Second, we're going to ask for new information on this subject. Since the last time that we all met together, which I believe was in...help me, Board, in May or was it June?

Suzanne Crouch: May 15th.

President Borries: May 15th. And preferably, new information from speakers who have not spoken before. Third, we would ask that you speak for no longer than three minutes in the interest of time this evening. Now, if you wish to speak, and again, have not signed up, I would ask that you do so now. If, again, there are any persons who wish to add their names, please do so now. Are there any comments or questions from members of the County Council or this Board of Commissioners at this time before we would begin to listen to the folks this evening who have signed these lists and are here to speak?

Commissioner Tuley: I have just a little statement, so to speak. I want to start by stating that my purpose in asking for this joint meeting of the Vanderburgh County Commissioners and the County Council is in hopes of reaching a consensus with regard to the Convention Center, a convention center. It needs to be understood by the public that, while the Commissioners as the executive branch of county government may only propose spending of funds, the final authority for that expenditure lies with the County Council. It is my hope that since the majority of the Commissioners and a majority on the Council are of opposite political faith, that we put our politics and personalities aside and do what is in the best interest of this community. The convention business is a multi-million dollar benefit to this community. Yes, it is harder to recognize than a Whirlpool or Bristol Myers, or other large and small industries located in this community, but please don't misunderstand the importance of convention and tourism business. Today, with the Aztar Riverboat, the new owners of the largest hotel in this area, we are in a position to truly increase the impact on tourism in our community. Let's work together as the elected leaders of our community and leave here tonight united with a plan that puts our community first and our own political preferences aside. Having said that, I'd like to turn it back over to Commissioner Borries.

President Borries: Thank you, Commissioner Tuley. Commissioner Mourdock, any comments at this time?

Commissioner Mourdock: The only comment I have, is that after ten

months on the Board, I've seen several times when the Commission and the Council probably haven't worked as closely together as they should have, and with that in mind, I'd just like to commend Pat Tuley for calling the meeting to do that thing. I think we're all going to be well served by putting our heads together.

President Borries: Okay. Members of Council, at this time, any comments?

Phil Hoy: Mr. President, I'd like to read a statement. I have some extra copies of this. My statement is one page, attached to it is the two and a quarter page statement that I did as a press release on September the 14th. I've not changed by mind very much at all from that statement. As those of us who are members of the County Council have been discussing this and I appreciate what Commissioner Tuley said. In my estimation, it's time to do what we were elected to do and that is to do what is best for this county. My first point is that the Vanderburgh County Council recognizes that our city and county need to provide a well designed adequate convention facility. We are not opposed. Secondly, the County Council that I polled does not wish to purchase or lease the Green Convention Center. The Food & Beverage Tax has been designated solely for renovation and/or expansion of the existing Vanderburgh Auditorium and Convention Center and I would like to add that we have consulted with Mr. Buddy Downs of Ice, Donadio, Miller & Ryan in Indianapolis. It is his opinion that we cannot join these buildings and jump across the street and spend this money. It is designated for the building we are sitting in at this time and to try to cross the street with it would be illegal; therefore, I am proposing the following items:

First, I would like for the County Commissioners, since the County Commissioners are the persons who make proposals, I would like for you all to consider appointing a study/action committee. I don't want to study this to death, that's why I put the word "action" in. A study/action committee to put together a plan of action for renovation and expansion of the Vanderburgh Auditorium & Convention Center.

Second, I suggest this committee be comprised of at least the following persons: the Commissioners, three members of the County Council, two - three members from the Convention & Visitor's Bureau. We may wish to add someone from Aztar, although, in my opinion I think that may be something we would like to discuss before we did it.

Three, this committee would meet with Mr. Granoff to inform him of the direction we have chosen and to secure a commitment from him to renovate the Executive Inn. Both commitments are needed. The commitment from the County to provide the facility and the commitment from Mr. Granoff and his investors to make the Executive a first-class hotel.

Four, this committee could decide on the amount to be spent. I prefer not to discuss that today. They could also discuss the scope of such a facility and a financing package. At each step of the way, we would all pledge to keep communication open. Once a final proposal is ready, it would be presented once more in a public hearing conducted jointly, including the Commissions and the Council. Having decided on proceeding with such a plan, we also would need to consult with all users of this facility so that concerts, production series, and other events would receive ample time in their planning so that we would not have major conflicts during construction.

One more comment, it is my feeling, personally, that we would also benefit by having one facility to manage, one excellent A-1 facility to manage rather than two. Thank you.

President Borries: Thank you.

Phil Hoy: If you all wish copies, Mr. Chair, I have copies here.

President Borries: Other members of Council?

Ed Bassemier: I'd like to make a comment, sir. I'd just like to say for the record, that I have to agree with Commissioner Borries. I am in favor of buying the Green Convention Center and trying to find a way to buy it. I think it's, for what it's going to cost us for our dollar's worth, I think the figures were thrown out, \$30.00 a square foot versus building for \$100.00 a square foot. I'm in favor of trying to find the monies to buy the Green Convention Center and I do not agree with Mr. Hoy. I'm in favor of buying the Green Convention Center.

President Borries: Thank you. Those comments were made by Councilman Ed Bassemier. Thank you, Councilman. Commissioner Tuley?

Commissioner Tuley: I don't want to make this sound like a jury, but since there's been a statement read that says I've polled the members of the Council and this is the consensus, and I've just heard one dissenting vote, for the record, do you mind or let me ask each of the other Council members, does Councilman Hoy speak, basically, your beliefs as individuals and collectively, or is that his, I'm not trying to be confrontational here, Phil, I just want to make sure that you're speaking for the other Council members. Is that a fair assessment, Councilman Wortman, of your feelings?

Curt Wortman: Yes sir, I support Mr. Hoy's statements.

Commissioner Tuley: Okay, Councilwoman Jerrel, would you...?

Bettye Lou Jerrel: Basically, yes.

Commissioner Tuley: Basically, yes. Okay. Councilman Jones?

Councilman Jones: And the poll that I did, I found very few individuals that were in favor of buying the Green Convention Center. Early on, I met with Mr. Granoff as well. I went back to the Council to conduct a poll and there was maybe myself and Mr. Bassemier. Under the circumstances, with the financial situation that we have, in my opinion, I will concur with Mr. Hoy.

Commissioner Tuley: Okay, thank you all.

Bettye Lou Jerrel: Mr. Raben may get here later. He had an emergency and called on his car phone just before I came over, and he doesn't know if we will or not, but I don't want to speak for him.

Commissioner Tuley: Okay, if he comes in, I'd like to poll him when he comes in. I really just want good communication here between the Council and the Commissioners and the reason for the meeting was so that, I know in the past, there's been some discussions that there's not been enough communication between the two bodies. My hope tonight is that we do come out of here, if it's not the Green Center, then there is a meeting of the minds and a framework is given to the Commissioners to come back to the Council with a plan that they can and will financially support.

President Borries: Thank you, Commissioner Tuley. The Auditorium manager, Sandy Toton, gives me these sheets so, again, I appreciate you signing up, but again, keep in mind, we also have some folks here from Willow Creek. The way we usually work is to allow those folks who are here to address various items on the agenda. I want to make it real clear that the Green Center is the top item on our agenda this evening, so with all due respect to you folks, we will

get to you. We have two persons who need to speak immediately because they have some other pressing engagements. I'd like to call, if at all possible right now, Mrs. Carolyn Georgette to speak at this time. Is Mrs. Georgette here?

Carolyn Georgette: Thank you. As you know, I have been very involved in the past 38 years in downtown Evansville, and it means a great deal to me so see that it succeeds in whatever it does. I, personally, feel that we have a lot of needs from the convention, financial money that we would receive and we received it in the past, they've done an excellent job, and I think it's important that our needs are right now. I think we're thinking about the needs now and in the future. We need this now, which is as soon as possible, and I really do think that we should have an interim in here where we do something with the Green Convention Center so that we can now get busy and get it taken care of. I realize that I've heard and I read that it's not structurally sound. I don't know how much it would cost to make it structurally sound. If you're willing to spend money on building a new center, I don't know how much it would cost to do that versus doing something with this, but I really do feel that it's important that we're going to have a lot of people coming to Evansville and a lot of convention business, and as soon as we can get this up and running, I think it would be very important to Evansville. Thank you.

President Borries: Thank you.

Bettye Lou Jerrel: Mr. Borries, may I ask Ms. Georgette a question? I've been following your master plan committee. Since this committee is formed to project for the future, was your committee prepared to recommend funding from the city for the construction of a new convention center?

Carolyn Georgette: I am not here representing the master plan --

Bettye Lou Jerrel: No, but I'm asking you that question.

Carolyn Georgette: We have not discussed that particular issue, it's not been discussed other than the fact that we are very interested in having a convention center in Evansville and where the placement would be, but that, basically, will become a recommendation from the consultants which will be after recommendations from the actual steering committee, which they have not done yet. We have had input on this from the public forums, but have not made a recommendation thus far.

Bettye Lou Jerrel: So, that would not be a conflict in your mind?

Carolyn Georgette: Not a conflict, no.

Bettye Lou Jerrel: Okay, thank you.

President Borries: Mrs. Georgette brought out a very important point, and the other person that I need to have speak immediately is a person who may be able to address some comments that have been made and some concerns raised concerning the condition of the facility known as the Green Center. I'm not aware of any other studies that have been authorized by this Board other than a very preliminary study that I believe Council had privy to when we held our last meeting on this subject on May 15th. Is there new information that any Council members have regarding the condition of that facility that they would want to enter into the record this evening?

Phil Hoy: I have already entered that in my paper here, basing it on the report we had, Commissioner Borries --

President Borries: For the record, though, --

Phil Hoy: Should we wish to pursue that, there is a local engineering firm that does not take government contracts, who would be willing to do an assessment free of charge if you would like to have that assessment made.

President Borries: Well, I'm just trying, again, to get some information from you.

Phil Hoy: I'm speaking of Gott Engineering on North Main. They are a large engineering firm and they're willing to make that contribution to our community. They have 53 engineers on there.

Ed Bassemier: Mr. Borries?

President Borries: But, just for the record, again Councilman, at this time you're saying that some of your concerns here were based on the information that we had from the last meeting? Okay. Councilman Bassemier?

Ed Bassemier: The study we had, I think we voted \$15,000 to do this study. Do you have that report, Mr. Borries, because the way I understood it, the Green Convention Center was sound. It was good, it was okay. Now, has that changed?

President Borries: Not that I'm aware of, and that's why I wanted to, again, call on Mr. Ed Thole, Sr. Again, he is, I believe, in the audience unless he had to leave. Mr. Thole? Mr. Thole, if I am correct, was the architect for the Green Center. Is that correct?

Ed Thole: Yes.

President Borries: Would you like to make a comment, sir?

Ed Thole: Good evening. I would just like to say a few words. I have read several articles in the paper and seen things on T.V. alluding to the fact that the Green Center was not built according to state code, which is absolutely the most untrue thing that anybody could say. The building was designed to conform to all the applicable codes in effect at that time. It was approved by the state, it was approved by the city building commissioner, by the fire department. I don't know how many times we went over it, we walked through it. I remember one comment that was made ten days ago about there was two things wrong with the plans that had to be fixed and that they had been fixed. I inquired today from Roger to find out and one of them was that the gypsum board had not been put over the rigid insulation in the stair tower because, if you got a fire started in there without that being covered, you would have toxic fumes which would be very bad. That was taken care of. The other item was some fire stop around some fire walls that had been penetrated with piping and duct work and that type of thing. These things were all taken care of. The building was designed to every code that I knew anything about or anybody told me anything about. We did not have to design that building for earthquake at that time. The code at that time called for essential buildings to be designed to conform to the earthquake code, and that was not one of the buildings. Your fire stations, your hospitals, your police departments, that type of thing, were all listed as essential installations. I just wanted to make it clear, I've heard so many things, it doesn't meet code and it's a bunch of hearsay and nobody that I know of, besides myself, has come forward and said it was done right. I will be glad to discuss it with anybody that wants to. Thank you.

President Borries: Janet Watkins. Mrs. Watkins, if you'd want to speak at this time.

Janet Watkins: I was hoping there was a section called "none of the above" but there wasn't. Vanderburgh County, I follow quite

closely and I attend the Commissioner's meetings. Vanderburgh County now has the funding source to expand this facility and rehabilitate it; however, to my understanding, there still is not a source of funding for the upkeep of the building after the expansion and work is done. I ask you, how do you propose to keep the building up, pay the people that need to take care of such a large building as this, and maybe, the Green Convention Center?

President Borries: Thank you, Mrs. Watkins. Jack Groshans?

Phil Hoy: Mr. Chair, may I respond to Mrs. Watkins?

President Borries: Sure.

Phil Hoy: The Commissioners established a Cumulative Capital Development Fund and that fund does not provide for maintenance and repair of county buildings. The Commissioners set that budget and speaking just for myself, I felt that they did a good job because they did set a figure in on maintaining buildings. You're quite right, until recently, we did not have a fund to fix anything. The County Garage had major holes in the roof and a bunch of other things, but that has changed and I think it's a change for the better.

President Borries: Mr. Groshans?

Jack Groshans: Thank you for having me here. No one in the county is disputing the need for a convention center. No one is disputing the fact that conventions do bring millions of dollars a year to this area. I think the problem that people are having here, however, is what do we do with the building that, first of all, was foreclosed upon because of a lack of the owners to go ahead and do the job that they were supposed to be doing in the first place. The other question being, if they aren't able to go ahead and bring in conventions, what makes the County Council or the County Commissions feel that they can do a better job of bringing in those conventions to a building that has already been declared out of date, out of style. It is not a top-notch building today. We're given a grand prize of 2.1 million dollars, plus several million dollars to redo the building. I would like to see if this facility right here, this one right here, expanded out, brought up to date, not just in code, but make it a first-class convention center/auditorium. We don't really need to have a new auditorium, but we definitely don't need to have the Green Convention Center as an albatross around the taxpayer's necks, because the truth of the matter is, it is going to be the taxpayers in the very end, most likely the homeowners, who are going to end up footing this bill. It always falls that way and yet I see very little response from those homeowners to come out here and voice their opinions. I would like to see this facility right here updated, corrected and made the top-notch convention center in the tri-state area.

President Borries: Thank you, Mr. Groshans. We have another person at this time who has a meeting who needs to speak, Mr. Thornton Patberg. Mr. Patberg?

Thornton Patberg: About six years ago I was governor of Kiwanis. At that time we appointed Mike Collins, who is a local businessman, on a site selection committee. We fought hard to get Evansville as a selection for the convention which will be held, we hope, in 1996. We'll have close to a thousand Kiwanians visit Evansville. The governor is coming down two weeks from Monday and make the final decision. We're hoping we have some good news for him. We were going to be, I doubt seriously that we will be able to have it in just the Green Convention Center without having some additional space. We tried to get this room, the Gold Room. It's filled. I wish something could be done, even just in an interim basis, because I think the county and the city would be losing a lot of money from conventions if we didn't have anything while the

other one was being built if it is going to be built. Thank you.

President Borries: Thank you, Mr. Patberg. And Thornton, how many people did you say you expected to attend this event?

Thornton Patberg: Evansville had the second largest, and that was about five years ago. We expect this year somewhere between, really I don't know for sure, but 800 - 1,000 people. It will be in August of '96, if we can have it here.

President Borries: Okay. Thank you, sir. Arthur Lucas? Is Mr. Lucas here?

Arthur Lucas: I think that we need the Green Convention Center on account of we have a lot of people in this city ask me about the Green Convention Center. It will help us in our church service, help us in a lot of activities. I think, if I had the money, I'd try to buy it myself because I know that it can pay for itself. I believe that if we keep the convention center, why don't we ask the people, do they want the Green Convention Center, also? Let the people see what they want.

President Borries: Thank you, Mr. Lucas. Mr. Rolland Eckels?

Rolland Eckels: In 1994, I chaired a committee to study the Vanderburgh County Auditorium. We did issue a report recommending some improvements to it. At that time, we had no knowledge of the closing of the Green Convention Center, nor of the sale of the Executive Inn. When one looks at a convention center complex, there's certain things you need. You need a facility for entertainment such as the Auditorium. You need an exhibit hall which is accessible, without major traffic reconfiguration. You need space which is unimpeded for exhibits. You need parking and you need a convention-sized hotel. It seems to be that we have all of those with the Executive Inn and the about to be Auditorium and the Green Convention Center. The Green Convention Center can be reopened quickly and it would not be a burdensome expense. I have two recommendations to make to you. That you get on with the remodeling of the Auditorium. A number of people in this community spent a lot of time lobbying the state legislature to get the Food & Beverage Tax extended to take care of the Auditorium. Secondly, I would recommend that the Tourist & Convention Bureau, it's to their benefit to either buy or lease the Green Convention Center, and get it opened post haste so that we won't continue to lose conventions. Thank you.

President Borries: Thank you, Mr. Eckels. Launita Seals?

Launita Seals: I have one comment and two questions. The comment is, the Executive Inn has held conventions with at least 1,500 people before the Green Center was ever built and my two questions are these:

What about leasing the Green Center until it is sold? That way, if we are losing any amounts of convention business, that could be taken care of that way. And if the county does not wish to do that, then, why can't Mr. Granoff lease it? That way, he would still be able to maintain his Executive Inn and also not lose the convention business, that way, I do feel, that the community would have a very good idea, then, as to just exactly how much money is really being benefitted from this. Then maybe the people here would be able to make a better decision on buying or possibly just leasing the Green Convention Center.

President Borries: Okay, thank you, Mrs. Seals. Mr. Robert R.C. Miller?

Robert R.C. Miller: Thank you, Mr. President. Very quickly, you said new information, I would tell you, over the last 15 years as

both President and Vice-Chairman of the Board of Atlas Van Lines, we've brought two conventions of Atlas Van Lines and their agents from all around the world to Evansville. We had 750 here twice in the last ten years. There is no place that you could have a convention of that size in Evansville if we do not have the Green Convention Center. We're losing business to many other places. We're going to have a casino riverboat that will be an attraction. I have a video from the Grand Wayne Center here that I would be happy to give to the County Council, realizing that they are the ones who hold the funding keys to this thing, to see a county owned facility making money that is attractive and it's bringing many people. Bob Lister, who is the Executive Director, said, "I wish that we had a riverboat like you will have because it would double our convention business potential here in Allen County." I would tell you further that many of us here did work on getting the Food & Beverage Tax initially to build the airport which we are justly proud of. We helped to get it for this Auditorium and I would tell you that you have access to those funds and the legislature could be approached to get those funds continued for the future so that we could operate a convention center that we would be proud of and we would make the money in this community, both the city and the county, that we need for the future. Thank you.

President Borries: Thank you. Mrs. Cheryl Musgrave?

Cheryl Musgrave: I want to express my support for the statement that Mr. Hoy read from the Council. I do not support the purchase of the Green Convention Center and I would also like to ask that when you do turn this facility into a first-class center, and I think you will, that you include a multi-story parking garage so that we can get as many people here to use it as possible.

President Borries: Thank you. Mr. Gary Bruton?

Gary Bruton: Thank you very much. I'd like to just briefly make a couple of points and then I would like to read a letter that I've been issued by Mr. Alan Granoff, as his representative here representing the Executive Inn. A couple of points have been brought up regarding, is the Executive Inn going to be remodeled? When? Etcetera, etcetera. It's not a matter of when, it's happening today. We have color boards back here in the back. At the same time, I have truckloads of our first initial furniture arriving at 9:00 a.m. tomorrow morning. The commitment is there from Mr. Granoff to remodel the Executive Inn. It will be a major flagged hotel, it will be a 475 room convention hotel that you'll be very, very proud of, and we are not waiting until six months from now, we are moving today. I arrived in Dallas as the general manager last week; I've been working 18-hour days to get this hotel opened. We are definitely committed for this project. Mr. Granoff's comments go as follows:

"I would like to send my best wishes to the people of Evansville. I'm sorry I could not be with you personally at this important hearing you are having this evening, however, I look forward to coming back to Evansville in a few weeks, shortly after my return from China.

Over the next few months, our company will be undertaking a multi-million dollar renovation of the Executive Inn. We are making this commitment because we believe in Evansville and believe that with the city and county's strong leadership, Evansville is poised for dramatic growth in the near future.

Critical to the region's growth and the success of our hotel is the ability to attract conventions to this city. The casino can be a great help in attracting this convention business. Most groups, large or small, prefer to attend conventions that have entertainment such as

casinos available.

Evansville, unlike many other locations with a casino, offers a variety of entertainment and dining in a city that is both attractive and safe. I believe that, starting this coming year, there will be a tremendous level of interest in convention groups considering Evansville as their first choice for a convention city. The problem for Evansville is that the next year, at the time people may have the greatest interest in holding conventions here, the city may not have the facilities to take care of the convention visitors.

I understand Vanderburgh Auditorium is about to undergo a \$10,000,000 renovation. This is an excellent idea and will have a great effect on the convention business in a few years; however, we should understand that this renovation will probably not be complete until the end of 1997. Until that time, what happens to our conventions? I do not believe the city of Evansville can afford to have a moratorium on conventions for the next two years. I do not believe our hotel could survive such a moratorium, nor do I believe that many other downtown businesses and restaurants could do so, also.

When we bought the Executive Inn, we did it partly because of Vanderburgh Auditorium and the Green Convention Center were across the street. We did not buy the Convention Center because, like our convention centers, if it is to be successful, it must be run for the benefit of the whole community by government or a non-profit agency of the government, and our business is not non-profit.

If Vanderburgh Auditorium is to be renovated, then it only makes common sense for the convention business to be located across the street at what is now called the Green Center. It is sitting there less than ten years old, fully inspected and permitted with 60,000 square feet of space just waiting for conventions. It may be a little worn and unattractive, but so is the convention center in Las Vegas, which is the busiest in the world.

I believe, for the best interests of the city of Evansville, the center should be utilized until it can be replaced, and frankly, if the convention center does a good job as I believe it will do, Evansville may need both facilities and more in the near future. Let's hope so."

Thank you very much.

President Borries: Thank you, sir. Would you be able to share those drawings with the public later?

Gary Bruton: I'd be happy to. If I could put the ones I brought in over there and display them, and like I said, we're beginning as of tomorrow.

President Borries: Alright, thank you very much. Commissioner Mourdock?

Commissioner Mourdock: Mr. Bruton, just so I'm sure, do you intend to stay for the whole meeting tonight, because I'm sure there'll be some other questions generated?

Gary Bruton: Yes.

Commissioner Mourdock: Okay. Thank you.

President Borries: Mr. Bill Brooks?

Bill Brooks: Mr. President, as some of you know, I have been involved in the convention industry since 1961. In this past week, we were all sort of startled by the news of downsizing by two of our leading industries in the community. I think there would also be some concerns if our general public knew of how many convention dollars we have lost in the past two years because of the unavailability of a convention site to accommodate large conventions. I would remind you that at one time in 1992, I think it was, when we had A League of Their Own in town, they, coupled along with the conventions brought into the economic development of this community, \$21,000,000. Each day now, gentlemen, that passes without a facility, we are losing money and jobs. I might tell you that I checked with the Executive Inn and right now their staff, even though they're rebuilding, is a little over 40 people and at their highest employment rate during the height of our convention industry, they were hiring and had hired 400 people. One of the sales factors that we use in selling the referendum for the riverboat was conventions, how they both could complement each other in bringing new dollars into the community. We must honor that commitment. I realize that there is some difficulty on acceptance of the purchase of the Green Center. I, too, have talked to members of the County Council. I think that an arbitrary solution, or a possible arrangement that would accommodate all of the concerns of everyone present, is that the County lease the Green Convention Center for the time and the duration until the completion of the new facility that this building occupies. We cannot afford to have an interruption in our convention activity. It's been stated that it might be two to three years before the renovation is completed and you must understand that it takes almost three years out to get a commitment to come into a particular community. These are the things that are of concern to all of us. I ask you to please, both the County Commissioners and the County Council, to think about the activity of leasing the Green Convention Center until completion of this facility. Thank you.

President Borries: Thank you, Bill.

Ed Bassemier: Mr. Brooks?

President Borries: Question from Councilman Bassemier.

Ed Bassemier: In the past, all we've been hearing is that Mr. Green and Green's family, they want to sell the Green Convention Center. I've heard nothing about them leasing this. Do we know that they are willing to lease the Green Convention Center at the present time?

Tom Meyer: In all honesty to your question, it's a subject that has never been brought up before tonight's meeting with regard to the prospect of leasing this facility for any period of time. It just kind of catches us totally cold. Until we have an opportunity to sit down and consider that, see what type of lease you would be talking about, I really can't speculate on that.

Commissioner Mourdock: Excuse me one second. Because of our sound system, I'm sorry, you need to step a little closer to the mike.

Tom Meyer: I don't want to step in front of Mr. Brooks.

Commissioner Mourdock: Please state your name for the tape.

Tom Meyer: Tom Meyer. I'm the attorney for the Green family. Make no mistake about it, my dog is in this fight. With regard to this question about leasing it, we just can't answer that because it's the first time that it's come up. It just came up in the last half an hour, so nobody has expressed yet what type of terms or

anything else, but it's something that could be considered, I guess. It's been our primary concern to sell the property and I think that's what we previously approached the county about and we still think it makes sense, but nobody has approached us about that question. While I'm up, I would like to go ahead and make a statement.

President Borries: Sure, Mr. Meyer. Thank you, Mr. Brooks.

Tom Meyer: As I have previously informed everybody, I do represent the Green family as the owners of the convention center, the Green Convention Center. One of the reasons that I asked to address the Commission is the fact that there's been so many of these false statements or allegations or misstatements that are being circulated that are so troublesome to us. As you previously stated, Phil Hoy, when he read his statement, talked about the fact that, at least he alluded to it as a fact, that this building wasn't built to code. You've heard Mr. Ed Thole respond to that, that this facility certainly was built to code and you know the regulatory agencies that are in place that check those things as constructions are going on, and I assure you that those people were very, very much on top of that project as that facility was being built, particularly with the magnitude of it, and it was built to code. That's simply a false allegation. We've also heard that it will not withstand earthquake, but I would point out to you that this city has encountered at least two significant earthquakes since that facility was built. When I came in here today, that facility was still standing. I don't know where people get this idea that it won't withstand earthquakes. We've had two earthquakes in this area since the time that construction was completed. You also hear people allude to the fact that it's an ugly building. Well, I guess beauty's in the eye of the beholder and at the last meeting that we had in this auditorium, I recall that there was a tremendous demonstration on easels over here of what could be done with that facility with some reasonable costs and reasonable expenditures to make it look like anything that you wanted it to look like. These architects are very, very talented people and they know how to address those situations. You can make that facility look like anything that you want it to look like. Irrefutably, though, and there's no one here that would refute the fact that the costs of acquiring that facility across the street and converting it to the facility that you want it to be and looking the way you want it to look is far, far less, irrefutably, than what you would spend if you built a brand-new facility. Everyone who has come in to these meetings that we have conducted over the last five or six months has noted that the cost of constructing a new facility like that would be four to five times greater than the \$5,000,000 or so that you have proposed to spend on this facility. That, I think, is your grandest plan with all of the amenities in place as you would like to have them. It would be a much, much greater use of the taxpayers' money if you acquired that facility and converted it along the lines of what you had over here on those easels and presentations that day than if you set out to strike anew to build a new facility somewhere at the cost that you will encounter when you do that. You know, at prior meetings, we often heard that quandary of the chicken and the egg; which is to come first? Commissioners, how many times did we hear either speakers or sometimes yourselves mention, how do we know that we are going to have this facility acquired, this Executive Inn across the street, the hotel facility, how do we know that it's going to be acquired as a hotel facility? Well, now you know. It's been acquired as a hotel facility, and it's been acquired for that purpose, and that purpose is what's going to be carried into existence with these renovation plans. It's also been questioned, what type or quality facility will be installed over there by the new purchaser? Back in June, quite frankly, nobody could say because nobody knew. But, now you know. You have already heard by the presentation of Gary Bruton that just preceded me, that Mr. Granoff and the River City Hotel Corporation that he owns, is

committed to renovations of \$3,000,000 in the restoration of that facility, that's \$3,000,000. How do I know that is going to take place? I'm really surprised, with the information that the County Commissioners and the County Council gets, that they don't already know that \$3,000,000 is in the bank. It's in the bank at Citizens National Bank in an escrow account; that was a precondition for closing. Mr. Granoff and his investors had to put that \$3,000,000 into the bank before the loan would close and Citizens National would loan the money. Ladies and gentlemen, that closed almost a month ago and that money is in the bank. You can check it out. It's there and that's what is going to pay for these renovations that you see. So, Mr. Hoy sat here still today questioning whether these renovations were going to be done. There's your assurance that those are going to be done. This is truly a great opportunity that I think many of you all recognize and certainly, as many of these people from the audience who spoke, it's a truly significant opportunity that you have here to enhance your convention business. I'm old enough to remember when the Executive Inn was built and the many, many people who came here and it was the place that everybody wanted to stay. It's going to return to that quality of a facility. I grew up in Louisville, I lived in Indianapolis for about five years back in the early 70's. I remember the criticism that Dick Lugar, as mayor, and Richard Hudnut took when they built the facility known as Market Square Arena. They used some revenue sharing funds to do that. Many people with lesser vision were very, very critical of them for doing that. We now know that their vision was exactly correct. Since that time, Indianapolis now boasts an NBA basketball team that has a tremendous amount of exposure for that fine city and that city has grown tremendously since that period of time. They've also hosted an NCAA Final Four and they've had a number of other NCAA regional finals in Indianapolis because of that facility. That same group of people had the vision and that same community had the vision to go forward and build the facility that's known as the Indianapolis Hoosier Dome. I think they call it the RCA Dome or something now, it's part of corporate, you know, mega-takeovers, but the Hoosier Dome was built and what was the result? There was a lot of people who were critical about building that facility, and what are you going to do with it? Well, we now know that there's an NFL football team that plays out of Indianapolis that you never would have had before. That NFL football team, again, brings a tremendous amount of pride and community spirit to the city of Indianapolis. I can't tell you how much that city has changed and moved forward from the time that I left there in 1976. It is now one of the fastest growing cities in the United States and they rightfully have a great deal of pride in what they've accomplished up there. They get the exposure that you get when you have (tape changed) forward and put it into effect. We've heard from an earlier speaker about corporations downsizing here. Apparently, you've experienced some difficulties with regard to this downsizing. This would be a terrible time for you to downsize your convention facilities and your convention business when you probably have the greatest opportunity that you've had in the last fifty years with the opening of the riverboat. That riverboat is an entertainment attraction that people who are hosting conventions are attracted to in order to give their people, after their business meetings are over, an opportunity to go and enjoy themselves. This is a tremendous opportunity and even if you would decide to go the course of building a facility, you would be four to five years down the road tops, if you could get a facility built like that. It won't take you that long to acquire this facility across the street, to make the changes and the amenities that you want to make, to make it the beautiful building that was shown over here, and that's just one architect's opinion, one architect's rendering on the thing, but you can move forward with those things and have that facility in place so that you can regain that convention business that you lost before. It'll have a trickle-down effect, not just on the money that is spent among the community, but it'll have a trickle-down effect upon the pride that your people and your

citizens have in your community and it will also import a positive image to these corporations, these businesses like the Toyotas of the world, that come into this area and look at your area for a source to locate new businesses and new plants, because they will see that you are on the move, that you're going in the right direction and you are developing something instead of stepping backwards and allowing, at this critical time, this convention center business to slip away from you and to give you that besmirched image that they give you in the beer commercials over in England about a place that's the worst, what did they say, the worst place in the world to live? I mean, I didn't believe that and that was a ridiculous insult to this fine city, but you can show those corporations that you all are dedicated to the revitalization of your downtown. This is the opportunity and I would encourage you to exercise the vision that you have and the little bit of courage that it takes to take your community forward with this very positive step. Thank you.

President Borries: Thank you, Mr. Meyer.

Phil Hoy: President Borries, may I respond, please?

President Borries: Councilman Hoy?

Phil Hoy: My opinion of the building was based on the engineering report that was given to us. That's point one. Point two, according to the Convention & Visitor's Bureau, and if I'm incorrect, they are sitting here so please correct me, I think in the last five years, we have only lost two mega-conventions. We're talking about planning ahead. The organizations that I belong to already planned ahead for the next three years. I'm a food banker; we've already planned ahead for three years. I did not know until today that Mr. Granoff was going to invest \$3,000,000. It would seem to me that, not because I personally am so important, but the County Council is the funding body of this county, we should have been informed of that before we reached an open forum. We are not proposing the building of a new building, we are proposing the rehabilitation of this building with some additions and that money is in the tax structure and there's a good deal of it in the bank. Our Auditor is here and I don't want to misspeak, but would you please tell us how much is in the bank, please?

Suzanne Crouch: There's about \$1,800,000 in the bank and it generates, Food & Beverage generates about 2.2 million a year.

Phil Hoy: And that money is all dedicated to this facility that we are now sitting in. The other information we have about the Green is that in it's heyday, it only attracted 27 large events in one year. We were looking at costs of \$450,000 a year to manage this facility. If my math is correct, that means that each event would cost us between 16 and \$17,000. Finally, Indianapolis was mentioned. I think most of us in Evansville know that much of the construction in Indianapolis is done with taxes from all over the state. It's a great battle we fight and if I were choosing between a convention center and a highway, I'd had to cast my vote for a highway first. But, we will be lucky to get that. Here we are, the third largest city, we are not treated well by our capital city and they treat themselves very, very well. They manipulate the tax dollars in Indianapolis so they get those kinds of things. I've traveled a lot. I think that's true of every capital city. I wish to God we were the capital. Thank you.

President Borries: Thank you, Mr. Hoy.

Tom Meyer: Mr. Borries? May I just clear up one thing?

President Borries: Mr. Meyer, would you come forward, please?

Tom Meyer: If I could just respond to one thing because I don't

want anybody to have any misconceptions about this \$3,000,000. Mr. Granoff invested \$8,000,000 in the project; \$3,000,000 is earmarked for renovations; \$5,000,000 was the cost of his acquisition. So Mr. Granoff has \$8,000,000 invested or will have invested in this community after these renovations are completed. That \$5,000,000 original acquisition cost has already been dispersed to the Green family, to the mortgage holders and certainly \$1,000,000 as much publicity went to, there was a million and a half dollars of real estate taxes that were paid to this community of Vanderburgh County. Taxes were paid to the tune of a million and a half dollars out of that \$5,000,000 by the Green family as part of that sale. There is an additional \$3,000,000 that's in the bank that is to go for these renovations. So, he has a total investment of \$8,000,000 in the community.

Commissioner Mourdock: If I may just ask a question, then, of Mr. Bruton? Please feel free to jump in on this, too. You just said something that I interpreted upon hearing in that remark that was slightly different than when you were speaking before. Before, I heard you say there was \$3,000,000 deposited that was earmarked for the renovation, and yet, I got the impression that was what Citizen's wanted. In fact, there would be more than that spent on the renovation. But now I hear you say they wanted \$3,000,000 and that's where you're sitting. Is that correct that there will be \$3,000,000?

Gary Bruton: Let me clarify that right quick. We did a preliminary walk-through of this building and put together what we felt the improvements were going to take. We have identified \$3,000,000 of just the expenses that we can basically spend that we can actually do in a renovation. There will be over, probably, another million and a half dollars put into this hotel that will be done in leasehold improvements; telephone systems, copy machines, computer equipment; point of sales; property management systems. All those are operating expenses, but they total over another million and a half dollars and we'll be putting on as lease-type operation expenses that a hotel can operate with. So the \$3,000,000 primarily is for the actual renovation, that's your carpeting, your structure, your replacement of air conditioning units, your bringing it up to fire code in many cases that we have to work with, structural problems in terms of the roof being replaced, and the areas that it was leaking. Those types of things we are going to correct as well as the cosmetic renovations, the furniture, fixtures and equipment.

Commissioner Mourdock: Okay, so your budget is \$3,000,000 for improvements and there's another million and a half to leasehold --

Gary Bruton: And another million and a half that's going in, that were going to be leasing equipment to turn around and to make the property even better.

Commissioner Mourdock: Okay, thank you. I would just reiterate what Councilman Hoy said. I wasn't aware of that number, either. I don't blame Citizen's Bank for that. They don't tell me their business and that's quite understandable --

Tom Meyer: Well, I mean, there's just been so much publicity about it that I would have thought, with all the information that's being disseminated, but I assure you that there was \$5,000,000 originally paid, there's \$3,000,000 in escrow and then you've heard about the other million and a half. So --

Commissioner Mourdock: Okay. Thank you.

President Borries: And Mr. Meyer, for the record, there also seems to be some reports that Citizen's Bank was involved in some kind of, or would be involved in some kind of decision should the Green Center be purchased by the county. Would you care to comment about

it? It's my understanding that Mr. Green, through this settlement, has the power, really, is empowered to accept or reject any offers that he sees fit. That's --

Tom Meyer: Yeah, he absolutely does. Citizen's National's public records will show continues to hold a mortgage on the convention facility as part of their overall mortgage package. The property that was sold to Mr. Granoff, the hotel and the parking garage and the lounge/office building facility, of course, were released from the mortgage at the time of the closing, as you routinely do in a commercial transaction of this type, and Citizen's Bank provided some of the financing in connection with that acquisition by Mr. Granoff's company, but they continue to hold a mortgage on the convention center facility and one or two other minor properties associated with it, the bank is involved to that extent. Any other questions?

President Borries: Thank you.

Ed Bassemier: Mr. Borries?

President Borries: Councilman Bassemier?

Ed Bassemier: I don't understand something here. Mr. Hoy was saying we've only lost two conventions here since the Green Convention Center was closed, and he asked the Visitor's & Convention Bureau to comment on it and I did not hear anything out of them, but I got something from them before the meeting. It says there's four listings on here of about 5,000 delegates that could not come here for a convention because of the Green Convention closing, and at the top it says there is a 119 potential lost or past conventions that no longer can be here because of the closing, and then a gentleman from Atlas Van Lines said they did not come here because of it, so what is it?

Pat Shoulders: If we could, could we comment at this time, Commissioner Borries?

President Borries: Commissioner Shoulders of the Visitor & Convention Bureau.

Pat Shoulders: I would like to clear that statement up. We have distributed to the Commissions and to the members of Council, a document that is based upon an aggregate of four years of convention sales, the past four years of convention sales, here in Vanderburgh County. What that document reflects is there are 119 potential lost or past conventions that we can no longer sell right now with the state of these facilities. This one about to be improved and the Green Center not available to us. Our economic impact studies, which I think we've provided to all of you before, tell us what the normal conventioneer spends here in retail, our food and our hotel establishments and we can tell you that the loss of 119 conventions would mean the loss of \$116,000,000 to this area. The two that we know have cancelled are the 96th Infantry Division, 1,000 delegates with a 1.43 million dollar economic impact lost due to the closing of the Green. The American Legion Department of Indiana, 2,500 delegates or a 4.47 million dollar economic impact is lost, cancelled, due to the closing of the Green Convention Center. We've added the American Baptist Church, 1,500 delegates and the American Businesswomen's Association of 600 delegates. The Tourism and Convention Bureau has already gone on record supporting the purchase of the Green Convention Center at one time. I'm the vice president of the Convention Bureau. I don't speak for the rest of my fellow commissioners at this point, but I will speak for myself and that is to say that we need a convention center in this town. We can live with this one greatly expanded, that one, both of them, but we cannot live without an appropriate facility and it seems to me that every day that goes by, we are losing millions of dollars in that we cannot even

compete. We are in the most competitive market; we can't go out right now and try to bring in 1,500 delegates. I'm afraid that when the Kiwanians get here, when you see what a 1,000, as Mr. Patberg talked about, if we lose that 1,000 delegates, that will be another 1.43 million dollars that we will lose in this community. Finally, I'd like to conclude my comments by saying, they may have a football team in Indianapolis, but I don't think they have better lawyers up there. And although I know Buddy, and he's a great lawyer, I do not believe for a second that statute cannot be interpreted by a court to allow for that money to be spent on improving this facility and you can improve this facility by joining it with that one across the street. I believe a court would rule that way and I disagree, and humbly submit to you that any improvement of this facility, even if you expand out that direction, under their interpretation I guess you couldn't do that, either, I don't think the improvements have to be internal. I think the Food & Beverage money is available and we're more than willing to talk about contributing from the Innkeepers' Tax as well. Thank you.

President Borries: Well spoken, Mr. Shoulders, as a true Hoosier, there.

Bettye Lou Jerrel: Mr. Borries?

President Borries: Councilwoman Jerrel?

Bettye Lou Jerrel: Pat, let me ask you just one yes or no question.

Pat Shoulders: Well now, wait a minute.

Bettye Lou Jerrel: Did you lose 119 conventions this year, or next year, or the next year?

Pat Shoulders: Well, we certainly --

Bettye Lou Jerrel: Yes or no? You may --

Pat Shoulders: Yes. Yes, we did.

Bettye Lou Jerrel: You've lost that many? You would have had them?

Pat Shoulders: We cannot go out and solicit them for...convention business, as Bill Brooks said, is three years down the road. What can we go out and tell somebody we will have here in three years right now? We can't sell.

Bettye Lou Jerrel: Okay, that's what my question is; what can you tell me about this building, of course, we're not architects, at least I don't think anybody at these tables, but --

Pat Shoulders: I have one in the family, that --

Bettye Lou Jerrel: I know, he's a good one. But the question I have is, I believe, if my memory serves me right, we remodeled and renovated Robert's Stadium in six or so months. Why are we acting like this particular project is not going to be finished until '98? Why? That makes this story much more impelling, but Fort Wayne didn't buy another building when they built their new convention center, Owensboro didn't buy another building when they built their convention center, South Bend didn't buy another building nor did Indianapolis, and I would suspect this would be up and operating and you could do a wonderful job of selling with your brochure that in 1996,, at the end of '96 or '97, a brand-new, newly renovated facility will be in Evansville. I bet that would be a heck of a selling tool.

Pat Shoulders: I think it would be, too. I think with the boat in the water, we'll miss the first year, probably the greatest two years that the riverboat will ever have in the community. It will be it's first two years, those two years will, I think, pretty much be lost to us because, under the best projections, late '96, well maybe a year and a half worth of riverboat, but as I said, we just are here to support whatever the two bodies decide, but we've got to have a suitable facility because we're bleeding.

Rick Jones: Mr. President, I have a comment.

President Borries: Councilman Jones?

Rick Jones: I'm troubled by some of the figures that I'm hearing right now, being liaison to the Visitor's & Convention Bureau. I have to question, was the lack of or the potential conventions that we lost over the last couple of years, was that due to the lack of the upkeep and lack of no renovation to the Executive Inn? I, too, remember that place when it was first built. It was the Ramada Inn. My mother used to work there and it was a first-class hotel. Over the last two years very little has been done to that hotel and I guess my question is this, did we run off the convention business because people took a look at the Executive Inn and chose not to stay there?

Pat Shoulders: I don't think there's any question about that. That was a big, big factor.

Phil Hoy: I want to correct something awhile ago. The information I had from you all was that we lost two mega-conventions in the last five years, not just two, and that's from the notes you all had, if that's true or if it's not true, we need to know. The other thing is, I was in the Grand Wayne recently. It's a Lego's building as far as I'm concerned and the hotel only has 250 rooms and what they did in Fort Wayne, they accommodated the Association of Indiana Counties very well by setting up a shuttle bus. I stayed at Holiday Inn northwest, had a nice room, had transportation whenever I needed it, back and forth. We have a stadium here, we have lots of open spaces for exhibitions. I'm still for doing something first-class with this building, but I, frankly, and I think the Convention & Visitor's Bureau knows that I voted for a number of their things and will still do that; however, I, personally, and this is my personal opinion, question some of the figures on what convention produce in the long run when you put those dollars up against the cost to the community. I want a convention center, I'm on record as wanting to place it right here. I do not want to be misunderstood that I'm against a convention center. The other thing is, is right now, if we are dead in the water, we're not going to be alive for two or three years anyway, because you all have said it takes that many years ahead to plan. So that hunk of business is already lost. The County Council didn't lose it, the County Commissioners didn't lose it, and I don't think that those of us who are elected officials need to take the rap for that loss. Thank you.

President Borries: Mr. Bruton, response? And I have a couple of other people who have patiently or willingly signed the list and I'd like to get to them and then when we're finished with that, I'm going to ask for concluding remarks from the Visitor & Convention Group, County Council, and then us, and yours truly will get the last say this evening on this. Mr. Bruton?

Gary Bruton: One quick comment on what we just corresponded. There's no doubt that it takes a combination of a first-class convention hotel and a first-class convention facility and entertainment and things to do in a city. We know that we're committed with the hotel, the Executive Inn. We know you have entertainment with the casino coming on board, we know you have this facility here which, in many times, does not meet the demands,

and also, with both facilities, it just means we could do double or more the business if we had both convention facilities working sometimes, something over here as well as across the street. A point that was well taken that I see, is that, it reminded me of the situation we're going in, in Dallas, Texas. You have to have a convention hotel, Dallas does not have one. Are they losing business? Absolutely. They're getting killed. Talk to anybody in Dallas, Texas, they lose money every day. Who is fighting it? The hoteliers of the city of Dallas, Texas. They're scared of the competitors at many times. They don't want to be bussed clear across town. Is there a trickle effect? Absolutely. But it's mandatory you have a first-class convention center adjacent to your first-class hotel to make things happen and really book those conventions and totally make the whole thing work. Thank you.

President Borries: Thank you, Mr. Bruton. Don Assalone?

Don Assalone: Good evening, ladies and gentlemen. I'm here to come down four-square for the purchase of the Green Center so that there's no equivocation, there's no question. I moved to Evansville 14 years ago, I invested a lot of money in a business and recently sold it, but I still own commercial property and residential property and may experience an increase in taxes, perhaps, and I'm not afraid of that. I don't like it, but that's part of expansion. There's been a great deal of improvement here in Evansville in the last numbers of years that I've seen. Mr. Granoff has invested, we hear now, \$9,500,000 of his money, not the city's, not the state's, his and the other investors. To turn our back on him now, what is that going to say about Evansville/Vanderburgh County, to anybody else that wants to come in and spend some money? Short-term situation, he has to have a convention center to fulfill the plans that he's put in place. Prior to this evening's meeting, I approached some people that Ogden services out at the stadium, if they were involved in managing convention centers and they gave me a list of several places that they do manage convention centers. Sometimes, in a cooperative effort, but separate, similar to what we have here, working for the city as well as working for the county. One is the Meadowlands in New Jersey, the other one is a city facility at Cedar Rapids, another one at Pensacola, which may or may not still be there, as well as Sioux Falls, where there is a county/city relationship. One management team, two facilities. I'm not suggesting that Ogden be, necessarily, the one to do it, but they may be a facility or an organization to consult as to what the opportunities or what their suggestions might be in terms of the new center, that is the revised Green Center or the expanded one here. I absolutely believe that something needs to be done immediately. I have to leave this meeting because we've got another group of 1,500 people coming into town sometime during the month of July, we've got our first organization meeting tonight about that. But I believe that the convention center that's there, with it's opportunities for virtually any type of participation, be it a big show, a trade show, meeting rooms, food facilities, is absolutely necessary. I, personally, would volunteer my services, as meager as they may be, to help in that regard on a voluntary basis in any way, shape or form. Thank you.

President Borries: Thank you. Mr. Ken Newcomb, Jr.

Ken Newcomb, Jr.: Council members, Commissioners, Convention Bureau members, Evansville is in an expansion mode that we haven't seen since the post-war era and we're on the brink of an opportunity that I think we're missing here. The Green Convention Center is up and ready to operate. One thing that hasn't really been discussed, along with the economic impact of losing \$116,000,000 over the last three years, is the economic impact upon Main Street and the outlying areas along Main Street. The convention center is very much needed here for the rejuvenation of the downtown Main Street and the downtown surrounding areas. A lot

of people are under the impression that the riverboat is going to make Main Street just bustle; I hope it does, but I don't believe that's going to be the case. At the other end of the riverboat draw down there is the Green Convention Center. In between those two areas is the Main Street Walkway and the outlying retail areas along the Main Street Walkway. With the convention center that's next door, the Green Convention Center, being available today for operation, we can go in there and start letting the Convention & Visitor's Bureau go to work tomorrow. There's some discussion whether we could have the new facility here built in one year or two years, or three years. Like Mr. Granoff, Mr. Eckels, Mr. Meyer and Mr. Brooks have all said, that's too late. We need to do this tomorrow. The boat is going to be here December the 1st. We're losing precious time in not having a convention center available to us immediately. Today, we've got more vacancies on Main Street than what we did six months ago. The economic impact is not just for the conventions. The Convention Bureau, in it's heyday, was doing 55 - 60 conventions a year. The new hotel at the other end of Aztar's is going to provide some convention facilities also. I don't think that it's unlikely that we could up that another 25 or 30 conventions a year if we had the Green Convention Center open immediately. It's not the mega-conventions that we're really after. I mean, they're nice to have, but to lose two of them, to me that's not a great big issue. It's the smaller conventions that we know that we can get here every weekend and have this city full and people walking up and down Main Street as opposed to waiting for a mega-convention. It's the county conventions and the Board of Realtors and those type of conventions that we need in here every weekend to help support, not just the convention center, but the downtown area, itself. So, I'm all in favor of proposing that the Commissioners and Council purchase the Green Convention Center.

President Borries: Thank you, Mr. Newcomb.

Phil Hoy: Mr. President? I know I've spoken a lot.

President Borries: Yes, you have, but keep going.

Phil Hoy: I think there may be some folks here that perceive that I don't want a convention center and I do, and I've said that about three times. I do travel as a food banker. The only city that I've stayed in that had anything open at night on any night of the week was New Orleans, which is always open. I've stayed in Houston, they packed in the sidewalks early; Kansas City; Tulsa, Oklahoma; Akron, Ohio, and a number of other cities where we've had food bank meetings and they're wonderful facilities, but on Saturday night, especially in downtown Kansas City and Tulsa, there were three restaurants in the hotel, two of which were closed, one of which was full of reservations and so I ended up with a hamburger in a sport's bar. And I'm not against what you guys are doing, I just think that to make promises that a riverboat which may be here a few years, or a convention center is going to put a lot of shops along Main Street. I think that's wish dreaming. I think we moved the retail Main Street to the north side, the west side and the east side, and I don't think any of this will bring that back. I think we just want to bring back the convention business. Every convention I've been with, there's always been transportation, including Corpus Christi by the way, Austin, Texas.

Tom Meyer: Maybe you were going to the wrong conventions.

Phil Hoy: Well, maybe so. I don't know, in Austin, Texas, when I walked out of the Sheraton Hotel, a very nice hotel, there was a sign telling us that we should not go past that sign because it was too dangerous, and down in the valley there was a beautiful river with millions of tax dollars spent on lighting, benches, and you name it, and we couldn't walk there because it was not safe. So much for Austin's master plan, and that's the capital of Texas. Those are just one man's observations, but I guess I have been in

the wrong cities except for New Orleans and it's up all night, of course.

President Borries: Is Mr. David Holling, is he still in the audience? I have one person here who I have not recognized from our speaker's list.

Commissioner Mourdock: Maybe Holding? David Holding?

President Borries: This concludes my speaker's list and at this time, I'd like to ask for comments from the Visitor & Convention Bureau Commissioners, the Vanderburgh County Council and the Vanderburgh County Commission as we move our testimony to a close. Any thoughts, comments, questions by the Commissioners from the Visitor & Convention Bureau?

Pat Shoulders: I would just want to make the record very clear. I don't want to leave any of the other governmental agencies or bodies with the idea that we have ceased working. There are 69 events in 1995 estimated with a 7.7 million dollar economic impact. We continue to try to sell Evansville and this region every day. We have lots of things to sell here. What we're concerned about is a suitable facility and a great convention hotel which can only benefit all of us.

President Borries: Okay, thank you, Mr. Shoulders. Other comments from the Visitor & Convention Bureau at this time? Vanderburgh County Council, your thoughts.

Rick Jones: Mr. President? The vote that I cast this evening, I have a lot of mixed emotions about it, but I feel at least in my mind, it's the right way to go. I've had a lot of people talk to me about the Green Convention Center and for every person that talked to me about it, I probably talked to about 25 that were opposed to it. There are several items that I have some concerns with. The Executive Inn has 40,000 square feet of convention space. I am not opposed for convention overflows. If we want to look at the possibility and the Green family is willing to do this, to lease it on a short-term basis to accommodate the overflow for the convention business, in the short-term. The Green Convention Center, when it was in foreclosure could have probably been picked up pretty cheap. Now that it's out on the open market, I question how much it's actually going to cost us, if we chose to take that approach. The funding that we have talked about as Council members, it makes more sense to me to put the convention center and auditorium renovations under one roof. If we let a bond issue, then everything can fall under that bond issue as opposed to if we decided to buy the Green Convention Center, we'd had a bond issue for the Auditorium and would have to go out and probably put the Green Convention Center on a loan. Conventions and visitors are vital to the success of the city of Evansville and Vanderburgh County, especially the downtown renovation. I support the efforts to renovate the Auditorium, complete with a new convention facility. Thank you.

President Borries: Thank you. Councilman Wortman?

Curt Wortman: Mr. Borries and maybe Mr. Tuley and Mr. Mourdock, where is the city involved in that, or are they? Does anybody know, were they going to get involved or have walked away from it? I would just like to have an idea why they're not involved in it?

President Borries: Curt, that's a political question I can't answer. Any other folks want to...Councilwoman Jerrel?

Bettye Lou Jerrel: This is just a question on procedure. We have lost time and we're all aware of that. You're going to vote tonight to do what? What's going to be the motion?

President Borries: I don't think there was any intent, I'll tell you, I've been out there on a limb and got out there a little too far and as big as I am, I ain't going to do the same thing again unless we get there. I'll have some comments here in a minutes and what I envision is, what we were trying to do is to gain some consensus, some common ground here, where you all were in this process, where the Visitor & Convention group were in the process, where the public was in the process and go from there.

Bettye Lou Jerrel: Well then, as you listen to the Council, and I'm even going to speak for Councilman Bassemier here, though he does support the Green, I know he also supports getting this facility in good shape. I mean, he was positive in that respect, also. I don't see why we can't have this building on a fast track. In answer to Mr. Wortman's question about the city, while we haven't had any personal conversation, I did watch all of the City Council candidates and incumbents, and they were asked a question about the purchase of the Green and I did not hear one of them indicate they were in favor of that. So, I don't call it political in the sense of either party because they were all taking basically the same position and a majority of County Council polled this evening took this position. I think it's time that we move with this building and I appreciate the new owner's stance and I'd love to see this facility be something he's be very proud of, and I think he will be. I hope, I'm going to be quiet because I want to hear what you have to say. I think enough time has elapsed that it's becoming an argument that I think the public, Rick, is getting tired of.

President Borries: So you're...what are you saying, Betty Lou?

Bettye Lou Jerrel: I'm saying that we have the funding to do this building and you have a majority of your Councilmen saying tonight to do that. I think this has been the position for, well, since July 1st. July, August, September, October, if they did the stadium in six months, we've missed four months already. I think it's time to act, and I appreciate your position and I think you've worked very hard on your position and there are those of us who have listened and I have not had one person, and I've done some surveying, significant surveying, tell me they thought this was good idea and I have many who have told me do not change your position. So, if we're not going to change our position, what are you going to do this evening so that we can move forward?

President Borries: Any other comments from Council at this time?

Ed Bassemier: Did you want to say something first, Pat?

Commissioner Tuley: No, no. Council, go right ahead because when you get done, then I'll have my say.

Ed Bassemier: Thank you. I was just going to say, I do appreciate the other Councilmen's opinion about expanding this. It's a good idea, but if you take the building across the street, I know you can renovate it and make it look beautiful for half the cost, and that's why I'm standing behind it. Mr. Shoulders made a good point about, we can change the law to get that money on that Food & Beverage Tax to coincide with this building and the Green Convention Center and I'm going to stick to it. I think we ought to buy the Green Convention Center or lease it, but I never brought up the idea of leasing it because I never heard that. But if it's a good deal about leasing with an option to own after a period of time and it's a better deal, I'm for leasing it. But I know it takes about, probably Mr. Shoulders could tell us with his brother, it's going to take at least six months, probably, to even get the drawings going on a building like this, at least six months. So, I'll stick to my guns that I think we ought to purchase the Green Convention Center. Thank you very much.

President Borries: Thank you.

Phil Hoy: Well, I guess I'm more patient, Commissioner Borries. My commitment is still to this building and to what I've said before. Figures have been mentioned about the Green Center and I guess I ought to preface this remark by mentioning my late wife who said, "You know, Phil, if there was a hundred acre field out there with just a little pile of manure in the center, you'd step in it." The estimates on the Roberts Stadium were \$6,000,000. At last count, we spent \$16,000,000. That worries me about the Green Center. How much would we really spend and we, at this point, do not know. Secondly, we have an opportunity to really make this place shine, and I think we should. I think we should do it because we like the arts in this community, we like conventions, we ought to be proud and one of our biggest problems is displayed here tonight, and I'm part of it because I've been contentious. We need in the future to learn to get together before we reach a moment like this. I would cite our sister city across the river, Owensboro, with her \$17,000,000 center. It's gorgeous. They all pitched in and Mrs. Jerrel, the city over there pitched in too, which they are not willing to pitch in on the Green Center, they've made it very clear. But they pitched in with a parking garage across the street. This is a great city and we have a lot to offer. We are the capital of this region. I think it's high time we acted like we are the capital of this region. Thank you.

President Borries: Thank you. Commissioner Mourdock?

Commissioner Mourdock: I'm going to attempt to say a whole lot and yet be incredibly brief, which isn't necessarily my style. First of all, I'd like to address what I hear is two missed points tonight. First of all, many people articulated very well that we cannot afford to lose the convention business and we shouldn't let that happen. I have not heard one elected official say they want to do that. None of us want to lose the convention business, it's simply a matter of direction, which way we go regarding two buildings. The second missed point, I think, is what is the cost? From the numbers that were presented initially regarding the acquisition of the Green Center plus the upgrade costs, if you will, when that number is added to the lowest number that has been considered to use to upgrade this building, those two numbers added together are greater than the most grandiose plan to upgrade this building. And if you just upgrade this building, you only have one building to take care of, not two in regards to the operating cost. We've paid Mr. Downs a lot of money over the years with Ice, Miller, Donadio, and the interpretation, if you will, that maybe the Food & Beverage Tax money can be used across the street, I'm not a lawyer, I take certain pride in that at times and I don't know what the argument is, but right now, I know what the state of facts is from the attorney that we pay --

Pat Shoulders: We take pride in the fact that you're not a lawyer, too.

Commissioner Mourdock: I can understand that point of view, Pat. Finally, one speaker made the comment that, if people of lesser vision have their way, the things of Indianapolis wouldn't have happened. I don't think there's anyone with lesser vision on the Council or this Commission or on the Visitor's Bureau. All of us have a vision to see something in this city that Phil was just talking about. We want to see this be a first-class facility for conventions. Launita Seals made an interesting point that I'd not heard anyone else say, but it struck me because I remembered it very well. I've been the president of one of the largest conventions to come to Evansville each year, the Indiana Coal Mine Institute. We came here before the Green Center was built and we routinely had more than 1,000 people in the Executive Inn. Based on the improvements that Mr. Granoff is going to make, I suspect that what Mr. Newcomb referred to as something other than the mega-

conventions can still be done even in the interim while we're doing this facility. I think the smaller conventions are truly the key for us. As far as the use of the Green, perhaps, on an interim basis, I'm open to listening to that. I can understand as a business person why Mr. Green would not want to entertain that, but I'm willing to listen. Finally, I will say, somewhat as Ms. Jerrel said a minute ago, and I put this in the context I know well, I was on the golf course recently and trying to line up a putt and there was a break on it and I looked and looked and looked. Finally, my partner made the comment, "You know, you can look at a putt too long." And that's right. There comes a time, you've got to hit the ball and I think we're at that point. I think we've heard the Council speak very clearly as to what their intentions are. I would like to see them agree before we go tonight as to what some range of spending might be that they would want to see that Food & Beverage Tax used for, but I think Councilman Hoy's position of getting a committee together, I personally think that's a little large, six people, but if we can get a small committee together, we need to do that and move now.

President Borries: Thank you, Commissioner Mourdock. Commissioner Tuley?

Commissioner Tuley: I've been unusually quiet for the last two weeks, but the biggest reason is, is because this has been such a difficult decision and the one thing that I was taught a long time ago, you learn more with these two things than you do with this one thing. I've been trying to listen and I hear everybody. I don't think, as Commissioner Mourdock has indicated, there's not a willingness or support to provide a first-class facility, the debate is on what is that first-class facility going to be, which building is it going to be located in? Pat Shoulders' comment about the use of the funds. I respect Pat, I've known Pat a long time. He may be right, he may be wrong, but I don't want to go through a lawsuit to determine whether he is right or wrong and delay one more year or six more months or our court system, a year and a half to have that issue decided. The other thing is, and I made this very early on in my intro statement, the Commissioners can only propose. They Council has the final say in those expenditures of fund. While I'm listening tonight, what I am hearing, with the exception of one Council member is, don't send us that plan to buy the Green, we're not going to do it. If, in fact, we do that, then we've delayed another month to sit back in this same kind of forum again, to have this same kind of discussion, what are we going to do? I think Kenny Newcomb was the one that said we're losing precious time. I think it's time to move forward. I want to move forward, though, with a commitment from the Council that says, Commissioners, bring us a plan that addresses the immediate problem of what we will do during such time that we have a renovation going on in this building. That has to be, give us the authority to sit down through the Convention Bureau or through our own funds, with the Greens, to sit down and see if that building is available during the interim period, that if, in fact, it is available and there is a need, a shown need, I don't think anybody sitting in this room, with the exception of the Bureau, may have an idea of who is coming in here. I didn't know about Thornton Patberg's group until the other night and I don't know who else in here has other conventions like that, that have been looking at us for three years saying, in 1996 we're going to Evansville. Some might only take two years and they started looking at us two years ago and said we're going to Evansville. I don't think we shut the door on any of those conventions. It's the wrong message to send at this time. We have the riverboat coming in here. We have a new hotel owner who has made a commitment to this community. You don't shut the door on those people. You welcome them with open arms, you welcome them, you say come on in, we're glad to have you and we're going to show you we're glad to have you because we're going to do everything to make your venture in this community successful. And you don't do that by saying

we're going to shut down the convention business for a year or six months or a year and a half. The only other thing that bothers me about some plans I've seen with regard to this building is adequate parking. We have to be given discretion to find a way and Cheryl, I don't want to get political, you and I don't always agree on a lot of things, but you're right on the money in terms of parking. You've got to have a facility that has adequate parking. I don't want a 15 or \$20,000,000 expenditure on this building and have it be left with well, we'll try to work that out when you get here. When you get here, we hope we'll have a place for you to park. So what I want to hear from the Council is, if, in fact, and I already heard from you. I got your message loud and clear, I don't see a need to bring it back to a vote on the Green Center only because my vote isn't going to change. Okay? And my vote isn't going to change because the people that have the money have listened to this testimony and I hear you haven't changed your position. But what I do want to hear from you before we leave here is, Commissioners, go out, bring us a plan. We will back you up financially if it's through the Convention Bureau to use some of their funds to lease the Green if that's an option, if that's not an option then we have to get to work and figure out what we can do. But we will support you, Commissioners. Bring us this plan, give us the framework to work in and we'll bring you a plan that you will support.

Phil Hoy: I would never dare, Commissioner Tuley, to try to speak for seven people, but I believe in our discussions together, the Council is very willing to work with you all despite all of the negative remarks that any of us have made tonight, including me and I've made a number, we really are in the mood to move ahead as quickly as possible and we will go with you, and I agree with you and Mrs. Musgrave on the parking. I'm not sure how we'll finance that and do that, but I think it's also a good idea. The sense I get from my fellow Council members is, let's go. As to an exact figure, I think --

Commissioner Tuley: I'm not asking you for an exact figure. I realize you can't put that on us, I just want to hear, Commissioners, you have available to you something to the tune of, right now, about 2 or 2.5 million dollars and we're committed if there is a need. I forgot to address one point, the committee you want, I think that's important, I don't know how large it should be or how quick we can put that committee together, but I do disagree with you in that I think that the new hotelier should be involved in there. I think maybe that the riverboat people, someone other than the people on these two and definitely, we've got to have the Convention people, someone that's got more wisdom than I do that says a facility of this size and scope will meet your needs today and would meet your needs 20 years down the road or 25 years down the road.

Phil Hoy: After hearing Mr. Granoff's representative tonight, I have no problem with working at all. Frankly, I wanted to hear it straight. I didn't want to read it in the newspaper, I didn't want to see figures bandied about. I appreciate you bringing that report in and I think that helps all of us to look more favorably, certainly, upon a venture that is going to go very well.

Commissioner Tuley: Before I get done, see I have been quiet all night, and now you've got to listen to me for a while. The idea on the leasing of the Green, I know Mr. Green's attorney said, hey, this is the first time we've heard this. We're not sure. If, in fact, through this committee it can be shown that there is a need to have that overflow, Council, basically, I don't want to get into a negotiation and have Mr. Green sit down and say we can work this out and if we can come to a figure just to have it go to the Council and say, ha! forget that, we're not going to do it! I'm not asking you to say yes. I'm asking you to say we would authorize you and we will explore it. It's not an open checkbook.

Phil Hoy: We do not have an open checkbook at this time in the General Fund. I think all of us know that. It's that time of year. However, we would be very willing to work with the Convention & Visitor's Bureau. I think they would be willing to work with us. That's what I'm hearing from them and I have no problem with opening that door --

Commissioner Tuley: You have those funds, I'm sorry to cut you off, you have those funds available.

Phil Hoy: Yes.

Commissioner Tuley: Through them. I think that they could probably use if they so desired and with the blessing of the Council. You also have some money being dedicated to you through the first three years of operation of the riverboat directed to the Auditorium and I think that money, so we would not necessarily, and probably in all likelihood, would not have to impact the General Fund. I'm very conscientious of the condition of the General Fund.

Phil Hoy: No, we all know what the General fund looks like right now and I think we're in concert there and singing out of the same hymnal, on the same page of the same hymnal, perhaps. I think what I've heard, not only tonight but previously from the Visitor's & Convention Bureau, tell me if I'm wrong, I think you are willing to work with us on the funding of that. Is that correct?

Pat Shoulders: Sure, we're willing to consider --

Phil Hoy: Okay, Mrs. Jerrel has a question, I believe.

Bettye Lou Jerrel: I just have something for the record. The Vanderburgh County Council does not have any money in their General Fund to operate any other facility. And I think all of you...could I say that I am telling the truth?

Ed Bassemier: You're telling the truth.

Bettye Lou Jerrel: Okay. So we have no money to operate any other facility, no matter how we received it. I want that on the record.

Commissioner Mourdock: So you're saying that even the riverboat money that Commissioner Tuley just referred to, that money could not be expended in that way? Is that --?

Bettye Lou Jerrel: Next years' riverboat money? Is that what you're saying?

Commissioner Mourdock: There wasn't any last year.

Commissioner Tuley: I'm just throwing it out there and seeing if it sticks. There's money dedicated for the first three years of their operation, now it may not come in until December 31st, 1996, I'm not sure. I just said that may be an option. The other option if, in fact, the Convention & Visitor's Bureau, and what I heard them say was, they don't want to shut us down for a year either.

Bettye Lou Jerrel: My suggestion is it should be their responsibility from the get go for all of it. We have no additional money and we're about in a position where we better not obligate any of our funds at this time, at least for the next several months.

Commissioner Tuley: Bettye, I agree with you and the reason I'm throwing it out about the Convention & Visitor's Bureau, if I'm not mistaken, they've got to come to you and get approval for that expenditure of that funds available to them. So the monkey is still on you as the Council, and I don't mean that as derogatory as it sounded, but it's on the Council to give them the authority to

spend that money in that way.

Bettye Lou Jerrel: They have \$609,523 in their '95 budget and I don't know that '96's budget would be somewhat higher than that.

Commissioner Tuley: It sounds like the money is there and maybe you would be willing to support it if it got to the Council.

Pat Shoulders: Is that operating or in the capital tourism --?

Bettye Lou Jerrel: That's your entire budget. I can give you your '95 so I'm just saying whatever decision you make, you need to think about your total commitments. You have a total budget this year of \$609,523; you have \$206,823 in employee and personal benefits; you have \$7,000 in your supplies; and you have \$384,000 in your general services and supplies which would be your operating, so --

Pat Shoulders: All of that is our operating, none of that is our tourism capital development fund.

Bettye Lou Jerrel: Right. Well, I'm just saying to you we know what we've got in our budget this year and next year, and we do not have any money for any operations. That's part of the reason why you have this position by the Councilmen.

Commissioner Tuley: Not to beat a dead horse. I'm just saying, and I've said from the very beginning, that Bureau and their funds should be at the table in this game and this is one way for them to get to the table and play. It may turn out, we may be arguing, so to speak, a moot point because we heard tonight that the Green family may not even be interested in such an arrangement. I don't want to try to sit down at the table with them knowing that it may be for nothing if the money can't be there.

Rick Jones: Mr. President?

President Borries: Mr. Jones?

Rick Jones: If I may, and then I'll shut up as well...

President Borries: Well, I'm going to get the last words, so you keep talking, all of you. I'm going to say some things here. It's hard for me to keep my mouth shut but I've done a pretty good job tonight.

Rick Jones: If the Greens are willing to go along with that proposal, you have my commitment and I think several others to turn over all the rocks. Look under all the bushes, if they want to make a commitment to do that and there is a need for the overflow for us to operate the Green on a short-term lease, you have a commitment from several Council members sitting here now that we will do everything that we can to find the funds to operate that facility on a short-term basis.

Commissioner Tuley: I'm not the president, but thank you.

(Tape change)

President Borries: -- finish at this time. Let me just thank you before I know there are a lot of folks that are going to begin to get irritable physically and in other ways and need to have a recess. But I think it's been a pretty exciting and very productive meeting and I want to thank all of you for your thoughtful comments. The one thing that I must say in beginning my comments here, is that it is a tremendously complex issue and what I have attempted to do throughout all of this from May on is raise the public awareness and debate about some tremendous opportunities and that's what we seem to agree on here. There are some exciting

opportunities ahead for this community and we agree that something needs to be done. I think those two things we've agreed on all the way through. Now Bettye Lou has said she's polled and people have told her to do what she's done and I will assure Bettye Lou that I've done the same thing. So, even though I am speaking from a minority standpoint at this point, I'll never go back and start saying I told you so regardless of how this moves. I've gotten the message loud and clear in relation to your feelings about this subject. But let me just say a few things here about what I've heard in relation to time lines and everything else. Architects don't work like half-hour sitcoms and T.V. shows. It's a thoughtful, very complex way of having to work through a very difficult process. The worst thing that we're going to do, we can put them on as a fast track as we possibly can, but I would envision that this particular facility would probably close by May of 1996, this coming year, somewhere around the end of that month and if they can fast track the designs at that point, literally, it will take us probably a year in true construction to get where we need to be so the great question of what Commission Tuley and others have pointed out this evening in relation to our immediate needs and this community's immediate needs in 1996 are still there. We have to deal with 1996. If we fold up our tent now in one of the most critical years that this community faces, we are making a big mistake in my opinion. In relation to the numbers of Indianapolis, and there's been a lot of talk about Indianapolis. Indianapolis, and I had two charts this evening and I've got one here that I know is going to make Councilman Wortman real nervous, but the other chart I did bring with me, but the one chart that had the public facilities, all throughout the state of Indiana, in Gary, in Fort Wayne that we've discussed, in South Bend, in Bloomington. All those, and I think a very conservative community like this, mean change because we've really never had to look at funding a community center, a public community center quite like some of these other communities have done and they've done very well. Just look at the city of Indianapolis that has been used tonight. They used their Food & Beverage Tax, they use Hotel/Motel Tax, and they used Cigarette Tax all to come into that huge facility that all benefits the community and the hotels and all the other nightlife that surrounds it. They're using all three of those in a mix. Now I've consistently talked about staying away from the General Fund, I've consistently talked about that there are ways in which, if we want to work together, we go back to the state legislature, we get some of this enormous Food & Beverage money that is coming in here that doesn't affect just local property tax owners, even a quarter of a penny would probably be enough to take care of any kind of operating deficits that we're talking about. All we've talked about is deficits. No one is plugging in the positive side. I've never heard anybody talk about what kind of revenue we're going to get in this town, and we're going to get a lot, particularly if we play our cards right. And for Council folks, as numbers people, you've got to figure the positive numbers, what we're going to get in, not what just what we're going to put out. That's like saying to business people here, we're going to open our doors and nobody is going to come here for a year. Wrong. That won't happen. There'll be people here, and so we've never plugged in those revenue figures. Frankly, it seems as if the numbers that the Council has to work with, and we hear a lot of numbers, I've had the burden of proof to come up with some numbers. Let me give you some numbers. Now, these numbers, in terms of an option, and this is what I want to leave the Council with tonight. Look at these, Curt. If we want to look at option number one, the renovation of the Green Center, if we look at the Auditorium where we're standing, the Gold Room renovation, architectural, engineering fees, everything included, and we're going to make this a magnificent facility, which I want, all of you want, I don't want a second-class facility in this community. And it's going to cost us money. It's not going to happen by magic. It's going to cost roughly around what I would estimate \$12,500,000 to do this and do it right in terms of that.

If we purchased the Green Center for the sum that we originally had talked about in terms of the \$2,100,000 and then put five and a half million into making it a top-flight first-class place, and again, it's already there. We've heard testimony tonight that it's structurally sound and can be used right now. But let's suppose we put \$5,500,000 into it and, then again, add some additional fees because there are going to be extra fees to design this and architects and so forth, we're going to come up with \$20,500,000 that's going to really have to finance this project. Now what I'm hearing you say tonight, and I'm the one, again, on the burden of proof and the numbers and I am not going to stand for a second-class facility, I'll tell you that. If we look at the same options, I've heard some talk that we want to build a larger exhibition facility out here, something that would maybe be in the neighborhood of 160,000 square feet. That would be larger than the Green Center which has 100,000. Someone says, well why would you want to do that? To plan for the future, because frankly, there was enough criticism over Roberts Stadium and others that say, why didn't they make it 20,000? Maybe they should have. So I'm saying, in a larger convention facility here, we're starting with the same premise, the \$12,500,000, I think then, even if we wanted as some has said, well tear the Green Center down. The county doesn't own the Green Center. We don't tear buildings down we don't own. So let's say that we want to buy the Green Center and then demolish it. Well then, that's going to cost us \$2,750,000 if you want to add that mix in. And then, at your request now, at \$90 a square foot which I think you'll find is a fair market value for new construction here throughout the community, I think that if you look at 160,000 square feet, you're going to come in roughly at \$14,400,000. So what we're going to be looking at also, then, when we add our engineering fees of approximately, and architectural and all the other design fees, \$850,000, we're going to be looking somewhere in the neighborhood of \$30,000,000 in terms of this new project. I'm prepared to support that, if that's what you say you want, because what I want and what I hear you want and what I, again, this can't be Evansville because we can't have a first-class facility. I want a first-class facility. I think the people in this community want that and if that's what you want, that's what we're going to get. I, again, those numbers, I may be off a million or two, you can subtract out the Green Center, Commissioner Tuley has pointed out about parking, we haven't talked about parking, we don't address it, you're the numbers people, you chew on these numbers and you see if this is the way you want to do this. But the bottom line we all agree on, we need to move forward quickly, we'll do that. We're going to move forward quickly. I've heard you, I will support a first-class facility and I'm hearing that you're going to spend this kind of money and I'm for that if that's what I'm hearing you say tonight. Again, I want to thank all of you for a tremendously informative session. I'd like to recess for about five minutes. If Mr. Bruton would be around and other citizens want to talk to him about the plans for the facility across the street, I want to do that. I want to commend him and Mr. Granoff for a statement in the community, frankly, we do welcome you here. We've had some healthy community debate, we're kind of a conservative-type place. We have to work through things, so please don't misinterpret us. We welcome you here and we want you here. Also the Green family, the same way. I think that often times it's pretty tough, us politicians read some bad things about ourselves, but I want to commend Tom Green and his family for being very supportive throughout this whole process and being very up-front with me and straight with me in relation to the very complex issues. I want to thank the Visitor & Convention group. Your mission, I know that you guys really don't have an existence unless we have this facility. We need your support and particularly in terms of the financial commitment. Thank you again for a very informative evening. We will move forward. We are recessed.

Meeting reconvened 8:11 p.m.

President Borries: I'd like to reconvene the agenda at this time. There have been some other folks who I know have patiently waited here this evening.

RE: WILLOW CREEK SUBDIVISION - STOP ORDER

President Borries: We have a letter that we believe will resolve this particular matter this evening and we are very much aware of their concerns and their needs. At this time, then, if Commissioner Mourdock or Tuley would want to read this particular letter into the record, let's do so.

Commissioner Mourdock: Alright, I'll go ahead and read it into the record and then make a recommendation or a motion. This is from the Vanderburgh County Drainage Board and it's addressed to Roger Lehman, Building Commissioner.

"Dear Mr. Lehman:

During the regular Drainage Board meeting of September 25, 1995, it was brought to the Commissioners' attention that Willow Creek Subdivision and it's various sections - Bruce Hatfield, Developer, was not in compliance with the approved drainage plans. Therefore, the Drainage Board voted to issue a stop order on all permits for Willow Creek Subdivision effective October 10, 1995 at 8:00 a.m.

For specifics, please see the attached report.

Pat Tuley, President
Vanderburgh County Drainage Board"

The attached report is that which was submitted by Mike Wathen and Bill Jeffers two Commission meetings ago on September 26th. Having read that into the record, I would move that this letter be redrafted from the County Commission at the recommendation of the Drainage Board and forwarded to Mr. Lehman.

Commissioner Tuley: I'll second with the understanding, I believe it's already been retyped on Commissioners' letterhead with a signature spot for Commissioner Borries, I believe this might be it right there. So we have the proper letter from the proper authority to do just what we're trying to do.

Commissioner Mourdock: In that case, I will revise my motion that the Board sign the drafted letter from the Commissioners.

Commissioner Tuley: I will second.

President Borries: So ordered. I will sign the letter and it will go in effect immediately.

Commissioner Tuley: And for the Commissioner's benefit, I think, Cindy, did you not tell me, or Sunny told me, that Jeffers was out there today just to make sure nothing had changed from last week to now, and nothing has changed?

Cindy Mayo: That is correct.

Commissioner Tuley: Okay.

President Borries: Again, we appreciate you being here this evening and we did want to let you know that we did act on this, this evening.

Dan Swidron: On behalf of the homeowners in Willow Creek, a few of them left already for tonight, however, we want to thank you for making these recommendations. Now is this strictly a recommendation to Roger Lehman or is this actually going to happen

where all permitting is going to be revoked?

President Borries: Mr. Swidron, all permitting was stopped as of that letter, sir.

Dan Swidron: Okay. That what...now any other issues we have to address to Roger Lehman?

President Borries: That's correct.

Dan Swidron: At another meeting?

President Borries: That's correct, sir.

Dan Swidron: Okay. Thank you.

Commissioner Tuley: I don't know if you can just meet with him, maybe as an individual. I don't know that he sits on a board that you would have to go before in a meeting, but I would contact Roger through the Building Commissioners Office and ask for his direction on that.

Dan Swidron: Cause he's still in violation of streets, he's in violation of several building codes, and personal --

President Borries: Mr. Swidron, we know all of that. That's not new information. What I have heard from the information in relation to the engineering, it says:

"Attached below are some pictures of Hannah Court at Willow Creek Drive. This is the section of broken concrete that Mr. Swidron has been complaining about. This section of street was accepted by the County in 1992, so it should not have been cracked to this extent in such a short period of time. I assume these concrete slabs are broken due to the fact that the subgrade was not compacted properly.

Based upon a visual inspection, the condition of this street is not as poor as some other streets in the County. However, if you would like me to include replacement of this section of street in the next concrete repair contract, please let me know."

And if we have money, we will certainly do that, sir.

Dan Swidron: Okay, but that's only one issue with John Stoll's other issued.

President Borries: Well, this issue is the only one, sir, that we can do, one at a time. We do not have an unlimited budget, you've heard some of the other budgetary problems. We're doing to best we can for you, sir.

Dan Swidron: Will we receive a copy of each letter?

President Borries: Of what letter?

Dan Swidron: Each letter. Your recommendation to Roger Lehman?

President Borries: It's a matter of public record. What I would suggest you do is contact the Auditor's Office next week when they have had time to record these minutes, these official minutes and you'll have the official letter right there, sir.

Dan Swidron: Plus, the letter that you just received from Bill Higgins, of the concrete slab that was --

Commissioner Tuley: John Stoll.

Dan Swidron: John Stoll. Well, Bill Higgins made the inspection.

President Borries: Oh. I'm going to enter that into the record. I think you've already taken the pictures or whatever, but certainly, you'll have a copy of that, too, sir.

Dan Swidron: Thank you.

President Borries: Thank you.

RE: APPROVAL OF MINUTES

President Borries: Approval of the minutes. I told you, I guess I'm a creature of habit. Anytime I get out of order, here, I start stumbling around and where I am is trying to get the approval of the minutes which was of our last meeting held on October 2nd, 1995.

Commissioner Tuley: I will so move they be adopted.

Commissioner Mourdock: I'll second.

President Borries: So ordered. Actually, that so ordered should not be interpreted as a consent on my part. I have read the minutes, but I did not attend the meeting. I was absent.

Commissioner Tuley: I shall so order then, as Vice President.

President Borries: Yes.

RE: ALAN KISSINGER - COUNTY ATTORNEY

Alan Kissinger: Thank you. I talked with Mrs. Lynn Ellis from the Department of Public Purchasing. We discussed a bid project #VC9509 and that is for the document imaging system. Mrs. Ellis had requested that the Commissioners authorize a Request For Proposals. We discussed that Request For Proposals, we discussed the possible cost of these items. These items may very well cost more than the statutory limit that we can purchase without bidding. I advised Mrs. Ellis that I thought we ought to avoid the possibility of any violation of state statute in reference to the bids and in response to that, she has asked that the Commissioners tonight, on bid project #VC9509 authorize a Request For Bids for the document imaging system as opposed to Request for Proposals. So, the request from Public Purchasing is that the Commissioners authorize a Request For Bids for a document imaging system in bid project #VC9509.

President Borries: May I have a motion to that effect to authorize that bid?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Alan Kissinger: The second matter I have is, I talked today with Mr. Bill Morpew Superintendent of the County Highway/Garage. We also discussed various aspects of the bids for the asphalt distributor which is bid project VC9508. After our discussion, Mr. Morpew asked me to advise the Commissioners and request that he be allowed to hold that bid under advisement until next week's meeting.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Alan Kissinger: I talked today with Mr. Vern Partenheimer, an attorney from Gibson County who is representing the Ziegler Company in reference to the purchase of the real estate on which the Sheriff's Training Center is located. I'm happy to report that they have clarified and resolved a title question which they discovered in the title search and their application for title insurance. I have insisted that they supply us with a title insurance binder and they have indicated to us that the title question that arose has now been clarified so we are proceeding with the purchase of that real estate and I have provided them with a copy of the resolution of the Commissioners authorizing the Vanderburgh County Sheriff to proceed in behalf of the county in signing the various necessary documents and I've also advised them, again, that any deed issued for this real estate will have to be in the name of Vanderburgh County. I have nothing further to report.

President Borries: Thank you, Alan.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Cindy Mayo: The Drug Free Week is coming up the last week in October, I believe it is, and normally, or at least for the last two years, the Commissioners have taken that out of the cash card for the Drug Free Community money. It will cost about \$130 for us to buy ribbons for all of the employees in the county and this is under our control, so I need your permission to expend those funds if we wish to do that.

President Borries: Good idea.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Cindy Mayo: I have a letter that I would like for President Borries to sign. We have, currently, 24 bills from Metropolitan Development for weed cutting. We had 103 bills last year, so our number is down significantly this year. I would like for the Commissioners to ask if Mr. Robling would waive the processing fee which is \$35 per bill. They did do this last year and I believe, probably, that they would be willing to do that this year.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Borries: So ordered.

Cindy Mayo: The last item that I have, at the Council meeting Wednesday the 4th, there were several, and I don't know, I didn't stay for the whole meeting, I don't know how many items were set aside, but I thought that Mr. Hoy was going to have some information tonight. The Council was going to ask the Commissioners to approve funding out of CCD funds for several items that were deferred from the Council meeting and I have not received any information as to the amount of money. I believe most of it is bills that are coming from the Commissioner's Office or monies that the Commissioners Office needed. But there was supposed to be a total brought to the Commission because you do have to give your approval before CCD funds can be expended. The date that all this has to be turned in is the 15th, which falls on a Sunday, so I assume that the 16th of this month, which is your next meeting, I won't be at the meeting Monday, I'm going to be on vacation, but I did want to make you aware that they are looking at some possible expenditures of CCD funds.

President Borries: Which is exactly what we didn't want to ever do with CCD funds, but I'm willing to defer to you gentlemen.

Commissioner Mourdock: At this point, I don't know that we can do much more than take this under advisement, can we? Since we're lacking numbers?

President Borries: The critical part is going to be that we need to hit the Council Call for the 15th and so that's why we have to make some kind of commitment this evening, I think.

Suzanne Crouch: I could, well, it doesn't help you this evening. I could call Cindy tomorrow with that total amount. I don't recall off the top of my head, I think your total request was about \$168,000, maybe?

Cindy Mayo: Yes, from the Commissioners, it was. And I believe that they had said that they wanted some other departments to also ask for some of the CCD, so I think they gave us about \$2,000 out of our full \$160,000 request.

Suzanne Crouch: That's correct. I do believe that a lot of the department just deferred their requests, so I think the Sheriff had some money that they were requesting.

Commissioner Tuley: I would question, I'll refer it to Alan, but suddenly everything becomes an emergency so it can be taken out of CCD money. Can we do it?

Alan Kissinger: We can do it because there is no definition of emergency in the statute, so an emergency is in the mind of the Board of Commissioners, however you define it. There are emergencies that are defined. This particular term "emergency" is not defined, it merely requires that the Commissioners declare there to be an emergency. A short answer to your question, can we do it, is yes.

Commissioner Tuley: We can do it, but you know, here we are with our hand out at the olive b ranch and now we ought to throw them a rock and let them sink, and the reason being is, when they set a budget that is not realistic in terms of needs of funds, it's always for the purpose of giving raises. Ridiculous. But I don't see where we have much of an alternative.

President Borries: No, unless we get labeled as too spendthrift, I think we probably ought to make at least a statement that this Board did not spend all the CCD funds. There are funds available in that account. I don't think that we have any other choices, if you...I mean, we could posture around. Basically, some of these, I think are, again, old bills from patient and inmate care which --

Cindy Mayo: The majority of it is transferred tuition.

President Borries: And transferred tuition of which we hope will, in fact, as of July 1 of this year is not going to be a recurring thing. That will be now, I think, addressed through the school corporation budget; however, these bills have all been checked and verified and they're all coming from June 30th, so it's the previous fiscal year and we don't have any choice but to pay them.

Commissioner Tuley: If that's the bulk of it, I'll stand corrected. They can't control that, either, no more than we could.

President Borries: That's what it is. That's what most of it is.

Commissioner Tuley: I'll take back what I said and I'll move that it be approved.

Commissioner Mourdock: I'll second.

President Borries: So ordered.

Cindy Mayo: That's all I have.

President Borries: Thank you, Cindy.

RE: BILL MORPHEW - COUNTY GARAGE

President Borries: Bill Morphey is not here this evening. I think he has submitted a progress report, I hope. I have not been able to find it yet, but I think there is one around that usually reflects the work done in the county in all parts of the county and also that done by the Vanderburgh County Bridge Crew, but I could stand corrected. Usually, we have it. I'm sure that both he and John Stoll viewed with great delight the chance to not have to sit here tonight, so again, we may not have it. But we will need to ask for it for this previous week. And I would like to add just one item under County Highway, I could use it under old business, but Kenny Dietsch, who is a school bus driver on route 52 from the Evansville - Vanderburgh School Corp. wrote:

"I am writing to express my appreciation for the great job that the crew of the County Garage did in paving Old Henderson Road. I have been driving this route for the past nine years and feel that by paving Old Henderson Road that you have greatly increased the degree of safety for all who travel with me on my bus and also for all who use this road.

Thank you all.

Kenneth Dietsch"

RE: JOHN STOLL - COUNTY ENGINEER

President Borries: John Stoll, the County Engineer. It says, see attached. What do we have attached?

Cindy Mayo: Just his consent agenda.

(Tape changed)

RE: CONSENT ITEMS

President Borries: Okay, so we are down to consent items. I think we have taken care of Willow Creek. The employment changes are in your packet through the attached list. We have travel requests from several departments, approval of the vendor claims which we will need to sign here, the journal, and also approve three Council Calls. I guess what, Burdette Park, The Board of Review and the County Commissioners, is that correct? What's the nature of them? What are those? Are they transfers?

Cindy Mayo: The County Commissioners are what I'm going to be asking for out of CCD funds. The Board of Review, and we did enclose copies of some minutes from the Board of Review, but they are asking that money be transferred out of the Board of Review account into the computer account so that the outlying townships can be put on-line.

President Borries: Okay.

Cindy Mayo: And Burdette Park is going on Council Call, they are going to be writing some money out of the Concession Account, I believe it is, and paying for some employees out of the General Fund, then.

President Borries: That was it, okay. Alright. And then the final item is, Cindy, is an item that you'll take care of then, through the Commissioners?

Cindy Mayo: Yes.

President Borries: Okay. May I have approval, then, of those items listed on the consent items?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

RE: SCHEDULED MEETINGS

President Borries: There is a schedule of attached meetings in our packet.

RE: OLD BUSINESS

President Borries: Is there any old business this evening? We will have some things to sign here, out of this. Any old business this evening?

RE: NEW BUSINESS

Commissioner Mourdock: I would like to suggest under the new business category, just to kind of put the final period after a long, lengthy meeting regarding the Green Convention Center and everyone's willingness to move forward at this point, that this Board act to form, and it's certainly open for discussion here, but just as an outline, anyhow, a suggestion that we act to form a five-member committee to begin to assess the needs of what the remodeling needs to be for this facility. And at least by way of suggestion, I would like to offer that we have two members of that committee from the Visitor's & Convention Bureau, someone from Mr. Granoff's operation, someone representing Aztar and an architect, because I think it's very important we do work with the Council on this, which certainly was the gist of Commissioner Tuley's comments tonight, perhaps we can appoint two of these folks and they cannot appoint three or something like that.

Commissioner Tuley: Do you not feel it is important for at least a Commissioner and a Council member to be on there?

Commissioner Mourdock: I don't know that it's, I mean, if you want to do that, that's fine. I guess my thinking was this committee will be reporting to both those groups and if we want to put someone on there, fine. I guess my gut reaction is, those of us --

Commissioner Tuley: I don't need another meeting to attend, that's for sure. I'm sure you don't either.

Commissioner Mourdock: I don't either, that's right. I was just going to say, my gut reaction is that those of us who are political, like it or not, can sometimes overwhelm those kind of functions and I'd rather had this be a fact-finding group and let them report back to all of us at once and that way there's no question about, is that committee being driven this way or that way, by --

Commissioner Tuley: What was the breakdown on the appointments? The Commissioners three, and them --?

Commissioner Mourdock: Yeah, and how we do that, I don't care.

President Borries: I would like to suggest that the management

firm here, or at least a representative from them be included. I think they have day to day knowledge. One member of that group, if Larry Aiken fits in there, or whatever, has booked extensively and has expressed some interest in serving on such a committee if it would be formed, so I would like to include them in the mix some way.

Commissioner Tuley: We need to add one more, then. Do we want to keep it an odd number?

President Borries: I'd like to see an odd number.

Commissioner Mourdock: Yeah, or maybe if I may make a suggestion, instead of having two from the Visitor's & Convention, have one from Visitor's & Convention, one from the management organization and then Mr. Aiken.

President Borries: Okay.

Commissioner Mourdock: That gives us an odd number, doesn't it?

President Borries: How many would we have, then?

Commissioner Mourdock: One, two, three, four, five, that would give us six.

President Borries: I'll tell you what, then, if we could ask one other person, and this is strictly up to you, but he spoke this evening. I want to commend him for his work throughout and I don't...you know, often times we ask people to volunteer and do things, and then we kind of forget them, and I've thank him a lot, but if he would consent, Rolland Eckels chaired that committee of the original auditorium task force committee. Would it be okay to add him to that list, because he certainly has been a person who has been involved with this effort? Is that okay with you all?

Commissioner Tuley: I have no problem with it.

Commissioner Mourdock: I certainly have no problem with that. So then we would have, by specific individuals: Mr. Eckels, Mr. Aiken, a representative of Given & Spindler, one member of the Visitor & Convention Bureau...the Auditor just said that Aiken is a member of Given & Spindler. Is that right? I don't know.

President Borries: He's part of, I think, the management group, yeah, at some point, yeah.

Commissioner Mourdock: Are we, in fact, double dipping, then. I don't want to weight this thing up.

President Borries: I understand. I'm just trying to get to an odd number as long as we can get someone on there.

Commissioner Mourdock: Sure. Why don't we --

Commissioner Tuley: I think the thing behind Larry is, as a promoter.

President Borries: He's really not concerned as much with the day to day management, but...

Commissioner Mourdock: Let me do it this way, then. How about if we go back to two from Visitor & Convention, Granoff, Aztar, an architect, Rolland Eckels and Mr. Aiken.

President Borries: That's okay.

Commissioner Tuley: Who is the architect? I mean --

Commissioner Mourdock: That would be for either us or the Council to choose, I guess.

President Borries: Us.

Commissioner Tuley: It would need to be us. There's no question about it.

Commissioner Mourdock: Okay, and we will then just contact Visitor's & Convention, let them find two and --

Commissioner Tuley: Can I recommend that one of those be at least the executive director and you'll understand here in a little bit why, because I want to give them some more responsibility in terms of what we want them to do.

Commissioner Mourdock: I understand and have no problem with that. Okay, so let me read this once for the record hopefully, correctly, here. Teri will get tired of hearing this listening to the notes but, we would have two members from the Visitor's & Convention Bureau, one of whom would be the executive director; we would have one from Mr. Granoff's organization; we would have one from the Aztar organization; we will name an architect; we will have Mr. Rolland Eckels; and Mr. Larry Aiken.

Commissioner Tuley: That sounds fine to me.

President Borries: That's fine.

Commissioner Mourdock: And that's an odd number.

Commissioner Tuley: I'm glad you didn't say that's an odd group!

Commissioner Mourdock: It may be an odd group, too. And I guess just for the record, I will officially make that last listing as a motion.

Commissioner Tuley: I will second.

President Borries: So ordered. Did we name an architect?

Commissioner Mourdock: We need to. We did not, specifically.

President Borries: Do we want to get Shoulders?

Commissioner Tuley: Well, he's done some work. The only problem is, I'd hate to have someone on there that we may chose later to do some of the work. You know what I'm saying. I'm not sure if that cuts...I know he's interested, he's talked to me about doing some work. It's a bad situation. I don't know which way to go. I mean, if he comes in and recommends something and then we want to turn around and appoint him, I don't want the perception of (inaudible) or something.

Suzanne Crouch: Why don't you talk to him and then decide that next week?

Commissioner Tuley: He's done a lot of work already for which he's not gotten a cent for. But, I don't know.

Commissioner Mourdock: I think it would be appropriate, at this point at least, to somewhat take that one under advisement, maybe one of us can talk to him during this week and if, in fact, he does have a problem with it...but I share your concern, because I'll say this now and I'm sure it'll come up later when it comes time to actually start putting the architectural work out, I would certainly like to see us do that with an RFP and whoever is interested, is interested and wherever they come from, they come from.

President Borries: Sure.

Commissioner Tuley: I would just hate for us, if we put him on there in the beginning, then come back and want to preclude him from being involved later. Take him for his donation but then he can't make any money.

President Borries: Okay.

Commissioner Tuley: I don't know if we have to do this tonight, but I think we need to be thinking about exactly what it is we want this community to do and my real concern is, and this is the reason I wanted Pete, someone who knows what conventions are scheduled in here for the year of '96 and the early part of '97. Someone that can get a handle on that so we can address what exactly our needs will be during that interim period when we don't have this facility available and I want them to be charged with that to make contact with these service groups and different people that bring these conventions here and Pete would have access to who they are and find out, because we may not need to do anything. On the other hand, I don't want to send these people elsewhere.

Commissioner Mourdock: But it is not your intention, and don't let me put words in your mouth, here, but it's not your intention, if they come back and say we need an interim facility, it's not your intention to have these folks try to negotiate with the Green family, obviously, that's our bailiwick.

Commissioner Tuley: Oh, no, no, no, no, no, no. I want them to just tell us, here's the facts, here's the numbers, you need something. That's all.

Commissioner Mourdock: I would agree with that.

Commissioner Tuley: And then parking is the last issue.

President Borries: Then what would be need the architect for right now?

Commissioner Tuley: I don't know that we do, right at this moment.

Suzanne Crouch: Didn't you say it takes six months to plan?

President Borries: Right, but we need to -- the question was from County Auditor Suzanne Crouch about -- I think it's going to take us six months and that's why I think we will have to get an RFP out quickly.

Commissioner Mourdock: Well, that's a very valid point. Perhaps we don't need an architect, if these folks can draw up a list and simply say this is what we see as the use of the facility, this is the flexibility we want and we see these as limitation, put an RFP out and whoever responds, responds, and they get a blank sheet of paper to start to address those concerns.

Commissioner Tuley: Are we back to even numbers again?

Suzanne Crouch: Just have one member of the Visitor & Convention Bureau so you can get an odd number.

Commissioner Mourdock: Okay.

Commissioner Tuley: We can make a 20 - \$30,000,000 decision tonight and now we can't put together a committee!

President Borries: We're going to get it done, right here.

Commissioner Mourdock: But fortunately, the public has left!

Commissioner Tuley: Not all of them.

Commissioner Mourdock: I'll tell you what, if we're going to do that, and I think it's important to keep an odd number, why don't we go ahead and drop the architect from that list and then just go with one member of the Visitor's & Convention Bureau which would be the executive director?

Commissioner Tuley: I would go along with that.

President Borries: And now we're down to five?

Commissioner Mourdock: Now we're down to five.

President Borries: We can do it.

Commissioner Tuley: Wasn't that your original motion? Five?

Commissioner Mourdock: I will amend my motion to include those five representatives, again, for the record, being the Executive Director of the Visitor's & Convention Bureau, one appointee from the Granoff organization, one appointee from the Aztar organization, Mr. Rolland Eckels and Mr. Larry Aiken. That was a motion.

Commissioner Tuley: I will second.

President Borries: So ordered.

Commissioner Mourdock: Hallelujah!

Commissioner Tuley: Do we need...let's set a timetable on this. What is a reasonable expectation that they can report back to us? By the end of the year? Is that too long?

President Borries: Oh, that's too long.

Commissioner Mourdock: Yeah, I agree.

President Borries: I think they need to, let's see, what is today? It's the 9th...

Commissioner Mourdock: I think Thanksgiving.

President Borries: Yeah, let's look at Thanksgiving.

Commissioner Tuley: Okay.

Commissioner Mourdock: And especially since we have Mr. Aiken and Rolland who have been involved with this, I think they can --

Commissioner Tuley: Okay.

President Borries: Let's see if we can set a target date of Monday, November 27th, which would be our meeting right after the holiday. Is that all right?

Commissioner Tuley: Yeah.

Commissioner Mourdock: Okay. That's fine.

President Borries: In the meantime, do I take it, then, upon your consent we need to examine and move forward, then, to get with, usually it's the County Engineer and we've had other specs, we need to get these specs pulled together, again, to look at a way in which we can go out for RFP on the architectural things.

Commissioner Mourdock: Maybe I don't fully understand what you're saying.

President Borries: Architectural --

Commissioner Mourdock: Yeah, I see this group as putting those specs together effectively.

President Borries: Oh, you do? Oh, oh, oh, well...

Commissioner Mourdock: The concept, you know, this is what we want --

President Borries: And I'll tell you, that is really going to get tight then, because I don't think we can make...what I envision when I was talking with Councilwoman Jerrel about it is that I think that this facility, we need to set some times and I would think, like May 31st should be the date that we would go dark here and that's when the Philharmonic season is over, the high school graduation season is over, Les Mis will have been through here. I think that's --

Commissioner Mourdock: Les Mis was here tonight!

Commissioner Tuley: Les Mis was just starting!

President Borries: That's right, it may have just started tonight. But at any rate, we've got all that behind us in May and it will also allow the auditorium, then, to begin to plan to even notify people or, again, we need to start looking at some contingencies, because frankly, I do think that some of these things could be done over at the Green Center except for the orchestra. They'll have to look at some other things. I'm willing to wait until the 27th, but we're talking about a tough, tough time line here, because then if the specs are not going to be back until then, then we've got to go out and we're going to have to advertise further. I mean, we could be talking the first of the year, then.

Commissioner Mourdock: Define what you mean by specs? I think maybe we're --

President Borries: Well RFP, Request For Proposals and all that.

Commissioner Mourdock: Okay, I agree, I think the RFP proposal should come back from this group by the 27th of November. Is that what you're saying?

President Borries: I'm saying that that's going to tighten it up quite a bit because then after we get what they're saying, then we're going to have to advertise what they've done and then get those back.

Commissioner Mourdock: But what can we advertise until we know what they recommend?

Commissioner Tuley: That's the concern I have. I mean, my idea behind this committee is to do three issues: tell us what it is we need to be building and how large it should be --

President Borries: Then we need to tighten this whole situation up more. I think I would like to see it...whew, the week before Thanksgiving if we could get it by as early as even Monday, November the 20th.

Commissioner Mourdock: I can live with that.

President Borries: I just really think we're going to be in a real crunch. I mean, I understand what you're saying, but we study and study and we've studied before and I think you've got a pretty high-powered committee there that can get this job done and I'd like to see it done quickly, because I don't think we can -- Andy Davidson is here from the management firm. Andy, would you want to

make some comments?

Andy Davidson: Yeah, the comments, I guess, in regards to the RFP and the RFQ, one way to get around trying to get Request For Proposals back, if you go through a first step of Request for Qualifications. Send a letter out, basically, to the architects, locally or nationally, responding that they have the qualifications to, one, then go to the bid process. We've just gone through that on quite a few management proposals where, first, you have to make sure that they're qualified even to go into the proposal, that way you can be going through the RFQ process right now and let this committee go ahead and get done what it needs to get done, have the qualifications in from all the architectural firms and then go the next step, so that you could be going ahead and putting the RFQ together right now with this committee and not worry about, really, the specs for the --

Commissioner Mourdock: Would you recommend this committee be the ones to pass on the RFQ's?

Andy Davidson: I think the RFQ's, they might want input into you. The committee would need, I think you'd need a little broader base. I don't think the hotel people and Aztar need input into the architectural firm that will be designing and building this center. I think that's more the Commissioners and maybe the Council members.

Commissioner Tuley: Yeah, I think you're right. The decision on who comes down to us. All we're looking for, I think, at this point in time is the what.

Commissioner Mourdock: Yeah, and I think your point is very well taken that the first thing this committee could do would be to begin to draw up what the RFQ should be, have people get pre-qualified for it and that's certainly going to save a lot of lead time down the road. So, I like that suggestion. If we incorporate that excellent suggestion with what we said here, I think, again, Rick, we're back at, what was the date, the 22nd or 23rd? I mean, I don't think that's out of reach.

President Borries: 27th or the 20th?

Commissioner Mourdock: No, the 20th.

President Borries: Monday, the 20th?

Commissioner Mourdock: Yeah.

President Borries: Okay. Let's look at Monday, the 20th. We'll do that. Thank you, Andy.

Suzanne Crouch: Janet Watkins wants to say something.

President Borries: Yes ma'am?

Janet Watkins: I was just thinking that in this committee, if you really want to come up with some facts, you're going to need an architect, maybe even an engineer in your study group and I think that would take you back to seven. Someone who is willing to do it, but I do think you're going to need that in there.

President Borries: Thank you. We know we're going to have all that when we get there. We're kind of looking for some ideas at this point and unless the Board wishes to change we'll just go forward with what we have here. I mean, I share your concern. We started off asking for these other gratis services, we'd put ourselves in a compromising position since the potential bidders --

Commissioner Tuley: Yeah, that's what I'm real worried about. I

mean, I don't want to take someone out of the potential to do the work for pay.

Commissioner Mourdock: And I guarantee you, that we will have a lot of engineer's feedback in this as this process goes along, certainly once define what we need. My big concern right now, and the three of us know it and the seven Council folks know it, we can't say what this community needs by way of a building, but I think this group can. They can't design it, but they can at least tell us what --

Commissioner Tuley: They can say it needs to be X amount of square feet of exhibition space, meeting room space and so on and so forth.

President Borries: Right.

Commissioner Tuley: And then once that engineer or architect, they can design it to fit what we have.

President Borries: Any other new business here or old business? New business, wherever we are.

Commissioner Tuley: It's all old business now, I'm tired.

President Borries: I think, for the record, here, we do have this meeting which will be this Saturday, October 14th, concerning economic development and other matters and I've often thought even of those other matters, another thing we need to discuss is some cooperation on Pigeon Creek. I have a real feeling we need to get together with these other counties to --

Commissioner Tuley: That creek doesn't start and end here.

President Borries: Right, on that creek. So we'll talk about those, but I did want to make folks aware that meeting with will held at the airport in the, what is it, the Director's room, I think, at 10:00 a.m. on Saturday?

Commissioner Mourdock: And many of the folks who will be attendance have been advised of that meeting and the point that it is a public meeting but not intended to be a public hearing. Largely, it'll be the Commissioners bantering, if we banter.

President Borries: Okay. Any other items here this evening?

Commissioner Tuley: Move to adjourn.

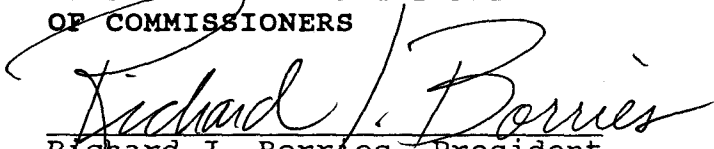
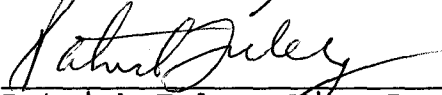

Commissioner Mourdock: I'll second that motion.

President Borries: So ordered. It's been a good night. I appreciate everyone's patience and we're adjourned.

MEETING ADJOURNED AT 8:48 P.M.

THOSE IN ATTENDANCE

Richard J. Borries
Patrick Tuley
Richard E. Mourdock
Suzanne Crouch
Alan Kissinger
Cindy Mayo
Teri Lukeman
Sunny Titzer
Pat Shoulders
Mike Belwood
Mike Schopmeyer
Mike Howerton
Bev Oswald
David Dunn
Gloria Altman
Curt Wortman
Bettye Lou Jerrel
Ed Bassemier
Joe Harrison, Jr.
Rick Jones
Phil Hoy
Ed Thole
Janet Watkins
Jack Groshans
Thornton Patberg
Arthur Lucas
Rolland Eckels
Launita Seals
Robert R.C. Miller
Cheryl Musgrave
Gary Bruton
Bill Brooks
Tom Meyer
Don Assalone
Ken Newcomb, Jr.
Dan Swidron
Andy Davidson

VANDERBURGH COUNTY BOARD
OF COMMISSIONERS
Richard J. Borries, President
Patrick Tuley, Vice President
Richard E. Mourdock, Member

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS

OCTOBER 16, 1995

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The Vanderburgh County Board of Commissioners met in session at 5:43 p.m. on Monday, October 16, 1995 in the Commissioners' Hearing Room.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Borries: Good evening, everyone. I'd like to call this meeting of the Vanderburgh County Commission to order. This is October the 16th, 1995. We apologize for being a bit late. It's not something we want to do, but I'll tell you, government sometimes gets a little complicated and we have several personnel and pending litigation matters that we must discuss and that was the purpose of holding an Executive Session before this meeting came to order. There were no decisions made in this particular meeting, and again, it was for the purpose of certain personnel matters and pending litigation. Let me introduce our staff this evening. Mrs. Sunny Titzer is our Administrative Assistant and she will be with us this evening. To her immediate left is our County Attorney Alan Kissinger, then, County Commissioner Pat Tuley. I'm Commissioner Rick Borries. To my immediate left is County Commissioner Richard Mourdock. Our County Auditor is Suzanne Crouch and our official Recording Secretary is Teri Lukeman. Would you join us please for the Pledge of Allegiance?

RE: ACTION ITEMS

President Borries: We have agenda for your review this evening. It should be available on a bench very near the door. This is our final agenda. We will proceed, then, at this time. First, may I have approval of the minutes of our last meeting which was held on October 9, 1995?

Commissioner Tuley: Mr. President, I'll move that the minutes be approved as submitted, and also, as part of my motion, I'd like to commend the Auditor and her staff for the timely rendering of these minutes from a very lengthy meeting that ended up being 44 pages of minutes.

Commissioner Mourdock: I will certainly second the motion and the commendation because there was a great deal of substance to that meeting and it's quite remarkable it was done. So, Teri, thank you.

President Borries: I will third that commendation and so order, and again, repeat my call, that before we get into some concerns later on that I have about using some of our Cumulative Capital Funds that we have held in abeyance, we need to move forward on a sound system that will allow Mrs. Lukeman to do the same thing here. She has great difficulty, as do some of our friends in the media, particularly from the radio, with some of the sound in this particular room. So, we do need to focus in on that. But again, I certainly think she did an outstanding job on these.

Teri Lukeman: Thank you.

Commissioner Mourdock: Before we leave the subject of minutes, then, and I don't think either of you have had a chance to review them, but I would also offer as minutes, some summary minutes that I took at our meeting as of Saturday. If you'd like, we can wait until next week to add them to the record. It was published as an official meeting, so I thought some notes were appropriate. Obviously, we did not have a recording secretary and mine are not nearly as complete as Teri's. So, for what they're worth, they are --

President Borries: Well, they're very good. I have not had the opportunity to read all of them, but I think that you certainly got to the heart of the matter in relation to what was discussed at this meeting. I would certainly, should you two so move, I certainly would be willing to approve these minutes to enter into the official record.

Commissioner Mourdock: Alright, then that is a motion.

Commissioner Tuley: I'll second.

President Borries: So ordered. We can talk about that, maybe, under old business later. Are there any persons, groups, or individuals wishing to address this Commission that do not find their item on the agenda at this time? Any persons who, at this point, do not feel that they are on the agenda? I see Lynn Ellis moving to the podium. Welcome, Lynn.

RE: LYNN ELLIS - PURCHASING

Lynn Ellis: Thank you. I spoke with Attorney Kissinger earlier today regarding the towing bid. Are we in a position to do something with that or what do we want to do?

Alan Kissinger: Basically, there hasn't been any final decision made, but I have advised the Commissioners that if the Sheriff wishes to be excluded, specifically, from the contract that you are now letting out for bids, then I don't see any legal problem with doing that. The only legal problem I see is that, at some later date, the contractors may try to hold him for ransom. But that's his problem in consideration of his wishes. That's my understanding, that it is his wish that he be excluded from the contract.

Lynn Ellis: That's correct. The Sheriff's Department was sent a copy of the bid and apparently there was some communication problem. They have previously not been tied into the city's bid for towing services. They have used the bid and have had some of the benefits from the city's bid with Mike's Towing, who currently has that contract. He does not charge the city or the county to tow city or county vehicles. They are towed at no cost to the taxpayers. That is a benefit of having this contract. The Sheriff doesn't contract with, but he has a relationship with a couple of the providers in town and they provide this service and they're satisfied and he's satisfied. They provide that service based on the same cost that the city has with their contract.

Alan Kissinger: I should point out the relationship that he has with them is strictly a business relationship.

Lynn Ellis: Right.

Alan Kissinger: And, as a matter of fact, he uses one of the companies that the city contracts with.

Lynn Ellis: Yes.

Commissioner Mourdock: At the same rate, you said, isn't it?

Lynn Ellis: Yes.

Alan Kissinger: But the Sheriff feels, apparently, that not being bound by a contract gives him more flexibility in certain parts of the county because of availability and response time.

Lynn Ellis: He's concerned about the response on, if we have one contractor doing the entire Vanderburgh County with the City of Evansville, then, because of the expanse of land there, that one contractor won't be able to provide a timely service. We require 20 minutes response time. If they're on the south side of Evansville, getting to the northern part of Vanderburgh County is impossible to do in 20 minutes to provide the service that is required. So he has found that this is beneficial to the residents in the county to operate in this fashion.

President Borries: Okay. Just as Attorney Kissinger pointed out,

I guess, I have no problem as long as the Sheriff is able to receive the same services in a mutually agreeable form. I would have concerns if that relationship should change and suddenly the county is paying a higher rate than what they're doing. How long is this contract for? For a period of a year, the city's contract?

Lynn Ellis: The city's contract is a two-year contract with a year extension clause available. If the vendor provides the same service at no increase in cost, then the contract can be extended for a third year. It depends on who is awarded the contract, obviously, as to whether they will allow the county to benefit from the city's contract. Mike's Towing currently has that and he has, like I said, allowed the county to utilize the same pricing structure as the city does.

President Borries: Is it the feeling of this Board, do you want to take no action and we'll see how this plays out, at this point?

Commissioner Tuley: That's fine.

Commissioner Mourdock: That's fine, I don't think there --

Alan Kissinger: I think, basically, the guidance that Ms. Ellis needs at this time is in reference to the bid itself. She needs to know if the county wants to be excluded from this bid.

Lynn Ellis: That's correct. We have a bid on the street now and it's scheduled, at this time, to open October 26th. This discussion came about as a result of a pre-bid meeting held last week and following that, I've spoken with the Sheriff and he indicated his wishes. I need to issue an addendum to this bid to exclude the county from this contract so that the bidders are not confused.

Commissioner Mourdock: Excuse me, Lynn, I didn't mean to interrupt you. The only aspect or the only entity of county government that would be using this service in the county would be the Sheriff, so that, if we exclude the county from the contract, the contract will be affecting, basically, just the city? And anyone outside the city boundaries, again, if they're towing the car, it would be going through the Sheriff and he's saying he wants to be excluded?

Lynn Ellis: Well, what happens is, the way the contract is set up is that it's for towing of abandoned vehicles, nuisance vehicles, wrecked and impounded vehicles, so if --

Commissioner Mourdock: And that would all go through the Sheriff.

Lynn Ellis: Right, and they are routed through the Sheriff's Department and they place a call to have the towing company come tow the vehicle. Other vehicles are towed, like through AAA and that kind of thing. They have other agreements for those services. So, these are calls that are routed through the Sheriff's Department or the Police Department.

Commissioner Mourdock: If the Engineering Department's 1989 Chevy Caprice breaks down out in Darmstadt, how would that be handled then...for towing?

Lynn Ellis: Well, it will depend on the agreement that the Sheriff has with the provider. If, for example, if Mike's Towing continues to have the contract, then I would assume and hope that he would continue allowing the county to utilize the city's bid and not charge the county for that towing.

Commissioner Tuley: I guess if the Sheriff is the biggest user of the service, and he wants to be excluded for reasons that we discussed, I don't see any reason not to do it.

President Borries: I think we're saying that you can exclude it. As to what happens in all these case scenarios, I think we also need to advise the Sheriff, which I'm sure he knows, but he should not sign anything interpreted as an agreement or a memorandum of understanding. If this is some kind of verbal agreement that he has proceeded on and wishes to do that, we're saying that's what we see is in effect at this time.

Lynn Ellis: And that's exactly what he's done. They provide the services and the two companies that he's getting those services from have continued to do that on the verbal agreement and it's been satisfactory to all parties. The county doesn't have, I'll say, probably 1/20th of the tows that the city does. I mean, the city keeps Mike busy. He has towed one car after another, so it doesn't compare on the activity level.

Commissioner Mourdock: I'll move that this Board direct Ms. Ellis to exclude the county from the upcoming towing contract at the Sheriff's request.

Commissioner Tuley: I'll second.

President Borries: So ordered.

Lynn Ellis: Thank you. And I'm not sure if we want to do this now. Are you ready? Bill Morphew and I had the bid for the asphalt distributor and I provided a copy this afternoon. It was late. We were trying to communicate about the recommendation for this bid award and I believe that he has spoken with Attorney Kissinger about this award as well. The low bid on the asphalt distributor is Southeastern Equipment Company. There were three pricing options called for in the bid document. The first one was an outright purchase, which the county doesn't have the funding in place to do that, so the main reason for asking for that was to determine the cost difference on whether we did an outright purchase or priced it out over three years for the lease/purchase agreement. Option two is to finance it over three years and option three is also over three years with a difference in the payment terms. Option two, under Southeastern, would result in a total cost of \$76,925.37, and \$72,715.17 under option three. Option three, to have three equal payments, so you have a lump sum payment broken into thirds which would be the least costly of the two options that are available at this time to the county, if that makes any sense. We can't consider option one because there's no funding in place for that, or not sufficient funding. So we're looking at options two and three. There is a, and Attorney Kissinger probably has not been given this, but there is a contract that would have to be signed. I've reviewed it and I don't see any problem with it, with the lease agreement, but it would need his approval before the Commissioners executed it.

President Borries: Alright. At this time, I might ask the Attorney to make some remarks concerning this. It is a matter of concern to us in relation to this bid, but, Alan, do you have any thoughts?

Alan Kissinger: The situation that we have is, I think we have a variance here of delivery time. We have an obvious variance in price and the only thing that I can tell the Commissioners is, we talked about this previously. We could not establish that this was an emergency. The law, as you have heard it repeated many times, the Commissioners must consider the lowest responsible and responsive bid. Unless there is some compelling reason for awarding a bid to a higher bidder, the lowest responsible and responsive bid must be awarded. I know that Mr. Morphew has certain factors that he is considering here that have very little to do with the law, it has a whole lot to do with paving roads, but, and I'm sorry to tell him this, sometimes, as some famous person once said, the law is an ass, and in this case, he may

consider it to be so. But I would advise the Commissioners that there is no compelling reason for us not to consider the lowest bid.

President Borries: Okay.

Bill Morpew: I'm just up here to answer any questions that you may have. We're at the end of the paving season so I guess I do have concerns on some of the equipment. They are all three good companies, the bid packages are all in order. It's a good piece of equipment, all three of them.

Commissioner Mourdock: The range that's offered of 120 to 180 days for delivery, do you have any feeling, Bill or Lynn, that as you sit down to sign something, it can be understood that the 120 is more preferable than the 180, as in has to be?

Bill Morpew: Yes, sir. One of the things I was taking into consideration, the 120 to 180, and the 180 to 240 days, we would be into and probably in the middle of our paving season next year. If we waited six months, which is 180 days, we would certainly be in our paving season. The equipment that we have right now should have been auctioned ten years ago. We're kind of moving this thing along as we go. I really don't know that I'm going to complete everything that we were wanting to do this year. It's a very old piece of equipment and we just have to baby it along.

Alan Kissinger: Lynn, am I correct that there was nothing regarding delivery time specified in the bid?

Lynn Ellis: No, sir. Nothing that specific, it just said to specify your delivery schedule.

Alan Kissinger: Sir, if you have a question, you need to come to the microphone and identify yourself.

Harlan Vanderpool: I'm Harlan Vanderpool with Carlisle Equipment. In reference to the bid spec, on page two, it spells out delivery. You might want to take a look at that. Item number one, "The bidder shall state in the proposal a firm delivery schedule for the equipment. The delivery shall be a major factor in the award of this bid," then it goes on to item two and item three. Thank you.

President Borries: Thank you.

Alan Kissinger: How do we interpret delivery as being a major factor?

Commissioner Mourdock: Or how do we determine any one of those three as "Bidders shall state a firm delivery date with the equipment". Is 120 to 180, fifteen to thirty, or 180 to 240, can any of those be considered, under the language, a firm delivery date?

Alan Kissinger: I don't see that there is a firm delivery date.

Commissioner Mourdock: Although the one with, whoever the first one is, also says March '96. I don't know what that means, as it's summarized here.

Lynn Ellis: Yeah, that's still a 30 day variance. I believe there are 30 days in March, so --

Commissioner Mourdock: I didn't read it that way. I thought it meant by March.

Lynn Ellis: Yeah, it's --

President Borries: But you have one on here, if you want to talk

firm, that literally says next day. Is that correct?

Lynn Ellis: Yes. Right, that's Construction Machinery Corporation.

President Borries: That's very firm, I would think.

Commissioner Mourdock: But then we're talking about lowest price.

President Borries: That's it. We have a choice tonight, we either have to follow what the Attorney says here and award this bid tonight or continue to take this under advisement to go through the semantics here of what we mean by a firm delivery date and how that, in fact, relates to this. If it is the lowest bid, which is what the Attorney said we need to look and respond to on this, then we have a configuration on there. If a "firm" is so firm to mean next day, then there is a considerable difference in price, but again, that kind of semantics, firm, is not spelled out clearly enough for me to be able to extrapolate all this out from this bid, I don't think.

Lynn Ellis: Yes, sir. The language that's in the bid is standard language which I developed because we were having problems with delivery and with the length of delivery. Sometimes it was way too long and then the county couldn't do anything about it because it was never requested before. So I wanted to, and the intent was to put the bidders on notice that the bid could be potentially awarded based on that, if it came down to the issue of delivery. The Commissioners have to decide if, because this is the end of the paving season, if it's of that kind of importance to spend the additional funds for the sake of delivery. Bill's concern, and I understand that, because we have had trouble with delivery in the past, is that, you know, if it's not 120 to 180 days, then he's going to be in the middle or toward the end of his next paving season. And that is his concern, so that he will not only miss the remainder of this year's paving season, but he will miss a portion, at a minimum, of next year's paving season. But --

Alan Kissinger: The only legitimate reason that we could ignore the bid guidelines, however, is if we put a time limit on delivery, and an individual bidder says, I cannot meet that time deadline.

Lynn Ellis: Right, and that was not included in here because most bidders, it's my understanding that Construction Machinery has this vehicle or this piece of equipment on their lot and that's the only reason they could bid like that. But typically, this would have to be manufactured, put together, put on a truck, the modifications made. So that would be the reason for the delay in the delivery. The Commissioners have, since I have been here, awarded bids with the variance in delivery schedules just like this because we don't get firm delivery dates for vehicles or equipment. They have to rely on the manufacturer to either make the piece of equipment, dependent on what it is, or to get it to them so that they can make modifications to it, that kind of thing.

Commissioner Tuley: I don't see this as a big issue, that we have a lot of leeway on.

President Borries: In effect, you are asking for information as to when the vehicle is going to be delivered, but it appears to be impossible for us to be able to factor out for the difference in price, here, at least I'm having a great deal of difficulty by saying firm. It simply means to call for information, but doesn't reflect in relation to the actual bid price. Is that your understanding?

Lynn Ellis: I'm not sure if I have interpreted your question correctly. It would make a difference to the bidder if they were told that they had to deliver a piece of equipment in 60 days, as

opposed to give us your best delivery schedule, because then they can work it into their production line. If we dictate the delivery schedule, then we will pay top dollar for that equipment because they had to put us ahead of other customers and that screws up their production line.

President Borries: But by the word "firm", again, getting back to what you said, simply means that you are calling for information as to when they're going to deliver.

Lynn Ellis: Yes, so that if the delivery exceeds that, then there would be a potential for throwing out the bid, cancelling the contract, that kind of thing. Bill and I have talked about it; in the future, if we have a piece of equipment that falls into this arena, again, with the delivery being of this much concern, I will add a clause in there that we will assess a penalty if the delivery is not met.

President Borries: Okay.

Bill Morpew: If I may say something right quick here. I have talked with representatives from all three of these companies. This is Mr. Roger Robinson from CMC, and Mr. Harlan Vanderpool of Carlisle Machinery was here just a minute ago. CMC, Construction Machinery, Incorporated, has a distributor on their lot which is painted orange, which is the reason they can deliver it the next day. Mr. Vanderpool, of Carlisle, has one on his lot that meets these specs; it would have to be painted and have air conditioning installed which is the reason that he can meet the delivery in 30 days. Mr. Pete Kibby of Southeastern would have to have one manufactured and mounted on a truck. I talked with Mr. Etnyre, President of Etnyre Equipment this morning. He said he could meet the March date.

Roger Robinson: I'm Roger Robinson with Construction Machinery. Not only can this unit be used for an asphalt distributor for the oil, but during the winter months, you can also use this to spray the weeds for weed control which is another reason, I think, why Bill was interested in getting it quickly. And my question is, does the unit from Southeast Equipment meet the minimum bid specifications? I do believe that the distributor itself does, but not the truck. This is based on the price that I've seen.

Alan Kissinger: Basically, we have to follow our experts as far as that is concerned.

Roger Robinson: Thank you.

President Borries: Thank you, sir.

Commissioner Tuley: Then I assume the answer is yes, it does, or...

Bill Morpew: There is actually very little information on the truck that Southeastern bid, very little information.

President Borries: Here's the deal, then. We're either going to have to take this thing under advisement, I mean, we're getting down into some terms here that none of us, I don't think, feel real comfortable with.

Bill Morpew: Yes, sir.

President Borries: We're either going to take this under advisement and you guys come back with a recommendation, we have to fit this in with our attorneys, or we act on it tonight. What is your wish? I can tell you, I think I know the way this is going to go if we act tonight. Do you want a week to take this under advisement?

Commissioner Tuley: The only reason I would see to take this under advisement for a week is to review the specs or guarantee, since that's been an issue raised, is that if it meets the specs, another week from tonight you'll be able to tell us, yes, it does, or no, it doesn't. Other than that, I don't really see any reason to delay this.

Commissioner Mourdock: Two-thirds of the way down the second page, "Bidder submitted manufacturer's specs", yes, all the way across. "Bidder conforms to specs", two above that, yes, all the way across.

Lynn Ellis: And if you'll look at the third line down on the manufacturer, --

Commissioner Mourdock: Which page are you on, Lynn?

Lynn Ellis: On page two, the first bidder, the low bid, is a Ford vehicle F800 as is the second and third low bid. So, I mean, you've got three Fords, you've got one GMC, and you've got a Chevrolet, but these are trucks that the equipment is mounted on. So if you decide that the Ford doesn't meet specs, then you're up to Carlisle's GMC truck because you have to throw out the three low bids.

Harlan Vanderpool: Regarding specs, there actually are two separate warranties involved here because you have two separate manufacturers. You have a truck manufacturer. It was a very difficult spec to put together and then you also have the distributor manufacturer, so you have two warranties involved there. I think that might be the question whether or not everybody, from a pricing standpoint, has included both warranty sets of information. Believe me, guys, it was as difficult for us to put together as it was for you guys to make a decision on it.

Commissioner Tuley: Lynn, are you comfortable with your recommendation?

Lynn Ellis: I'm comfortable with it from a purchasing aspect. I think it meets the legal requirements and I think it meets the bid specifications. From the technical aspect, I can't answer that like Mr. Morphey can. I also cannot make a decision for his department as to the timeliness of the delivery of the truck. That is up to the Commissioners and to Mr. Morphey as a department head.

Alan Kissinger: Lynn, do you agree that, if we're going to make delivery any factor in accepting or rejecting any of these bids, that we must tell the prospective bidders that it is going to be a factor to the extent that, if they can't deliver by X date, then we're not going to consider their bid?

Commissioner Tuley: Which we didn't do.

Lynn Ellis: Yes, it would make me uncomfortable at this point if we threw out the four bids because of delivery, because of the variance in the delivery, because then you would just be left with one bid from Construction Machinery and it was not specified in that much detail in the bid as to, you know, you have to be able to deliver it in 60 days. Southeastern or Carlisle could have incurred additional costs and passed them on to the county and their bid may have been more in line with that of Construction Machinery with the cost difference there. It may have been more in line with that and then you wouldn't see that variance that you see now.

President Borries: Okay.

Commissioner Mourdock: I'll make a motion that, upon the recommendation of Lynn Ellis and with the advise of counsel, that

we accept Southeastern Equipment's bid, option three, for bid VC95-08.

Commissioner Tuley: I'll second.

President Borries: So ordered.

Bill Morphew: Thank you.

Lynn Ellis: I don't know, Sunny, am I supposed to do this now, the telephones, or the 911?

Alan Kissinger: I'm going to make a recommendation to the Commissioners in reference to that but it will probably require your participation at some later date.

Lynn Ellis: Okay, I was given information this afternoon and have reviewed it just a little bit, but I'm not comfortable to do something tonight. Thank you.

President Borries: Thank you.

RE: TALIEFERO ESTATE - QUESTION ON CLAIM

Alan Kissinger: If I may interject at this point, Item F, the Taliefero Estate, Mr. Shively and I have discussed this. We're going to meet this coming Wednesday. The Taliefero heirs, Mr. Grimes and the other heirs have agreed, and Mr. Shively has agreed that we could take this off tonight's agenda and defer it until a later date without that later date being specifically defined. Mr. Shively and I will work together to try to come to some conclusion in this matter.

Les Shively: Mr. Kissinger, I appreciate that. If you would be so kind as to call my office whenever you have your calendar in front of you and find a time that works with your calendar, we'll make it work. I'm going to be out of town until Wednesday afternoon, but I'll accommodate your schedule as best I can. Thank you.

Alan Kissinger: Appreciate it.

President Borries: I'll tell you, Lynn,...she left. I was going to tease her here a little. For not being on the agenda, she sure got us going tonight! Wow! We have a distinguished looking group in the back there. So, as I proceed through this agenda slowly tonight, it looks as if...Who is our group with us this evening? We have a group of journalism students? From USI? Why don't you stand up so we recognize you. Okay, well, they're all still smiling at this point. We'll see. Welcome, we welcome you. Who is your instructor?

Hope Carroll: Hope Carroll.

President Borries: Nice to have you with us this evening.

Commissioner Mourdock: Is this a one-time occurrence, you're with us? U of E had a journalism group, I think they were sentenced, uh ordered, to attend three meetings here.

President Borries: Yeah, very appropriate, there. Sentenced might have been the appropriate word. But we have some strong minds from the media here that have to put up with this almost every week, so they are indeed tough.

KEITH ROUNDER - ORDINANCE TO AMEND CHAPTER 32

President Borries: Keith Rounder is here regarding an ordinance along with, I think, our Weights & Measures person, Loretta Townsend, to amend Chapter 32 in the Code of Ordinances for

Vanderburgh County.

Keith Rounder: Yes, good evening. We have a couple of what I would characterize as very minor changes to make to the Weights & Measures ordinance and those changes are in front of you. They are, first of all, §32.79, subsection (B1), this section is being changed in a few minor ways and I'll just briefly tell you about them and then let Mrs. Townsend explain the reason for them and go into just a little bit more detail. Perhaps the most significant change is that, and this, by the way, this subsection has to do with the testing of instruments used in the weighing of various commodities. First of all, the change that's being proposed tonight will tie the testing of these instruments in with the standard set with the National Institute of Standards and Technology which is a standard I understand the Weights & Measures Department has been adhering to and enforcing all these years, but it's never been specifically set out. Secondly, there is a provision in the current code that provides that weights of no more than 50 pounds will be certified by the Division of Weights & Measures once every two years. The implication being that weights of more than that will be certified every one year, I suppose. The proposed statute will provide that all weights will be recertified only once every two years. I think that pretty much sums up everything in that particular subpart. If you look at §32.80, you will see number two, subpart (C), which reads right now that:

"Duty to inform concerning new installed equipment:"

There is a penalty for the failure to inform the Department of Weights & Measures concerning newly installed equipment, a penalty of 0 - \$1,000.00 per day, and it goes on in the current statute to say:

"for each device from time to time installation until the County Inspector is informed as required,"

That is a typo there. To correct that, we have proposed that the statute read:

"0 - \$1,000.00 per day for each device from time of installation until the County Inspector is informed as required."

So §32.80 (2C) is pretty much self-explanatory. I'll let Ms. Townsend discuss the change in the other subpart.

Loretta Townsend: What equipment we are talking about are the weights and the volumetric test measures that the installers and the repair people and the scale people and the, like ANC, Hinderliter, this is their equipment that we are talking about, that they use to install with. It isn't anything that the normal grocery or gas station will have. Our reason for changing this is, once every two years on the weights only, not the test measures, not the liquid test measures because we found that we think they should be as often as possible, is because we were finding after a period of two years, and I think this ordinance has been in effect since 1982, that we were having only a 2% rate on condemning this equipment that the scale companies were using and about a 17% rate on equipment on weights that had to be adjusted to make them accurate. So we found out over a period of years that, actually, it's not feasible to do this because it puts a bind on the scale company like Premier Scale, which you've had some dealings with, Hobart, and this type of thing, to let go of their weights, it takes quite a bit of our time and everything to take them up there. So we feel like, right at this point now, that looking back over the record of this, that once every two years should be sufficient enough. There's also a proposal that hasn't gone to the state yet that they're going to start charging a fee at the metrology lab at the State Board of Health. If this does come to pass, then this is

going to be a monetary hindrance to, like Premiere Scale, Hinderliter and these type of people. So, we're asking to be changed from once every two years. Now, on the test cans that we use for the gas pumps and this type of thing, we were coming back with a one-third discrepancy on these. Now, that's quite a bit and I hate to say it, but some of this one-third belongs to us too, I mean, it's a different type of equipment. It's used quite differently. The environment has got a lot more to do with it than the weight kits. Also, the state has promised to us a \$2,000 piece of equipment that we've been trying to save to get our hands on ourselves that we can bring down here. They'll give it to us and we can do our own testing of these five gallon test measures. We've gone over and talked to Kelly Lawrence at the Levee Authority and he is going to allow us to do that there. So this means that we can do it more often if we feel it's necessary, and a lot of times, we do. Actually, the ordinance is to the advantage of everybody, less expense to the county, the city and to the scale people, and it'll still remain as accurate as what they are now. We wanted it changed because the first of the year is swiftly coming and we wanted it in effect before then.

President Borries: Any other questions of Loretta? Okay, may I have a motion to approve this request?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: I'm going to call for a roll call vote since this is an ordinance that will amend the Code of Vanderburgh County. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Borries: Commissioner Tuley?

Commissioner Tuley: Yes.

President Borries: And I vote yes.

Loretta Townsend: We still have to take it to the city for their approval because we're city and county, but that should be no problem. Thank you.

Commissioner Mourdock: Before you leave, Loretta, I don't know that we'd ever met before, but I have to tell you, if Erma Bombeck retires, you need to look into her job because I always enjoy your written reports when they come through.

Loretta Townsend: We'd like very much, and I think I invited you when you first came on board, because a lot of this wording and this terminology and things that are on these reports are all foreign to you. We did invite you over to come and go with us some day. Now, we're going to strip you down into blue jeans and a T-shirt, because you're going to work with us, but we would like for you to go so then you'll have more of an understanding of what you're reading.

Commissioner Mourdock: Okay.

Keith Rounder: (Inaudible).

Loretta Townsend: Oh yeah, we had to bring him back after awhile, though. He didn't last all day.

Alan Kissinger: Can we ask him, Loretta, if it was a good education?

Commissioner Mourdock: I'm just glad I wasn't with you the day you

went to the Chinese Restaurant.

Loretta Townsend: Oh, God! I've got to tell this on Keith, because I'm going to get my two cents in. We started with a security seal that had a wire on it that's 12" long, and we were going to let Keith, show him how hard it was to get underneath this gas pump, and thread this little needle and everything. I stayed outside and the boys had already given up on him. They'd gone inside. Every time Keith tried to get it in there, he'd have to use a cutter and he'd have to cut the end off because he'd fray the end. When he got through, he had a piece about this long, and I'm out there with him and finally I said, it was cold, I said, "Keith, you want me to finish, if you don't mind?" So, you're more than welcome to go.

President Borries: Thank you, Loretta and Keith.

RE: CHERYL MUSGRAVE - APPOINTMENTS TO LAND COMMISSION

President Borries: Cheryl Musgrave has submitted a group of suggested appointments to the Land Commission. Now the Land Commission is part of an eight member board responsible for setting taxable valuation for land for reassessment of 1999. She has given us two recommendations. What I'm trying to figure out, particularly with the third recommendation, she has a recommendation to be appointed as township representative, then she says further recommendations will be made in the coming weeks. The township assessors also must elect a representative to the board. The one person she has mentioned here is a township assessor. What would happen if they elected the same person she mentions here? Anyway, I guess each of us need to review these. I'm not sure I want to call for action tonight if we're talking about eight members. We have a few others that we would need to look at. We must do so to establish a County Land Valuation Commission which has results due December 31st, 1996. So I think we have some time. May I ask this board to review these appointments and then we can make recommendations within, let's say, two weeks or so? I have no initial objections to any of them, I have a little concern, in fact, I don't have any objections to any of them. I know two of the three persons, but I'm not quite sure about her point about they elect a representative to the board. If they would elect, for example, the same person she mentions, ...well, they might. I mean, I can't quite...

Commissioner Mourdock: I have no problem putting this off. I've not spoken with the Assessor about this, and like you, I have no objections to these folks, but that's the reason --

President Borries: And we may have some. So if we can move forward by delaying, we will, at this time, not act on that.

RE: JUDGE LENSING - 1995-96 GRANT ACT & CONTRACTUAL AGREEMENT

President Borries: Judge Lensing, there is a request for the Commissioners to sign the 1995-96 Grant Act Agreement. This has to do with a Community Corrections grant agreement. It is my understanding this continues what has previously been in place for this particular board. Again, it's another part of this particular grant. This comes from the Indiana Department of Corrections. I'm not aware of any changes other than a continuation, so at this time, may I have approval to, well, all of us need to sign this one, if you so chose.

Commissioner Tuley: I'll so move.

Commissioner Mourdock: I will second.

President Borries: So ordered.

RE: GARY HECK - WELFARE TO WORK COUNCIL

President Borries: Mr. Gary Heck, Chairperson of the Vanderburgh County Welfare to Work Council has been waiting patiently. We welcome you here, sir.

Gary Heck: Thank you, Mr. Borries. The purpose of this visit is to give you a status update of the Welfare to Work planning council and what has transpired since the first week in August when we were originally convened. We've had 12 public meetings over this time frame. The end result of our efforts are due by November the 1st. I wanted to confirm, if I may, the calendar of the Commissioners to make sure that there will be a meeting on October the 30th at 5:30 here, so that we could present our final recommendations at that time.

Commissioner Mourdock: There will be.

Gary Heck: Okay. On October the 25th, I also need to publically state that the Welfare to Work Council, instead of meeting at the screening room will be meeting that night at the First Cumberland Presbyterian Church at 333 Jefferson Street. That's the corner of Governor and Jefferson at 5:00 p.m. because of a conflict with the United Way screening room on that evening. So folks will know that as well. In the 12 meetings that we've held, there's been 281 person hours to the extent that we meet one hour per week and we have for the past 12 weeks. There's 24 official council members that the Commissioners appointed and we've had 36 additional visitors who have attended one or more meetings as a result of our efforts. There's probably been about 500 person hours totally committed, both in public sessions and then people doing preparation, meeting on their own, and what have you. Members from our council have attended the Indiana Association of County Commissioners meeting in Indianapolis on August 10. We've also attended the "Making Welfare Reform Work for Indiana", which was put on by a consortium of various groups including the legal service organization in Indiana which was held on September the 18th and 19th. We spent the early portions of our meetings reviewing information that was provided by the Human Resource Investment Council, the Governor's Office, which concerned with his waiver for the AFDC and how the Welfare to Work Program in Indiana, which was a seven-year plan, we also reviewed extensively the Senate Enrolled Act 478 which did a comparison to the Governor's program to some suggestions for waivers that they, they being the Senators and Representatives at the state level from Indiana, were requesting in addition to what the Governor had requested. Since that time, though, there's been reform that the nation level has changed some of these time frames and we're really not, at this point in time, in a firm position to give you an exact answer to some of the things. I guess the easiest way to explain this would be trying to wrestle with this problem in this changing environment is very similar to nailing jello to a wall. It's a real difficult process, it doesn't always stick, and what does stick isn't the part you really intended to remain. That's probably the best way to sum up some of the problems. When I say that, it's because there's a big difference in definitions as we were grappling with this decision. One of the things the council had to come up with is, what is a minimum standard of living that an individual would have to earn to remain self-sufficient? The definition, then, becomes, well, what do you mean by self-sufficient? To most politicians at the state level, self-sufficiency to them means that you're not on public assistance of any kind. It doesn't necessarily mean that you're earning enough money to pay for all the basic needs and everything that's out there. So part of our concern was to make sure that the information that we sent back in was accurate and fairly representative of what Vanderburgh County individuals would need to be employed and to actually be able to pay all their bills without any form of subsidies from any source. That's been part of the challenge. We will be meeting in public

hearings this week on Wednesday, here in these chambers at 5:00. We'll be meeting on Thursday at the First Cumberland Presbyterian Church at 333 Jefferson Street at 5:00, we'll also be meeting in the St. Anthony Center on Friday at 5:00, and that's at 713 Second Ave.

Commissioner Mourdock: Is that Friday the 20th or 27th, Gary?

Gary Heck: This will be Friday the 20th. We've requested some additional public hearings for next week at a time to be announced once they're confirmed and this was upon the recommendation of the council members at our meeting last week. Part of our assessment has to be, the Human Resource Investment Council prepared a nine-page assessment that we, as a committee, were asked to kind of fill in the blank kind of questions, and there were three open-ended questions at the end of the assessment that were primarily the results that would be of most interest to this body. Those three questions have to do with these issues, the first one would be: that after you've gone through and you've filled in all the information that's of interest to people, we're allowed to make system recommendations for the county. We've been asked to list recommendations that would improve the transition of AFDC recipients, and AFDC means Aid to Family of Dependent Children, into work, who are living in your county. So we're supposed to address Vanderburgh County needs that would improve that transition. The second question, having said that, we've been instructed to try to describe the type of evaluation process that will be used to monitor Welfare to Work recipients and then the final question we've been asked to deal with would be to list the barriers which would include regulations, practices, etc., that would impede your county from fully developing a comprehensive Welfare to Work plan. The reason I wanted to bring you information at this time is that, at the same time we're dealing with this, it appears, and this may just be my reading of it, but I'm not sure that it is, that the Governor may be having some second thoughts about the waiver plan that he initially requested because we got a fax the other day that suggests that the Family and Social Service of Planning, at the state level, is now holding consumer focus groups on welfare reform issues and they sent me a draft copy and they've asked me to try to conduct a focus group, a two-hour session, here in November. They make it clear that the senators and representatives in Washington are making plans to change welfare in other programs that help people in our county. They believe the voters want people to be more responsible for taking care of themselves and their families, they think the government can't afford to keep spending tax monies for these programs the way it does now. I'm reading verbatim from the draft information that they sent us:

"Once these changes are made, the state government will have to decide what kinds of help people can get, how much they can get, and how long they can get it. We want you,"

and they've asked us to convene a consumer focus group, and by that, they mean individuals who receive benefits under these programs.

"We want you to answer some questions that will help the state to make these decisions. How you answer these questions will not cause you to lose any help that you're currently getting."

They have a few bullet points, and if you'll bear with me, I'd like to share just a few of them with you so you can get the kind of information and flavor the state's asking to help with, about their future.

"What do you need most to help make ends meet and keep

your family together?

What problems do you face in getting the help that you need?

What do you dislike the most about getting help?

What kind of help should people expect from the government?

How long do you think a person or family should be on welfare?

What would help motivate you to do well in a job training program?

What groups of people should the government help first?

Besides the government, who should help people out when they need a hand?

How could the ways that people get help be made better?

How does the government waste money when it tries to help people?"

That's a sample of the questions they want us to ask and I thought this group needed to be informed of what the state's doing as well because it'll have an impact, of course, on how this body addresses some of these same issues when it gets to it. If there's any questions, we do anticipate, as I've mentioned in our review of the types of stuff we've reviewed, we've looked extensively at the Senate Enrolled Act 478. We spent a great deal of time going through how welfare is currently handled and the proposed changes of it so that we were in a position to make some recommendations that would make some sense based on what the suggested reforms the governor has suggested would be. The hard part about all of this is that, the way sliding fee scales work, there's no set answer because, depending upon, if you were going to the housing authority for public assistance, whether you're receiving food stamps or another benefit, greatly influences what you pay in that particular program. By the same means, when you go to get food stamps, if you're receiving public assistance or another one, so there's not a typical person or family that you could say, this is the exact scenario that 95 or 100% of the people will face. It's all individualized. It's virtually impossible to try to come up with a good example to tell people what it's like to deal with this. The best example we probably have come up with is, or one of the strongest recommendations that we could give you at this point in time would be, that we need to have a dependable child support system in place. The way to best describe that is, all the information that we've received is, there is apparently 126,000 individuals in Indiana that are owed in excess of \$1,000,000,000 in back child support payments. If that was a dependable funding stream for custodial parents with children that they had and that they could depend on coming in week in and week out, the amount of money they would have to earn to be self-sufficient would be greatly reduced. That's about the strongest message I can send you.

President Borries: How much was it?

Gary Heck: In excess of \$1,000,000,000 and there's 126,000 individuals that are owed this. You try to explain to people what this means, and it's real difficult. The easiest example I've been able to come up with and that most folks have an understanding for, is when you buy a car and you're asked to change the oil every 7,500 miles and, if you do that religiously, when your car gets to 75,000 miles, you've got a car that's probably still got some

useful service in it. If you don't have the money to do that on an on-going basis and people are going to make it up to you when the actual money does come in, you're at 75,000 miles and all of the sudden you change the oil ten times in a row. Okay, you spent the same resources, you've changed the oil the same amount of time, do you have the same car and the same usefulness at the end of that period of time? Most folks will tell you right out, you don't. By the fact that you didn't do it, not only are your warranties invalid, there's also really good cases of abuse and neglect on a car owner that could come into play. Well the same thing is even more important for children. If they don't get immunizations and regular vitamin feedings and all the things they need as they're developing when they need it, you can't go back at a six-year interval, 75,000 miles later, and make it up to them by forcing it into their systems at that time, because the damage is already done and it can't be undone. So, although we're not final in our recommendations, yet, there's been, and I'm certainly not an attorney, but there's been some suggestions, that since the state has assumed the responsibility for the collection of the child support system, which says, if it's court ordered or whatever, it's not paid directly from the divorced spouse to the spouse that has custodial right, it's paid to the court, that perhaps what should be established is the fund. The state should pay out to the custodial parent on a regular basis, the money. They do a much better job of doing the collection because they're kind of like the cosigners, if you will, of this deal. To make sure that they get the services that are needed, that individuals receive from this fund and then as the money is collected, it's reimbursed back into it. If there is really a \$1,000,000,000 that's owed and if there really is a \$1.3 billion dollar surplus in the state, potential revenue sources are already there to cover this system. If the state does a real good job on the collections, as they say they can because of their new protection with losing professional licenses, losing driver's licenses, and all the other enforcement tools that they have that are better now than they had before, we'd be a long way toward making sure that folks can still meet their obligations without it impacting in the taxpayer negatively, and that's at least one suggestion that has come forward that we're going to review. We expect that we'll still have several meetings between now and the October 30th date to make our final presentations to you and we are making headway, but it is a slow process, there's been a lot of good discussion. It's a very diverse group, but we generally get along real well. There's only been a couple of comments that I guess would be considered at all negative about the system and it really has been pleasant. If there's any questions, I'd be happy to address them, otherwise, thank you for giving me the opportunity to bring you up to date on what's happening.

President Borries: Questions or comments?

Commissioner Mourdock: I'll just make the comment, I've attended, I think, all but two or three of the meetings when I've been out of town, and I'm surprised, when I hear you say that there have been 500 man hours put in, because I think, Gary, you've put that many in yourself. I know you've worked very hard at this and it shows. At every meeting, you're very well prepared and I think doing a very excellent job leading the group. I'd also add that the people on this group, we've all been involved with different citizens committees that form for whatever purpose, and I will say, this committee, more than any I've ever been associated with, has really stuck to the program. They get in there, they do business in an hour and I think the county is being served very well. I know a lot of counties did not have their group in place as of August 1. This county did and it's been an excellent group, a very diverse group, as you said. So I look forward to hearing your recommendations.

Gary Heck: Thank you and I will confirm that he's been there except when he has called and told us he couldn't make it because

of other reasons.

Commissioner Tuley: You were talking about the state, and I think, Gary, you might have been up there. I think you were one of the ones that were up there at that meeting and Commissioner Borries and I both were there. The only thing that I really got out of that meeting was, there was a state senator or a state rep, I don't remember what she was, Ms. Simpson, who kept saying, the state's got to do this and the state's got to do that, except in my mind, you are the state. You're the ones that control the funds. You are the state. I was kind of lost and perplexed by her continual comments about the state but with not ever stepping up and saying, this is what I will present or this is what I hope to see come from our state representatives. I was a little concerned about that.

Gary Heck: She is a representative. She's from Bloomington. I understand her political affiliation is democratic and she's a strong believer that the state should pay for the services that she's mentioned in this bill. I think the reason she takes public forms to mention that is she doesn't have a groundswell of support of a bi-partisan nature from state representatives. She's very popular at local meetings when she says that, and I think most individuals that have close ties to the problem that are dealing in trying to help with this, agrees with her. The unfortunate thing is that, I mean, the opinion is that she'll never get that in the form of a bill and through the state legislative process.

Commissioner Tuley: Her heart and mind is in the right place, it's just --

Gary Heck: It certainly is.

Commissioner Tuley: That's encouraging.

President Borries: Let me just say very quickly, too, I won't get on my soapbox tonight on this. I think my other colleagues here have heard this, but just again, for the record, I suppose there was someone who had mentioned my absence at a series of meetings, at least I had a reporter call me.

Gary Heck: That was one of the few negative comments --

President Borries: Well, I'm used to, and I'm really not bothered by that except that I just want to explain here, for the record, that we have a liaison program, at least as far as I see this roll on the Commission. Commissioner Mourdock is a fully participating member of this group and he reports back to us and just as I don't go to every Plan Commission meeting and I don't go to every Safe House meeting, and I don't go to every meeting, I'm not saying that I don't enjoy what I'm doing, but I can't make every meeting, every time and they don't either. So, my absence, I would want you to, as you know, I've known you for a long time and have such tremendous respect for you, that my absence should not be construed that I'm not supportive of your efforts. I'm very supportive of your efforts, Commissioner Mourdock, again, has been, you know, we acted in the public meeting to have him do this. I have said before, and probably did you a favor by, I am not a supporter of the of what I see the state is headed in. I think we're headed in the wrong direction there, but again, that's a negative comment and regardless of whether or not I feel that way or not, I want to commend your group for what I feel would be an outstanding job and I do support it. I am very familiar, we all worked and submitted names, I was very insistent in you being the chairman of this group because I felt that you kind of, first of all were a dedicated individual, but marked a neutral group, so to speak, from a lot of agencies that might have some other turf or agenda. You didn't. So I think we're probably farther ahead in this county than, literally, you could go anywhere in this state and not find as dedicated a group, so I support you. I just want to, again, get

that on for the record. Merely because I haven't attended does not mean that I don't support you or the work there. Commissioner Mourdock is our liaison, he is that official representative and that's why we all don't appear at all your meetings.

Gary Heck: I'll make sure that's clear in case there was a misunderstanding to any of the group and you should be concerned about the way block grants could come down and that's probably a discussion for another time and forum.

President Borries: Well, I think it is shocking to see some of the reports and some of the aspects and figures that you have come up with in terms of what we call self-sufficiency and a few other things. It is shocking and we need to be aware of what these things are, so you've done important work. Again, the frustrating part about it is, just as you pointed out in so many different areas here, how, you know, actually, we wouldn't need any welfare if we had, frankly, enough jobs in the private sector to do this and to pay good wages. There wouldn't be a need for any public welfare.

Gary Heck: There certainly wouldn't.

President Borries: But you also hit on, in terms of children, in terms of the shocking amount of money that's owed in terms of children and the most vulnerable, the least able to get by in this system. It's a tough, tough situation, very complex that you're in. I commend you for what you're doing.

Gary Heck: And unless it's changed, if you're less than 18, I don't think you can vote in this state.

President Borries: That's right.

Commissioner Mourdock: Gary, just so you know as you're leaving, I have a Southwest Regional Commissioners' meeting on Wednesday up in Linton at the Indiana Association of County Commissioners, so I will not be there Wednesday, but I will be there the following Wednesday. Both are public hearings, correct?

Gary Heck: Yes. Thank you.

President Borries: Thank you, Gary.

RE: MICHAEL ROBLING - DEPARTMENT OF METROPOLITAN DEVELOPMENT

President Borries: Michael Robling is not here this evening; however, he has left a resolution to be acted on this evening should this Board wish to do so. Let me, very quickly, read this. This is approval of a resolution by the Board of Commissioners approving the establishment of Burkhardt Road Economic Development Area. Background, he has put,

"This is the final approval required for the Burkhardt Road Economic Development Area. The Vanderburgh County Redevelopment Commission held a public hearing on October 13, 1995. There were no remonstrators present. At the October 13th meeting the Redevelopment Commission adopted a Confirming Resolution concerning the Burkhardt Road project.

The Redevelopment Commission also adopted a Preliminary Bond Resolution as the next step in the tax increment financing process. A Notice of Determination to Issue Bonds will be published as a legal notice on October 16, 1995 and October 23, 1995. The Notice will also be posted in three public places within the Redevelopment District. The second publication of this Notice starts a 15 day objecting period. Concurrent with the objecting

period, a Notice of Public Hearing concerning the appropriation of bond proceeds will be published. The Redevelopment Commission has scheduled this Public Hearing at 8:00 am on November 10, 1995. In addition to the public hearing to be held on the 10th of November, the Redevelopment Commission will approve a final bond resolution and approve the appropriation of bond proceeds."

I want to emphasize the next two sentences:

"The bonds would be backed solely by tax increment revenues. No property tax or COIT revenues will be pledged to the repayment of the bonds. Based on the development which has taken place in the area since March 1, 1994 (the base assessment date for the purpose of tax increment financing), there currently exists sufficient tax increment to support a \$3.3 million tax increment bond issue. Once the Gershman-Brown shopping center has been completed and assessed, there will be sufficient incremental tax revenues to support a bond issue for the balance of the project cost. In the meantime, the Commission would issue a Bond Anticipation Note, (BAN) that would be purchased by either the developer or its bank. Upon completion and assessment of the shopping center, a second series of tax increment bonds would be issued to pay off the BAN."

Basically, that's what is included in this resolution here, is basically to determine the economic development area and to, in effect, approve what I have just described to you. Any questions, at this point?

Commissioner Mourdock: Not from me.

President Borries: Are there any persons here who wish to speak on this? Mr. Shively?

Les Shively: Mr. Borries, members of the Board of Commissioners of Vanderburgh County, my name for the record, is Les Shively. I'm the attorney for the Hartmann family land trust, the group that owns the development known as Cross Roads. First, let me say that my comments that will come after this are in no way, shape or form, meant to be a criticism of where I think this Commission is going in general. I think you have been very progressive the last couple of years, you're attempting to accommodate a situation that, fortunately, under the law, you don't have much control over. I do think, however, and I don't think there's any hidden agenda, I just think it's something you need to stand back and look at. I think a harmful situation is being created here with this particular program and let me explain why. We did the Cross Roads development because of concerns raised by the county. We, as a condition of our rezoning and our further development, constructed between 4,000 and 5,000 linear feet of roadway, most of which, was off-site, almost all of which, except for a small connecting road, was within existing county right-of-way. And it does not simply provide benefit to our property, but really prevented further development problems in the area, and I should state it in the positive, enhanced overall development in the area. We did that at our own expense. We went out and borrowed money and paid the going rate of interest to do that. We have completed those roads, they are now your roads. They are built to county specifications. What this TIF, in fact does within this district, is it gathers up with a lot of lovely, technical language of the statute and all the other things that come with it, but the bottom line is that it gathers up the incremental increase in tax revenue generated by the improvements from that effective date, and takes them out of the General Fund, in a sense, and focuses them on the financing of these improvements. These improvements, I understand, is for

Burkhardt Road, which is a county thoroughfare, a substantial county thoroughfare, but it also goes to the enhancement of a developer and of a development that is in competition with it. I think that's wrong. I think it's unfair and I think that, as I indicated before when Mr. Ziemer was here over a year ago discussing this particular project and the developers at that time, talking about the possibilities of this program, indicated to them that the only way to even begin to make this equitable was to include it in the TIF program. I believe there's enough tax base, if the TIF district is large enough, to include in the program the realization of Virginia Street so we have a connecting point of Virginia Street, all the way, I guess, Virginia Street goes through Green River Road, maybe a little beyond that to the west, all the way to I-64. That is not included and that should be included in the project. Again, this is not, you are faced with a situation out there, you are trying to deal with the situation as you see it. We are responding to how we see it from a private development project. We think this creates an unfair situation for the reasons that we just stated, and we will continue to take that position throughout these proceedings. I would hope that will be taken into consideration and we take, at least, I think that the solution is to take a long hard look at this program, increase the district and increase the scope of what we are doing out there. Because, gentlemen, simply widening Burkhardt is not the complete answer. It is to complete the whole plan of connecting the network of furnished roads, etc., to take the traffic and put in new thoroughfares to carry away from Lloyd, to carry away from Morgan, and to make Burkhardt Road more of a connecting roadway than simply doing widening, which we believe is not going to really deal with the situation, other than enhance the development of Mr. DeLucio's client's property and the development that you just made reference to. So, with those remarks, I would ask that those be entered as part of the record and hope that you take it into consideration and that the Commissioners and its' Redevelopment Commission look into this program.

Commissioner Borries: Thank you, Les, for your comments. Is there any further reply at this time?

Commissioner Mourdock: I will simply add that Commissioner Tuley chides me for the word consistent every now and then because that is what I try to be on some of these votes, when it seems that I am always at odds with the two gentlemen on my right. But, I appreciate your consistent argument on this. I do understand where you are coming from. Sometimes all of wish that we had better options than we do, but, we have to do the best we can do at any given time. So, your comments are appreciated.

Commissioner Borries: I think that Les has made an effective argument for his clients. It is truly a complex issue. One of these reasons that we have focused on Burkhardt Road, without this kind of funding there is literally no way that the road will ever be improved. All of the availability of federal money that we have is currently going to, probably the biggest local road project that certainly has been completed during my tenure, and that is Lynch Road. We are having to phase that in because we don't have enough federal or state distribution money in any year to do anything else. Burkhardt Road simply would not be able to be completed in the near future. Secondly, the TIF zone doesn't take in any residential area, but is going to take in as wide an area as possible in order to make sure that the bonds can be paid off as quickly as possible. It will take in a very wide area. We focused in on a public works project that we felt was already in a public right-of-way and a needed public improvement plan, and I would agree with everything you say, even to the extent that these developers will also be having to go to the various agencies, to make sure that Virginia Street, as in all other infrastructure improvements, be done, and will be done on their dime and their dollar from that standpoint. I know you are concerned. We have

worked with you, as you know, in the Hartmann situation, to ensure that, in fact, that group did get right-of-way because, at that time, it seemed to be a private matter between two developers and government had to step in, as an umpire if you will, to try to make sure that we were fair to all people involved, and that is really what we are trying to do here. The other complicating factor is that the Lloyd Expressway is a state highway. It is first and foremost a state responsibility. Frankly, and I have also said this before, I have been there and done that with the state. We have done an excellent job in ensuring for the future of the University of Southern Indiana, by spending every dime of local money to do something that the state of Indiana should have done. I am not willing, at this point, to commit other local monies to do things on the Lloyd Expressway at local county expense. So, Burkhardt is where we have to focus our energy and, at this point, our way to upgrade. I fully believe that your development, Les, as well as all the others, will benefit from what we see as a very clear focus on, again, a public right-of-way. I also believe that these people have thrown in, I shouldn't say thrown in, I should say committed, a great deal of funds to make sure that this Board has consistently advocated that no property tax or COIT revenues will be pledged to the repayment of these bonds. It is a huge financial commitment on their part to get where we need to be. We will work with you and will ensure that these roads and these developers also need to be aware that there will be other expenses to put in this infrastructure. We had to use this money to develop Burkhardt Road right now, or it wouldn't get done, because we don't have any other way of doing that.

Les Shively: What is the plan for Virginia, right now?

Commissioner Borries: Well, the plan for Virginia will be to extend it over to Burkhardt Road, and there will be an inter-section, base constructed, but the road itself will have to be constructed at the developer's expense, whoever the developers will be.

Les Shively: Is it the intent of the Commission to hold the developer's feet to the fire and make sure that it happens?

Commissioner Borries: Yes, certainly.

Alan Kissinger: Especially, if they are your clients, Mr. Shively.

Commissioner Borries: Are we clear on that?

Commissioner Tuley: You hit the nail on the head.

Commissioner Borries: May I have approval to sign this resolution, that, again, gives us the Establishment of the Burkhardt Road Economic Development Area?

Commissioner Tuley: Mr. President, I move that the Board of Commissioners adopt the resolution of the Board of Commissioners of Vanderburgh County, Indiana, approving the Establishment of the Burkhardt Road Economic Development Area.

Commissioner Mourdock: I second.

Commissioner Borries: I will say so ordered at this time. Thank you again, Les, for speaking.

RE: BARBARA CUNNINGHAM - AREA PLAN

President Borries: Okay, Mrs. Cunningham, Drainage calendar?

Barbara Cunningham: I have never seen a Drainage calendar. What I have passed out to you is a sample packet; it is similar to, it gives all the dates, and tells when your meetings are. It tells

when City Council is, when BZA and Plan Commission are. It tells when the final filing dates are due. It is on the back of that packet, Pat. What we are proposing is to, in our ongoing effort to help keep the public informed, is to enclose in this packet, this Drainage Board meeting list that I gave out to you, for public information. What we find is that so many people are not aware of the dates of the Drainage Board meetings, and it seems like drainage is a very huge issue, as Pat will attest to, when they come to the meeting. Rick has been there and he knows that, too. Drainage is very important. So what we plan to have is to pass this calendar out starting in the immediate future, because we are already getting ready for our January meetings, if it is agreeable with you, and have the Engineer, when they send out the letters to the participants, to include the date of the Drainage meeting in the listing of when the subdivision will be heard on Plan Commission and when it will be heard at Drainage Board. People are notified at least twelve days before the meeting, so if they had a question, it would give them an opportunity to attend. Do you have any questions?

Commissioner Borries: I don't have any initial, where are you headed with this, Barbara? Is there something here that you are doing that we aren't already doing?

Barbara Cunningham: Pat has the answer.

Commissioner Tuley: It is really not so much, it is more to allow or give notice to abutting land owners of the Drainage issues, because so many times the people are made aware of the rezoning meeting as a requirement...

Barbara Cunningham: Or the subdivision, as in this instance.

Commissioner Tuley: Right. But, there are so many people that don't get notified or don't know until the last minute, and then, particularly in Area Plan Commission, we are starting to get more and more people to show up that the drainage plans had not been seen by them or they are not aware of what they are. Particularly, as we have talked about, everything now is being developed in new areas that aren't particularly the best in the county, because all of the good land is being used. I don't have a problem with it and I think that it is a good idea to just give some input and, of course, to make our meetings a little longer than they have already been, but I think that is why we have them. The only concern I have is that I wish some of these city hearings were conducted in the evenings when more people could participate.

Barbara Cunningham: That's right. We took it that you always meet the fourth Monday of the month, and if there are some problems with that, of course, that can always be, I mean, that is just consistent that you do that, and it gives everyone an opportunity that, if they want to come and talk drainage or if there are concerns that they have that they wish you to know, then rather than coming to our meeting and express those concerns...

Commissioner Borries: I don't have any problem with that, I just, I know that the one thing that we do, because of now having a much more detailed Drainage Board plan, is that Mr. Jeffers frequently will recommend what we call "preliminary approval".

Barbara Cunningham: That's fine.

Commissioner Borries: Which means that they would still have to come back to the Drainage Board to get all of the final things done. As long as everyone understands that we may not have every particular "t" crossed and "i" dotted, I am okay with it. These would always be advertised Drainage Board meetings, which would be the last Monday of every month, or at least the fourth Monday of every month. I don't have any problem with that. Again, my only

concern was, if there was something here that was going to be added to our process, I just wanted to know.

Barbara Cunningham: No, it is just to let people know what your process is, really. I think that is what you want to happen.

Commissioner Tuley: In the last couple of months, or three months, at the Area Plan meetings, we are having more and more people come in and their sole argument against development is drainage and they have not, they did not know when the drainage plan was heard, they are not aware of it. I think that all she is trying to do is make the dates available to the public.

Barbara Cunningham: For instance last month, we had one that we continued. Herb Butler got the drainage plan the morning of the Plan Commission meeting, the morning of the Board of Public Works meeting, he had half an hour to forty-five minutes to look at it. None of the neighbors even had an opportunity to even ask him anything about it and they had a lot of questions about it. So, when you have a certain date, which he is going to have now with PBW, which will be at least a week before our meeting, it will be on file. The only thing that I wondered is, these are dates that you have and I would think that if you know ahead of time, that if there is something that happens that you know ahead of time, that the Engineers could notify, or if you didn't have a meeting on one of these dates.

Commissioner Tuley: The only way that we wouldn't is if we didn't have a quorum and normally we know in advance.

Barbara Cunningham: If they didn't send out their notice, no one would know about your meeting because it wouldn't be in your letter. I just think that it is something that will help everybody.

Commissioner Borries: We won't approve it and you won't hear it unless our technical advisor, who is Mr. Jeffers, recommends at least that preliminary approval. Otherwise it will be continued over and over again. So, our ordinance is much tougher than it was and much more complicated. It causes us a lot of, we are certainly earning our \$35.00 a meeting, let me put it that way. It is quite complex in terms of what we are expected to do and you know all of the final decisions that need to be made on this. I am clear with it then and that is fine.

Barbara Cunningham: So, we can send it? We send this to all of the engineers and all of the news media, etc., etc., when we send out our meeting dates.

Commissioner Borries: Okay.

Barbara Cunningham: Thank you very much.

Commissioner Borries: Thank you, Barb. Next, we have Department Head Reports, Alan Kissinger.

RE: ALAN KISSINGER - COUNTY ATTORNEY

Alan Kissinger: It's appropriate that Mrs. Cunningham is here. I talked with her about this briefly before. As the Commissioners may recall, there was a rezoning petition filed sometime back in regards to property located at 4905 Pollack Avenue. It was the rezoning ordinance VC-10-93. The primary purpose for this rezoning was to allow the building of certain storage buildings in the area of Pollack Avenue. It affected certain residences on another avenue near there called Earl Avenue. There was a question raised as to whether or not the Earl Avenue residents had received proper notice, etc. Mr. Steven Bohleber represented the developer whose name was, I think, the primary developer was Timothy Major, and

there were other remonstrators who were represented by Mike Mitchell, the ones who complained about not having receiving the appropriate notice. I wish to announce to the Commissioners tonight that the controversy has been settled, I think, to the satisfaction of everyone concerned, including the remonstrators. There has been a covenant in the settlement agreement recorded in the office of the Vanderburgh County Recorder, specifically describing this real estate, and also setting out the agreement between the remonstrators and the developer. The covenant agrees, specifically, to the location of certain fences which will hide, if you will, the storage buildings from the residential area, other screening devices that will be used, such as trees and so forth. It is a covenant that runs with the land, which means that this covenant will be binding on any future owners of this real estate. The Earl Avenue owners have agreed that they will not organize nor appear to voice any objection to, or remonstrate any areas pertaining to, that rezoning. The only matter to be resolved now, Mrs. Cunningham, in her position with the Area Plan Commission, has now been asked to be issue certain building permits in reference to the rezoned real estate, and has felt that it is appropriate for the Commissioners to take some action in reference to this, specifically directing her, and allowing her, to issue permits. I, as I said, am glad to report to the Commissioners that this agreement has been reached between the representatives of parties on both sides, and the parties themselves. They all are signatories to this covenant. I think that it would be totally appropriate now to advise the Area Plan Commission, through Mrs. Cunningham, that this covenant has been recorded and that it is appropriate for her and the Commissioners are now to approving the issuance of building permits for that specific petition, which, once again, was VC-10-93.

Barbara Cunningham: Will you make me a copy?

Alan Kissinger: I will give you a copy of the covenant and settlement agreement, yes.

Commissioner Borries: You are asking us to authorize...?

Alan Kissinger: To authorize the Area Plan Commission to begin issuing these permits.

Commissioner Borries: May I have a motion to do so?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

Commissioner Borries: So ordered.

Alan Kissinger: Thank you. Barbara, I will get you a copy of this tomorrow.

Commissioner Borries: Alan, further information?

Alan Kissinger: The last matter that I have, there is a proposal to enter into an agreement with GTE, which is General Telephone Electronics, in reference to our Enhanced 911 services. I think that Mrs. Titzer was going to present that to the Commissioners tonight. Having some prior experience in this area of communications now, and a greater understanding as to what is defined as a service and what isn't, and knowing that there are at least three suppliers of these services that I know of, and having also discussed this matter briefly with Mrs. Lynn Ellis, in City-County Purchasing, I would recommend to the Commissioners that instead of entering into this proposed agreement with GTE, that specs be, certain specifications for this service, be arrived at and agreed on and that this, that we send out requests for bids for the provision of these services to the county for the future.

Commissioner Mourdock: Excuse me, Alan, is that, effectively, what Lynn was saying in the closing part of her remarks tonight. She said something about GTE being taken under advisement.

Alan Kissinger: Yes.

Commissioner Mourdock. So that is what we have got. I didn't know if it was a different -

Alan Kissinger: As a matter of fact, I would probably go even farther than Ms. Ellis was going to recommend. I recommend that we not take any action on this proposal and that we do send out invitations for bids after the appropriate specifications have been developed.

Commissioner Mourdock: I am always comfortable in not taking action, and more and more so, everyday.

Commissioner Borries: May I have a motion to move that we --

Commissioner Tuley: Don't take any action.

Commissioner Borries: No, we are not going to do that, we're not going to take any action because I am not even going to ask for a motion to that effect, a motion to go out for bids regarding a service known as Enhanced 911 System.

Commissioner Mourdock: I think, from what Alan was saying, it might be more appropriate to word the motion that we begin to pull the specs together. We are not ready to go out to bid yet.

Commissioner Borries: You are right, to pull the specs together or develop the specs. May I have a motion to that effect?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

Commissioner Borries: So ordered.

Alan Kissinger: I have nothing further to report.

President Borries: Thank you.

RE: SUNNY TITZER FOR CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Commissioner Borries: Sunny Titzer is here for Cindy Mayo. Do we have any report from Sunny Titzer?

Sunny Titzer: I don't have anything from Cindy, but we discussed some items (inaudible) a while back. Edna called me back today and the Sheriff has agreed to let us do that.

Commissioner Mourdock: Excuse me, Alan. Could you please slide your mike over that way?

Alan Kissinger: Yes.

Commissioner Borries: These comments are coming from Sunny Titzer. I had asked, for the record here, to clarify a bit. Sunny and I had talked last week about employees having some kind of identification, and, in the past, we were able to do that through the EMS Council and they are moving out. For some reason, I never have had one. I kept trying to figure out when they would do it. But at any rate, we have a problem that; if they move out, how are we going to get these ID's set? So, Sunny has been talking with Edna Casper from the Sheriff's Department and that is where we are there.

Sunny Titzer: She talked to the Sheriff and he has agreed and doesn't have any problems with it. You would have to go the second floor, though, where the Jail is.

Commissioner Borries: Okay.

Sunny Titzer: We just need to figure out if we need to do it the first Tuesday of every month or what kind of scheduling you want. They have to be notified in advance, and if we were to set up a regular time, it would be a lot easier for the people there.

President Borries: That is fair enough. What would you want to do for setting up a time?

Alan Kissinger: Well, if you do it the first Tuesday of every month, then someone from the Commissioners' staff could advise the President of the Commission as to when he can go and get his picture on the Monday night before, and he could go the next day.

President Borries: Well, that's right. Let's do it the first Tuesday of every month. Does that sound alright with everyone? Sunny, if you could let the Sheriff's Department know, I think that will work.

Sunny Titzer: Okay.

President Borries: Anything else?

Sunny Titzer: No.

President Borries: Thank you.

RE: BILL MORPHEW - COUNTY HIGHWAY

President Borries: Bill Morpew, County Highway. Let the record show that Mr. Morpew did submit this evening, progress reports from the County Highway and the Bridge Crew for two weeks, for the week of September 29 through October 5 and the week of October 6 through October 12, which show work done in all parts of the county. You are still paving?

Bill Morpew: Yes, sir. We finished Old Henderson Road today. We have one other spot down by Camp 47 that we have to repair and one by Camp 25 in that particular area. Then we move over to Bayou Creek where we will pave over the box culvert that we put in September.

President Borries: Okay. I noticed that there has been a lot of work done with our county owned lots in the city and hopefully those weeds will quit growing one of these days. We are doing work here and there. Are there any questions of Bill at this time?

Commissioner Tuley: Bill, does Thursday, October the 12th, really mean what it says?

Bill Morpew: I don't know.

Commissioner Mourdock: Did you put up a memorial?

Commissioner Tuley: Gradall crew buried deer on Old State.

Bill Morpew: You know, as we get into this time of the year that happens almost daily. Yes, we bury a lot of deer, a lot of them. As a matter of fact, we did two today.

President Borries: That are on the roads?

Bill Morpew: Yes, sir. They get hit and we had one causing a

traffic hazard on outer St. Joe Avenue today, and we had to get that one out of the road so that the Sheriff's Department could open the road. Usually, we are fortunate that they go off into the ditch. Occasionally, one goes into someone's yard, but we don't bother those.

President Borries: Right.

Commissioner Mourdock: Off of the right-of-way.

Bill Morpew: Off of the right-of-way.

Commissioner Mourdock: The journalism students just learned something new of county government -- burying deer.

Commissioner Tuley: My question was more to the point than that. You didn't actually bury them on Old State Road, did you?

Commissioner Mourdock: That's why we need the new paver.

Bill Morpew: Yes, we did. I have been researching this drug and alcohol policy. I took my drug and alcohol test a week ago Friday, and I passed.

Commissioner Tuley: You are still here, so I guess you did.

Bill Morpew: Yes, sir. I didn't go in drunk, so that was okay. I am looking at several different policies that we need to put together and different centers as to where to have these exams done. Hopefully, I will have those done within the next two to three weeks and can bring that to you and also for Mr. Kissinger.

Commissioner Mourdock: I wonder if the city...would Lynn Ellis not have some contract with one of the agencies or MEC centers?

Bill Morpew: The School Board does.

President Borries: Yes, the School Board does.

Bill Morpew: The School Board has a contract with the MEC center. They are charging \$45.00 for a drug test and \$18.00 for alcohol.

President Borries: Where is the fellow that worked with us? He does the random drug screens at the Safe House, Community Corrections.

Bill Morpew: I have not gotten in touch with him at this time. I hope to do that this week.

President Borries: Okay. I can't think of his name, but I know that he does a lot of work for the Indiana Department of Corrections all over the state.

Bill Morpew: I have it written down somewhere.

President Borries: It seems to me that you may want to call the EVSC, too. They may have the name of that guy.

Bill Morpew: I have his name from Harris Howerton.

President Borries: Okay.

Bill Morpew: I do have that information at the garage. It is on my list of people to call. It was approved at the last County Council for a new backhoe for Cum Bridge and I would like to put that out for bid. I will work with Lynn Ellis and we will tighten up on the specs a little bit and maybe some wording in there.

Alan Kissinger: Call if you need any help on that, Bill.

Bill Morpew: I have all the respect in the world for the law and I fully understand why. I just wish that we could have had that new machine yesterday.

Alan Kissinger: I understand, but as we were going through another lawsuit, I wish that it would have been over tomorrow, as well.

Bill Morpew: I gave my deposition for that one. That is all that I have.

President Borries: Do we want to take action here and give permission for specifications be developed for the backhoe?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Bill Morpew: Thank you.

President Borries: Thank you, Bill.

RE: JOHN STOLL - COUNTY ENGINEER

President Borries: John Stoll, County Engineer.

John Stoll: The first item that I have is the revised consultant selection procedures that we need to adopt. This was sent to me by INDOT a few weeks ago and I forwarded a copy to each of the Commissioners. In the memo that I sent you, I pointed out that, basically, the only significant changes that were implemented in this were: we have to provide a detailed description of the technical requirements for the consultant services; a list of factors used in evaluating the consultants; INDOT and the County, and/or the County, will prepare a cost estimate for the consultants and services. Other than that, it is basically the same consultants selection procedure that we have had for federal aid projects in the past and, if you would, direct me that the procedures be adopted.

President Borries: Okay, may I have a motion to do so?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

John Stoll: Second item is Supplemental Agreement #1 for the USI Interchange Project. This Supplemental Agreement is necessary, due to the fact that the contract with Bernardin Lochmueller called for them to do the construction staking on the project, and as they were doing the staking, the dispute came about concerning whether or not the people doing the staking were doing professional services or manual labor. It was ruled by the state that this was a manual labor item which, in turn, put it in under the prevailing wage requirements, which, in turn, resulted in the total Supplemental Agreement, which is \$19,109.35. This is just to cover the extra fees associated with paying the prevailing wages versus what was originally quoted. This does not include a markup of anything on the wage rates. This is just what Bernardin Lochmueller's expense was and they are passing that onto the county as a result of the prevailing wage requirement.

President Borries: Okay, and there is still money in the...?

John Stoll: Right. This is the final, first and only Supplemental Agreement that will be on this project. With this supplement,

they submitted the final billing. So, this will be all the money that we will owe Bernardin Lochmueller on this project.

President Borries: Good. May I have a motion to approve?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

John Stoll: Next, I have a request for street acceptance in Brookview Subdivision, Section E-3, and a request for acceptance for the storm sewers upon receipt on the \$2.00 per lineal foot fee and everything was constructed according to plans. We have received the as built plans and I recommend that the street be accepted and the storm sewer be accepted subject to us receiving the \$2.00 fee.

President Borries: Okay, motion to approve?

Commissioner Tuley: So moved as presented.

Commissioner Mourdock: Second.

President Borries: So ordered.

John Stoll: Next, I have the notice to bidders for the Azteca frontage road and the mylar for the cover sheet for the design plans for the frontage road. This is the final item that we need to complete as a part of our incentive package. I would like to recommend that the notice to bidders and the cover sheet be signed.

President Borries: Okay. This is all done now, so we just need to approve and move forward?

John Stoll: Right.

President Borries: May I have a motion to approve?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

John Stoll: Next, I have the request for proposals for the widening of Burkhardt Road. This is in conjunction with the TIF district and the Gershman-Brown Shopping Center, as you all are well aware of. The way that I wrote this request for proposals, I left it open for the consultant to determine the cross section of the road, whether it would be a five-lane section like North Green River Road or whether it would be with a ditch in the median with left turn lanes at major intersections. So, I have basically left it open to let the consultant tell us which might be the most cost effective way of taking care of that. I know in the past, it has been primarily discussed that the ditch would be in the median, but it would probably be best if they would take a look at it and advise us which would be the best way to go with the ditch. I also put in here that the consultant may need to look at phasing the project if they can't get the design completed in time to coincide with the opening of the shopping center, and the phasing would be Lloyd to Virginia Street, and then Virginia Street through the rest of the project. Other than that, I just tried to outline what the scope of what would include as far as signal design, railroad permits, INDOT permits, the DNR permits, and things of that nature. Everything appears to be in order and I recommend that it be signed and that way, I can forward it to the consultants tomorrow.

Commissioner Mourdock: I move the issuance of the RFP for the widening of Burkhardt Road as submitted by the County Engineer.

Commissioner Tuley: Second.

President Borries: So ordered.

John Stoll: The next item, I am just submitting for the record, basically, this revised administrative settlement letter for the Ohio Street Bridge which revises the cost for the county down from \$28,000.00 to \$23,000.00 for the right-of-way that we will be acquiring from Mulzer, since the previous letter that I had signed off on two or three weeks ago had called for the \$28,000.00 figure. I wanted to clarify that.

Commissioner Mourdock: I will move the issuance of the letter for the revised administrative settlement for the Ohio Street Bridge.

Commissioner Tuley: Second.

President Borries: So ordered.

John Stoll: Next, I have three price quotes for the repairs to the St. George Road bridge. We received bids, quotes from Deig Brothers and their quote was \$14,345.00; from Southwest Engineering which was \$23,500.00; and from Phoenix Construction for \$19,840.00. What we want to do and the scope of the project would be, to remove the existing patches that are out there on that deck on the St. George Road bridge that is in the curve between Kentucky Avenue and St. George Road, saw those out and replace them, and hopefully, it will prolong the life of the bridge deck. It has quite a few bad areas on the bridge and I would like your authorization to hire the low bidder, who was Deig Brothers, and proceed with that within the next couple of weeks. We will have to close the bridge for probably a week in order to get the work done.

Commissioner Mourdock: Those bids were solicited through Lynn Ellis and the normal procedure?

John Stoll: No, what we did, since it was under \$25,000.00, we just met with the contractor out on the site, they submitted their quotes, and that is what I have here in my hand. It was the scope of the work that we needed them to do and then their prices for that work.

Commissioner Mourdock: I move the acceptance of the low quote for the St. George Road bridge repair.

Commissioner Tuley: Second.

President Borries: So ordered.

John Stoll: Next, I have got a travel request that would cover David Franklin going to Vincennes last Friday. He needed to do some concrete tests for the Baseline Road bridge and that was the only time that was available for him to go to INDOT to do it at their testing facility in Vincennes. I would like to recommend that it be approved.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

John Stoll: Next, I would like authorization to advertise an amendment to the Stop Sign Ordinance. This is to add thirteen intersections on recently constructed streets to the ordinance so that we can install the signs whenever the ordinance has been

properly advertised.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

John Stoll: Next, I have a change order for the Ohio Street bridge. This is a change order that results in a net decrease of \$2,865.66. This change order involves a cost reduction incentive proposed by the contractor. The contractor is Weddle Brothers. They proposed using an alternate piling for the bridge, which resulted in an approximate \$10,000.00 decrease and is a part of INDOT's incentive program for cost reductions. Half of that goes to the contractor and half goes to the county, well, the county and state, so that resulted in a reduction of \$4,900.00 and we have had an increase due to the fact that railroad protective liability was left out of the original contract. So, those two items combined resulted in a net decrease and I recommend that it be signed.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

John Stoll: Next, I would like approval to go before Council to request a transfer of \$12,500.00 from the Pfeiffer Road bridge account to the Motor Vehicle account. This would be to replace one of our Sheriff's hand-me-down cars with 165,000 miles and needs \$1,500.00 worth of work right now. This is to buy a 1995 Cavalier off of the state bid.

Commissioner Tuley: So moved.

Commissioner Mourdock: I will probably second, but John, you and I spoke of this earlier today and I guess that I missed the Pfeiffer Road Bridge account. How does that come into play?

John Stoll: We had some extra money left over in that account from the deck overlay that we just put in out there. We originally had about \$38,000.00 to \$40,000.00 in there and we got the repairs done for \$25,000.00. Since that money was still, it is a balance that will not be used. So, I was going to transfer it out of that account.

Commissioner Mourdock: Okay, I will second.

President Borries: So ordered.

John Stoll: Next, I have two temporary ingress/egress easements for obtaining some soil borings on the Heckel Road bridge. These are two adjacent property owners and we will have one more that we will need to get signed. But, this will allow us to be able to start getting the soil borings needed to replace that bridge.

President Borries: Motion to approve?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

John Stoll: The final item I have is A Release of Option for Mr. Larry Watson, who lives at the corner of Burkhardt Road and Columbia Street. Columbia Street was recently constructed by a developer, and the way that Columbia Street was originally proposed

to lie out there was that it would be split between the property lines, half would be on Mr. Watson's property and half would be on the developer's property. The developer has since put the road entirely on his property, so we no longer need to have an option to acquire Mr. Watson's property. So, as a result, he is asking for an official release from the option, since the option was recorded as a part of his rezoning back in 1988.

Commissioner Mourdock: I move the release of the option with Larry Watson.

Commissioner Tuley: Second.

President Borries: So ordered.

John Stoll: That is all that I have unless you have any questions.

President Borries: Questions of John? Thanks, John.

John Stoll: Thank you.

RE: CONSENT ITEMS

President Borries: We have consent items on our agenda for your approval, including employment changes, and travel requests.

Commissioner Tuley: I move the consent items be approved as submitted.

Commissioner Mourdock: Second.

President Borries: So ordered. We do have some things here to sign.

RE: SCHEDULED MEETINGS

President Borries: Okay, scheduled meetings, there is a list attached.

RE: OLD BUSINESS

President Borries: Under Old Business, I would like for Commissioner Mourdock to first read a letter that was drafted, I think he may have it in his computer, to the persons who were selected last week at our meeting concerning the procedure, or moving forward on plans for the renovation for the Vanderburgh Auditorium.

Commissioner Mourdock: There were five letters sent out and they were essentially all the same, just a few slight differences, based on the addressee's past involvement with the project. The first one is to Mr. Alvin Granoff:

"Dear Mr. Granoff:

As you are probably aware, the Vanderburgh County Commission is committed to a major renovation of the Vanderburgh County Auditorium. It is our hope that the investment in this facility will result in a first-class convention facility which will serve the community and convention business for many years to come.

While we stand ready to make this investment, we recognize that the facility should be redesigned and built to suit the needs of those using it, that is, the conventioners, business and entertainment groups.

Toward this end, we are requesting that you, or your designee, serve on a five-member committee (requested to

serve are: a representative of Alvin Granoff; a representative of Aztar; Mr Larry Aiken; Mr. Pete Helfrich; and Mr. Rolland Eckels), to help direct the County Commission and the County Council by providing information which you feel will help us provide a facility which will enhance and serve the needs of the convention business in Evansville.

More specifically, we would like this committee to report back to us by November 20, 1995, with information regarding:

- 1) The amount of floor space required for convention purposes
- 2) Additional parking requirements
- 3) Improvements needed in the auditorium
- 4) Improvements needed in the Gold Room
- 5) Suggestions as to how multi-use rooms can be incorporated into the plan
- 6) Any and all other items that you believe should be included in the facility
- 7) Suggestions as to how conventions can be retained in Evansville during the period of renovation.

The first mission of this committee is to design a request for qualifications of an architect or engineering firm so that lead time can be reduced, and an architect selected by year end.

The Commissioners realize that the task ahead and timetable we are seeking to meet is ambitious, but we do not want this project or community to be hindered or delayed any further. Each of us is committed to seeing a first-class facility and we want to have it available at the soonest possible date.

Thank you in advance for your service to this community."

It is signed by the President of the Vanderburgh County Commission, Rick Borries.

President Borries: Thank you. I asked Commissioner Mourdock to read that because I have received at least verbal commitments from Mr. Eckels to serve as chairman of that group. He was the past chairman of a previous study committee and represents certainly, I think, a neutral voice, shall we say. He is not a major user. He has been a community leader of some stature for a long time. He has agreed to serve. I have talked with Mr. Aiken, he has agreed to serve. I have not talked with any of the other persons, but we will see how that works out. I say that because I did receive a call and a letter addressed to me and also to County Council President Phil Hoy from Skip Simms. I will read it at this time.

"At the joint meeting and public hearing held October 9 regarding the need for a convention center, Center City Corporation did not make a presentation. This was not because we are not interested in the issue. To the contrary, we are very interested in the issue and concerned. We did not participate since we had nothing new to contribute. Our position stated last May had not changed. At that time we felt there was not enough solid information with which to make a decision or recommendation. We were in attendance at this meeting in hopes

of learning more. At our Board meeting this past Thursday, we decided to speak up now that there is something to respond to. We submit the following for your consideration.

First, let us state the obvious. There is a short-term need for a large public facility which could be used for conventions and other large gatherings. Second, there is a lot of activity downtown, both in process and being planned. Third, the riverboat casino will be open soon and generate the need for more development, which does not currently exist. It will energize the community and greatly enhance a section of downtown which has been a diamond in the rough. Fourth, traffic and parking are still the top downtown issues of concern with business and the public.

Based on what we heard at the public hearing last week, we propose the Commission address the following four issues:

THE STUDY ACTION COMMITTEE will review the specific needs for a Convention Center"

We've done that, been there, on this particular letter that Commissioner Mourdock recommends or that he read and we signed.

"recommend design to the Commission. It should have representation from: County Government; Convention & Visitor's Bureau; Granoff Hotel company; Master Plan Steering Committee; Auditorium Study Committee of 1993; Casino Aztar; and City Government. Center City would be happy to participate also if deemed appropriate. This representation is suggested to make sure the parties dealing with all downtown issues are at the table. No decisions should be made without knowing the total impact to and from other projects. This committee should not be tainted from the beginning with cries of partisanship by leaving out any key player in downtown development.

CLOSING OF THE AUDITORIUM COMPLEX should not take place until acceptable comparable facilities exist downtown for the numerous tenants using that facility. There were 126 events in the Auditorium in 1994 and even more this year. Many were repeat events which may not have anywhere else to go. It would be irresponsible to leave them out in the cold.

COST ESTIMATES are various guesses at this point, which explains why the estimates are so far apart on all the options being discussed. The cost of parking solutions should be included. Solid estimates must be obtained, and they need to be based on solid projections of need.

GRANOFF COMPANY needs to present their economic impact estimates. We should know what they truly believe short-term loss is, and how they came to their conclusions. "First Class" is a subjective reference. Although \$4 million is a lot of money, it does not necessarily bring the hotel up to first-class status. What does the Granoff group plan to do to the hotel? Cosmetic and superficial changes are welcome, but enhance the structure and make it truly first class? This is a fair question if taxpayer dollars are being used to help his investment.

We believe there is a short-term need and long-term need. We agree the short-term solution was needed yesterday. However, there is still not enough cold hard facts with

which to make a decision regarding the Green Center or any other convention facility proposal. This committee is necessary to generate the facts from which wise decisions can be made. We agree this committee's work can be accomplished quickly.

Center City is very interested in this issue and is ready to assist you in any appropriate capacity you wish to take advantage of."

So, with that, I also had a lengthy discussion with Mr. Simms on the phone. One thing government does well, to our journalism students in the audience, is we do a lot of studies. We study and study, and we meet and we meet, and we talk and we talk. So really, we kind of, frankly, this guy, particularly, has been there, we've done that. We've talked and we've made some decisions. I assume Mr. Simms was in the same room I was. I thought that there was at least a decision made that we were going to move forward. The reason why we set up this committee is that many of the people who are on it are major users of this facility. We also discussed the fact that we could not wait two or three years until this thing is done because, frankly, the riverboat and much of the activity would have been going on and we would have lost a lot of impetus and potential to attract new conventions. We welcome Center City's input, they chose to not make any in May except, I think, some rather, in fact, they kind of fooled me on that one. They had signed the speaker's list. One person who was there representing Center City signed for, but spoke against. This time, they chose not to speak. They heard the same meeting we did or attended the same meeting we did. So, I appreciate their concerns. Unless there's some compelling reason that, at this point, we would want to change what Commissioner Mourdock has read, we did not want to put architects, any other persons from county government or city government on at this time because, frankly, the city has not been in the mix of these decisions. The Auditorium is directly the county's responsibility. All of the other users that Mr. Simms has mentioned here are at the table in this particular group. The Master Plan Steering Committee, I don't know if they have finished their work or what, but I'm not sure that we want to get into more consideration about a downtown stadium. We already have enough to do, I think, with what we're trying to do with making our decisions based on our revenue sources and everything else. We did not put any architects or engineers on this rather than compromise their ability to bid on future projects. So unless this Board wishes to change anything at this point, we'll just, again, in fairness to Mr. Simms, I wanted to enter this into the record and we'll ask for their continued input and following on this, and proceed in the direction that we have, unless, again, you wish to change it at this time.

Commissioner Mourdock: I certainly don't see the need to change the make-up of the committee. The committee is obviously functioning as a quasi-governmental entity in that it's working for us and, as such, I suspect their meetings will all be public meetings. If they wish to have a hearing-type format where other folks can give them some input, they're certainly welcome to do that.

President Borries: Yes.

Commissioner Tuley: I think we have enough input and are moving in the right direction, let's just keep going.

President Borries: Okay, thank you. The other item of old business is...we did hold a meeting and we've already approved those minutes that Commissioner Mourdock has focused in on this evening. I think it was a positive meeting where we focused in on a wide ranging group of issues concerning the various counties. Each county, at this point, is going to go back to their respective

counties to review to gain input and we have pledged to meet again. That time has not been set, but we have had that initial meeting. We know that there are ways, and we hope we can identify ways in which we can cooperate for the benefit of all the counties involved and certainly this will make for a much stronger community for the entire area. I commend your efforts, Commissioner Mourdock, in arranging for the meeting.

Commissioner Mourdock: Well, thank you. I was pleased that we did have representatives there from every county that we had solicited including one other county. I would just add, in addition to the minutes that we submitted earlier, if we have a consensus here, I will send a letter out to those who attended thanking them and send a copy of these minutes with that. I would also suggest to them that maybe sometime after the first of the year, Roger Myers, Commissioner from Gibson County, said we need to move the site around, so maybe I can ask him if he would host the meeting up in Gibson County shortly after the first of the year.

President Borries: Yeah, that would be good.

Commissioner Tuley: So moved on both ideas.

President Borries: I will second. Also, we would want to get the information that was mentioned by the gentleman from Pike County.

Commissioner Mourdock: Mr. Gordon Barnett.

President Borries: The conservancy district is of real interest to me because this may be a way in which we might be able to move Pigeon Creek along with a lot of cooperation from the other counties.

Commissioner Mourdock: I'll include some words on that in my letter, then, and also, I can contact Mr. Barnett and make sure he's aware of whenever the next meeting is.

President Borries: Good. Is there any other old business?

RE: NEW BUSINESS

President Borries: Under new business, the County Auditor and Sunny Titzer have given us some information here concerning the use of CCD monies, if we are to declare an emergency concerning many of the items that you find in the packet that Mrs. Titzer has just given us. You may want to review this. As you know, this Board has opted not to spend and commit all of the CCD monies for this year because, obviously, we were also trying to, I think, take a conservative route to plan for the future. However, we have a lot of bills and things that are due, again, that always seem to go beyond our control. The school transfer tuition is an item that is always out of our control but one that will soon end, but there are considerable amounts of money that, again, come up in various accounts where we simply don't have the budgeted amounts available. It is not that we, and again, I'm not going to get into a partisan discussion of this, it is not as if we have overspent, it is simply a matter, in some cases, of not being able to anticipate what some of these expenses are going to be, and when we're going to receive them. Again, the school transfer tuition is a case in point. All we can do is go back and look at the history of what we have to pay out over the past two or three year period and we try to put in an average. As to whether or not the Council will allow that when we submit that to the budget is another thing. So, I guess what we're saying is, if you wish to do so, we would have to declare an emergency and some of these bills could be paid out of CCD at this time, or at least we have that request. If you want to take this under advisement for a week, we can do that.

Commissioner Mourdock: I, personally, would like to do that, if

COMMISSIONERS MEETING
OCTOBER 16, 1995

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you don't mind.

President Borries: Okay. Is there any other new business?

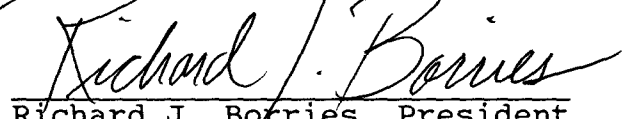
Commissioner Tuley: I have none.

President Borries: We have some things to sign. We commend our journalism students for hanging in there tonight. You did a great job being with us. If there's no further business, we're adjourned.

Meeting adjourned at 8:03 p.m.

THOSE IN ATTENDANCE

Richard J. Borries
Patrick Tuley
Richard E. Mourdock
Suzanne Crouch
Alan Kissinger
Sunny Titzer
Teri Lukeman
Lynn Ellis
Bill Morphew
Harlan Vanderpool
Roger Robinson
Les Shively
Keith Rounder
Loretta Townsend
Gary Heck
Barbara Cunningham
John Stoll

**VANDEBURGH COUNTY BOARD
OF COMMISSIONERS**
Richard J. Borries, President
Patrick Tuley, Vice President
Richard Mourdock, Member

**VANDERBURGH COUNTY BOARD OF COMMISSIONERS
MEETING OF REZONINGS
OCTOBER 16, 1995**

The Vanderburgh County Board of Commissioners met in session for the purpose of rezonings at 8:05 p.m. on Monday, October 16, 1995.

President Borries: We are reconvening for the portion of the Vanderburgh County Commission meeting on Rezonings. This evening, we have two first readings to consider. They will be forwarded to the Area Plan Commission for a second reading and they will be referred back to this Board for a final reading, should everything proceed normally on Monday, November 20, 1995.

**RE: VC-9-95 PETITIONER: AD CRAFT
6331 MILLERSBURG ROAD**

President Borries: Rezone from Ag - M1, stated use: Warehouse storage.

Commissioner Tuley: Mr. President, if I may, at this time I'd like to go on record as abstaining from any votes with regard to VC-9-95, Ad Craft, since I am an employee of Ad Craft.

President Borries: Okay. It's been noted. Unless there is any further comment, may I have a motion to approve on first reading and forward to the Area Plan Commission?

Commissioner Mourdock: So moved.

President Borries: I will second. So ordered.

**RE: VC-10-95 PETITIONER: MICHAEL MARKET
14200 HIGHWAY 57**

President Borries: Rezone from Ag - M2, stated use: Horse trailer sales and repair. Any comments?

Commissioner Mourdock: One that just strikes me. This is immediately in the area of where the Daylight sewer folks have been talking and I wonder if we need to make Mr. Robling aware of this. If there is potential employment here, that could be more money for the county from the state, based on new employees that would be used if that sewer is put through there.

President Borries: Okay.

Commissioner Mourdock: I think it's running right through this property, as I recall.

President Borries: Okay. That notification needs to be made, that's right, particularly should the rezoning be approved. With that comment noted, we will forward to the Area Plan Commission, if I can have a motion to do so.

Commissioner Tuley: So moved.

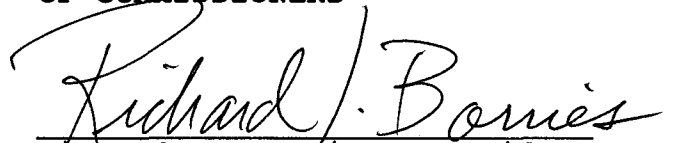
Commissioner Mourdock: Second.


President Borries: So ordered. Any further business? If not, we're adjourned.

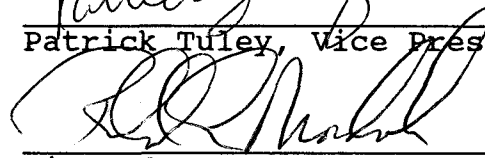
Meeting adjourned at 8:08 p.m.

REZONING MEETING
OCTOBER 16, 1995

VANDEBURGH COUNTY BOARD
OF COMMISSIONERS


Richard J. Borries, President


Patrick Tuley, Vice President


Richard E. Mourdock, Member

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS

OCTOBER 23, 1995

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The Vanderburgh County Board of Commissioners met in session at 5:50 p.m. on Monday, October 23, 1995 in the Commissioners' Hearing Room.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Borries: Good evening, everyone. Welcome to the October 23rd meeting of the Vanderburgh County Commission. Introductions this evening, our official staff is: Mrs. Cindy Mayo, who is Superintendent of County Buildings and serves as our office manager; County Attorney Alan Kissinger; County Commissioner Pat Tuley. I'm County Commissioner Rick Borries, to my immediate left, County Commissioner Richard Mourdock; Chief Deputy Auditor Bill Fluty; official Recording Secretary, Mrs. Teri Lukeman. Would you join us, please, in the Pledge of Allegiance?

RE: ACTION ITEMS

President Borries: An Executive Session was held before this meeting and I apologize for the lateness of this as we take a brief break. The purpose of that meeting was for pending litigation and certain personnel matters of which no decision was reached during this session. We have an agenda for your information on the table near the door. At this time, I would ask for approval of the minutes from our last meeting which was held on October 16th.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

RE: KENT IRWIN - WAGGONER, IRWIN, SCHEELE & ASSOCIATES

President Borries: I think we have two distinguished visitors here with us, Mr. Kent Irwin and Mr. Ray Scheele from Waggoner, Irwin, Scheele & Associates. I want to welcome them. I don't know if they wish to address the Board at this time. We always have a little spot here for angry persons or those persons who wish to speak on whatever topic that they don't find on there. Most of the time they are angry, but you gentlemen, we want to welcome you and if you have any items here, we would be glad to hear from you at this time.

Kent Irwin: Thank you, President Borries. I'm Kent Irwin with Waggoner, Irwin, Scheele & Associates. We've been here today working with Bill Morpew on the new Commercial Driver's License requirements under the Federal Motor Carrier regulations that become effective January 1, 1996. The principal consideration here is that of the impact of random drug testing that is required along with the supervisor and employee training, which Bill has been attending several workshops/seminars on this subject. The draft that you have before you is specifically directed toward the County Highway Department. It may include CDL holders in some of the other departments; if there are drivers who are required to hold those licenses at Burdette Park or some of the others, they would likewise be covered. We'd suggest, after meeting with Bill this afternoon, that there are some questions and comments that are going to require some policy considerations by this Commission, and that be passed on to the County Attorney for his review. How he or you want this process, but it does need to be in place before January 1st so that the county will be in compliance with this, another federal "unfunded mandate" that has been placed upon county employers. Ray and I are here this evening; we will be happy to respond to any questions that you have with regard to this draft and how it may eventually impact the county policy. I don't think it's going to be necessary to amend your book. There is some reference in the employee handbook to the CDL requirements, but these procedures are ones that are going to need to be set in place for those persons who will be impacted by them.

President Borries: Okay. Thank you, Kent. Any questions at this

point of Mr. Irwin?

Commissioner Mourdock: Yes. Either Kent or Bill, whichever one of you want to handle this, just, this is specific to CDL people? This is **only** CDL people?

Kent Irwin: Yes.

Commissioner Mourdock: Okay, and as far as the testing, I'm just skimming it real quickly having seen it for all of a minute here, but it says:

"We recommend wording as below, but DOT specifies that only people who are recognized hold CDL's and their supervisors, who will be in charge of recognizing drug and alcohol use, must be tested."

Does it go on to say at what rate people will be tested? I presume it does.

Kent Irwin: Yes, 50 percent for controlled substances, 25 percent for alcohol, yearly. There are some questions there with regard to who is going to do your testing that need to be decided in advance of passing this policy, along with some of the penalties for non-compliance or refusal to take a test. For example, how you are going to treat that in terms of your own disciplinary measures. There are those kinds of questions that are built into that, that Bill, I think, has from our notes this afternoon, pretty much what needs yet to be decided. We will furnish you with a copy of those notes so that you can review those and especially Alan, in terms of how to best expedite the passage of the procedure so that you will be covered before the first of the year.

President Borries: Okay.

Commissioner Mourdock: Does it call for automatic post-accident testing?

Kent Irwin: Yes. The law itself is pretty comprehensive.

Commissioner Mourdock: The law requires post-accident testing?

Kent Irwin: Yes.

Commissioner Mourdock: Okay, I didn't know that.

Kent Irwin: A lot of what is there is a restatement of what the law requires. There are certain choices that Vanderburgh County, as an employer, needs to make for itself in terms of how it applies the law to the workforce here.

President Borries: We appreciate your work on this and your work with Bill. It's particularly important since we do have to enact this by and becomes effective January 1st. So, we appreciate your input here and what you've prepared. As you can see, this is the National Drug Awareness Week, so I would concur. I don't think there are any local officials who love these mandates. This one is important enough that I think it is needed. It is critical. The tragedy of it is that we receive these and then there's no funding that comes down and that's always where we seem to be hit the hardest, because it is, I think, a needed situation. I think probably all drivers who hold the CDL licenses, and is that anyone in the private sector, as well as the public, have to abide by this?

Kent Irwin: Till '96, it was for employers with 50 or more CDL holders. Come the first of January, it's one or more, so that's going to capture all of our street and highway departments around the county.

Commissioner Mourdock: Is there a recommendation here or, Bill, will you be making a recommendation to us as to how we would do the 50 percent? In other words, will you call so many a month, or quarterly, or totally at random?

Bill Morphey: It's going to be a total random drawing. Each one of the MEC Centers that I have talked to and, including Mid-West Toxicology, has a specific method on how they go about doing it. It is a total random drawing.

Commissioner Mourdock: As far as the timing on it, will they do it quarterly, then, make a draw?

Commissioner Mourdock: It will be twice annually.

Kent Irwin: That will be up to you and whoever you select as the testing firm, and it is important that the randomization be done by this third outside party and we won't be challenged with retribution by people who get called, perhaps, more than once.

Commissioner Mourdock: So you're not called three times in three months.

Kent Irwin: There you go.

President Borries: Thank you, we appreciate your work.

RE: AL FOLZ - KNIGHT TOWNSHIP ASSESSOR

President Borries: Mr. Al Folz, the Knight Township Assessor is here regarding approving a re-hearing with the State Tax Board. Welcome, Al.

Al Folz: Mr. President, we're asking the Commissioners to send a letter to the State Tax Board, and it'll have to be there by the 28th of this month, asking for a re-hearing on the piece of property that we have before you.

President Borries: Okay. Any questions at this point of Mr. Folz? This is an individual piece of property. I think, at this point, based on the review, we can give you simply the authorization, am I correct on that, Mr. Kissinger?

Alan Kissinger: Yes.

Commissioner Tuley: Do we have to specify what it is that we're questioning?

Al Folz: From the, yes, there will be some numbers from the previous evaluation and also the tax code number, of course, that we have on it and the address and the owner.

President Borries: Should we give the address or is the tax code information enough?

Al Folz: That's what they look it up with as far as the --

President Borries: Tax code information?

Al Folz: Tax code information and the previous evaluation number.

President Borries: Let me just read the brief memo that Mr. Folz has prepared here into the record. It's a re-hearing request for tax code 11-192-9.

"After reviewing the Form 118 from the State Tax Board dated October 13, 1995, we are requesting your assistance in asking the County Commissioners for a letter to the State Tax Board of Commissioners to have a re-hearing on

the grade and design of the tax code listed above.

The grade and design received from the State Tax Board of Commissioners creates numerous inequities in this and other surrounding subdivisions.

Please let us know of any questions or problems with this request."

If there aren't any questions, may I have approval to write that letter?

Commissioner Mourdock: I'll move that we direct the County Attorney to send a letter requesting the re-hearing letter, if you will, to the State Tax Board.

Commissioner Tuley: I'll second.

President Borries: So ordered.

Al Folz: Thank you very much. I do want to emphasize time is of the essence. We had fifteen days from the time they cut the previous evaluation.

President Borries: Okay, we will --

Al Folz: In talking to the State Tax Board, they said I had to have it in their hands by the 28th.

President Borries: Okay. We'll give him a copy of, I need to keep mine at least for the record here, for the Auditor, but we'll have a copy of Pat's and direct Alan to prepare that. We will need to sign that, I guess. Alan, is that correct?

Alan Kissinger: Yes. If the Commissioners have no objection, Dennis Brinkmeyer is assigned to Mr. Folz's office, I will contact Mr. Brinkmeyer, give him this information and I'll have him contact you tomorrow.

Al Folz: That will be fine.

Commissioner Mourdock: But just to correct, you said we'll need to sign it. Al said it needs to be in their hands by the 28th; we will not be convening again between now and then, so I guess we're just going to...

Commissioner Tuley: We can have the attorney sign on behalf of the Commissioners.

Alan Kissinger: Since it's been authorized, yes, I can sign it on behalf of the Commissioners, if that --

President Borries: Yeah, I think that would be the easiest.

Al Folz: Thank you.

Commissioner Tuley: I'm going to be traveling several days, that's the only reason I bring that up.

President Borries: Okay. Thank you.

RE: JOHN STOLL - COUNTY ENGINEER

President Borries: Good evening, John.

John Stoll: All I have this evening is a travel request for me to have traveled to a meeting at INDOT this afternoon. I didn't get any notification of the meeting in advance and it was concerning the Gershman-Brown Shopping Center at Burkhardt and Lloyd. I felt

that I should attend, so I went up there to the meeting.

President Borries: Okay, may I have approval of this travel request?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered. That's all you have?

John Stoll: That's all I have. Better than last week, huh?

Commissioner Tuley: A whole lot better.

President Borries: John, I have one item just very quickly. At Covert and Fuquay, again, this office has received a call regarding some accidents. I'm not aware of additional ones, but I know you've visited this thing before. If we could begin to look at it, also because of, I think, some new construction in that area. There's some condos as well as a church that has been constructed. Perhaps, again, we need to revisit that issue.

John Stoll: Okay, I got a phone call on that last week. I guess there was another accident last Monday or Tuesday evening. One thing that I was going to ask if you might be interested in, if we tried to pursue flashing lights similar to what we've put in at Green River and Millersburg and at Boonville New Harmony and Green River, just the ones that are mounted on a pole off the shoulder of the road. That could be done with in-house workers through Traffic Engineering Department and through my office versus the overhead flashing light that would have to be drawn up and designed and contracted out. That might draw more attention than a stop sign.

President Borries: Anybody have any problems with that?

Commissioner Tuley: No.

John Stoll: That might be an inexpensive way of trying to address it.

President Borries: Let's try that.

John Stoll: Okay.

President Borries: I think you have a consensus of the Board to go ahead and move forward on that.

John Stoll: I would say we would probably need at least one in each direction, if not maybe a second one for the westbound traffic because the visibility of the stop sign there for the westbound traffic is somewhat obstructed as you're approaching from 164. So, we can look into that.

President Borries: Okay. Thank you.

John Stoll: You're welcome.

RE: BILL MORPHEW - COUNTY GARAGE

President Borries: Bill has submitted the County Highway Department and Bridge Crew work record from October 13, 1995 through October 19, 1995 and, as always, shows work done in all parts of the county. Any questions of Bill?

Commissioner Tuley: I don't have any.

President Borries: Bill, I had the opportunity to drive much of Old Henderson Road yesterday and it really looks great. That's

first-class work down there. I can see why Mr. Dietsch, the bus driver, wrote you a thank-you note. That is outstanding. It's really, really well done, so certainly, I think that we should be pleased with that. Now, on another note, this is not your fault, but I have had a gentleman call. I can't think of the common address, but it's...apparently, we have either some potholes or some road damage just off State Road 65 near where the Moto...

Bill Morpew: Yes, on Scott Road.

President Borries: Is it Scott?

Bill Morpew: Yes.

President Borries: Could you look and see if it's on ours or if it's on state right-of-way?

Bill Morpew: I have. It is on state right-of-way.

President Borries: It is?

Bill Morpew: I have also called Mark McGregor at the state highway department and asked him to look into that.

President Borries: Okay, you're right on it. You must have had the same call I did, then.

Commissioner Mourdock: Let me try one then. I have a call from Mr. Robert Norrick at 4619 Upper Mt. Vernon Road.

Bill Morpew: Done today.

Commissioner Mourdock: Okay. I thought that was the answer, but I wasn't sure.

Alan Kissinger: Have you been calling that Psychic Friends Network?

Commissioner Mourdock: I've got one more. Paul Kleinknecht?

Bill Morpew: I've not heard of that one.

Commissioner Mourdock: Okay. He is supposed to be sending me some information. Apparently, somewhere early last spring we were doing some grading down in the bottoms somewhere out on the southwest side and I'm not even sure where, but apparently, in doing some grading, we put in a culvert and then came back, did some grading and plugged the culvert. So, I'll get some information for you. I'm not sure exactly where it's at.

Bill Morpew: Okay, I'm not familiar with that one.

Commissioner Mourdock: Okay.

Bill Morpew: The only thing I have is the Clean Cities Council is having a meeting tomorrow morning at 10:15 a.m. and they are inviting everyone to come. It is an important meeting.

Commissioner Tuley: I'd like to be there, but I'll be in Oblong, Illinois.

Bill Morpew: That's all I have.

President Borries: Okay, good. Thanks for your prompt work.

RE: ALAN KISSINGER - COUNTY ATTORNEY

Alan Kissinger: I only have one matter to report and that is, on November 6th, I'll have nothing to report because I won't be here,

but I will have someone here from the county attorney staff to replace me.

President Borries: Okay, thank you, Alan.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Cindy Mayo: I have nothing to report.

RE: LORETTA TOWNSEND - WEIGHTS & MEASURES

President Borries: Loretta Townsend had a brief report that she had been contacted by the State Director at Worthington, Indiana --

Cindy Mayo: Tomorrow.

President Borries: Is going tomorrow, so I think we'd have to approve her, probably. Is she going to use a county vehicle?

Cindy Mayo: Yes, she is.

President Borries: She will get \$2,000 worth of equipment regarding what, five gallon measures?

Cindy Mayo: Yes.

President Borries: May I have approval of Loretta Townsend to travel to Worthington, Indiana?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Borries: So ordered.

Cindy Mayo: She did apologize, but he called very late this afternoon and said that he would meet them halfway. So she wasn't able to get the request in.

RE: CONSENT ITEMS

President Borries: We have employment changes, we have travel and a Council Call.

RE: CCD FUNDS

President Borries: Alan, I don't know if we will need your direction on this, I think we probably are up for transfers which were due on the 25th, but to get some kind of opinion on the nature of whether the CCD Fund can be used to transfer to certain items.

Alan Kissinger: I started researching this as I was in between things just a few minutes ago. Everyone was correct in what they recalled about this statute, but apparently, it has been amended, Public Law 1995. It says, for the County Cumulative Capital Development Fund, Section II - Indiana Code 36-9-14.5-2:

"The County Legislative body, (that's the Commissioners) may establish a Cumulative Capital Development Fund under Indiana Codes 6-1.1-41 to provide money for (these are the operative words) any purpose for which property taxes may be imposed within the county under the authority of certain statutes..."

I can research these various statutes, but my opinion is that this really opens the door wide open and leaves it almost within the discretion of the Commissioners as to how they wish to spend this money, because that covers almost everything. Then, in Subsection C of 36-9-14.5-8, it says:

"Money held in a CCD Fund may be spent for purposes other than the purposes stated in Section 2 (which are the purposes I just read to you) of this chapter if the purpose is to protect the public health, welfare, or safety in an emergency situation that demands immediate action or to contribute to an authority established under 36-7-23. Money may be spent under the authority of this subsection only after the County Executive issues a declaration that the public health, safety, welfare, etc., is in immediate danger and requires the expenditure, and certifies in the minutes of the County Executives that the money is contributed to the authority."

Other than in an emergency situation, there appears to be approximately 28 different statutes under which we are allowed to levy taxes, property taxes, and for all of those reasons, we may spend the CCD money. Specifically, I can report back to you next week as to whether or not any one of these statutes does not include salaries, etc., and overtime salaries and so forth. But it certainly appears here that the door is basically wide open on CCD Funds. Bill is giving me a troubled look down there.

President Borries: What's the feeling of this Board?

Commissioner Mourdock: My feeling is disappointment, actually.

President Borries: Well, we have to tell the County Council something. So, at this point, are we willing to use these monies? I think Mr. Kissinger says we can. What's happening to us, to express a bit of the frustration, some of the media in attendance can remember the brouhaha we had over this fund to begin with, but now it appears that it has become so popular that we want to use it for everything other than what it was originally intended. What it was intended to do was to be a capital improvements fund or at least be able to sustain certain capital improvements that we had with many of the facilities that we have, that we had never had the opportunity to fund any of these improvements from any other source, other than just through the regular General Fund budget. Now we're at a point where, in fact, it almost becomes a slush fund here. We have not used the entire fund in an effort to try to put a certain portion back so that we would be able to provide for certain capital improvements when these request come, and they always come. Capital improvements could be new vehicles, it could be equipment that's worn out at one or another of the facilities that we have. Now we're in a situation where we're being asked to fund certain items where the General Fund is not capable of doing so. I think it's a bit frustrating on the part of all of us to have to, at this point, acknowledge here that we're going to use these funds for other than what they were originally designed to do.

Commissioner Mourdock: Would you refresh my memory briefly? What, exactly, is the source of CCD money? I should know that, but it's slipped my mind. Is there a separate revenue source?

Commissioner Tuley: Separate tax rate.

Commissioner Mourdock: Separate tax rate off real estate.

Alan Kissinger: We adopted the fund by ordinance and I think it's five cents per one hundred dollars --

President Borries: Five cents, ten cents, ten cents.

Alan Kissinger: Yes, we went from five to ten to ten. That's correct.

Commissioner Mourdock: Okay.

President Borries: Where the confusion in the initial one was, we received some wrong information that, originally, what it did the first year was drop the General Fund by five cents. So we had to move it over, basically, to cover operating expenses. The second year it actually allowed for five cents to go into this fund so we could plan to, and submitted a plan, and that has to go before the Council in order for various capital improvements, whatever they may be, purchase of equipment, or vehicles, or whatever, or repair of buildings. Now we're in a situation where, again, particularly with school transfer tuition, of which after this year, as of July 1, actually, of this year, we are no longer responsible for, but these bills have still come in and we are in the process of verifying that these do come in and have been done before July 1, 1995. So we have these bills that we have to pay and they are in our budget and we have been asked to transfer a portion of the CCD monies to pay for them.

Commissioner Mourdock: There's a plaque on one of the walls of one of our estimators in the office that says,

"Poor planning on your part does not necessarily constitute an emergency on my part."

Alan Kissinger: If the Commissioners wish, I will give you a pointed opinion as to whether or not this money can be used for this purpose, because unless one of these particular statutes that is cited here disallows this use, then I feel safe in assuming that we can use it for that purpose. But if you would like to be absolutely certain, I can report back to you at next week's meeting.

President Borries: Time wise, I'm not sure we're in a situation here with being able to transfer --

Alan Kissinger: Understood.

Commissioner Tuley: I think we can go ahead and send the requests for the transfers, because he'll have an opinion before they actually go to the Council, anyway.

Alan Kissinger: Right, and then I would be happy to advise County Council's attorney.

President Borries: Okay.

Commissioner Mourdock: I would just make a statement that I'll probably live to regret here, but that old word, consistency, comes up again. Being somewhat new to the process, and understanding a little bit better than I did ten months ago how the budgeting and all works, I may swallow hard and vote for this one, but henceforth, my vote will be, on these issues, to use this money as the title designates, capital improvements. I think if you all would join me on that, perhaps that's the message we should send the Council.

Commissioner Tuley: I'll go along with it only because, like you just said, given this late in the year, and given the county's financial situation, I don't see where we have a whole lot of alternatives; however, I'll back you up 100 percent on that for as long as that's in effect and as long as I'm sitting up here, because that's the only reason we took the heat for enacting it to begin with.

President Borries: I will say so ordered to all of that and we'll move this request forward here. I think I've heard what I needed to hear from these gentlemen, and again, I think we do that with more than a little dismay, because that's not been our intent.

RE: CONSENT ITEMS

President Borries: I'm not sure we have acted on the consent items that we...do I have a motion to approve the consent items?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

RE: SCHEDULED MEETINGS

President Borries: We have a list of scheduled meetings published and reported. We have just acted on the CCD Funds, that has been approved for the transfer.

RE: NEW BUSINESS

President Borries: Under new business, any items?

Commissioner Tuley: Pigeon Creek?

President Borries: Yes. I'm not sure, that may have been added. Was that added in the -- ?

Cindy Mayo: We had already distributed the agenda, so Sunny did not put that in under consent. She said that you had said that you would bring this up under new business.

President Borries: Okay, we need to bring that up then. Were you going to?

Commissioner Tuley: I think I'll just bring it to the table and then I'll let you run the discussion because you've had most of the discussion. An individual who has been very much involved in the Pigeon Creek Greenway Project, has kind of been the spearhead behind it, is no longer able to perform in that capacity and we've been requested to replace that individual. The name that's been suggested to Commissioner Borries, and been suggested to me, and I'm not sure if it hasn't been suggested to Rick, is Carol McClintock, who was very active and very involved in that project in the past, and I'm willing to submit her name for consideration.

Commissioner Mourdock: Are you submitting the name, and as you stated in the little statement, I understood you to mean all of Pigeon Creek. Are you referring specifically to one committee within the Pigeon Creek Board?

President Borries: Yeah, it's finance.

Commissioner Tuley: Yeah, I'm sorry, I didn't make that clear. It was a fund-raiser and what have you, that has been her forte in this community, and she is very good at it. That is a project that she is very active in, and has been in the past, and would like to get back into.

Commissioner Mourdock: Was that a formal motion, then, that I just heard?

Commissioner Tuley: Yeah.

Commissioner Mourdock: I will second the nomination of Carol McClintock to serve on the finance committee of the Pigeon Creek Greenway.

President Borries: I have spoken with her and she is willing to serve. So I will say so ordered and that has been done. We have our staff with us for the Drainage Board that we can begin with

immediately.

RE: OLD BUSINESS

Commissioner Mourdock: Excuse me, did we skip over this? Maybe I missed one there. I heard you say new, but I didn't hear you say old.

President Borries: Yes, we did say old business, at least the CCD Funds. I jumped into that, but go ahead and bring one up.

Commissioner Mourdock: Just one question. I see that Alan is out of the room, and maybe it will be difficult for you to answer. I am just curious as to the Fixed Asset Ordinance and where we were with that. Have you heard anything?

President Borries: We are on that. We have it moving. In fact, Mr. Fluty has given us some information and our students are beginning to collect the...

Commissioner Mourdock: Do we have the resolution yet?

President Borries: We don't have the resolution. Do we have the formal resolution? I am not sure that we have that. He, if we can get him back in here, said that was quite a complex thing, but insofar as the resolution that we had indicated in setting up the committee to record all of our fixed assets above a thousand dollars, our student group is doing it and they are recording the information in the Auditor's Office. Bill has reported that we are pretty well finished with this building.

Bill Fluty: Not the Courts or the Sheriff, but it is going fairly well.

President Borries: Okay, good. So things seem to be moving smoothly at this point, and that is great. I think we need to, certainly, express our appreciation to all of the county offices, particularly the adults to work with these students. They really are a human asset in many areas and they are willing to work and they come with some skills. If the adults will work with them, we can see a lot of positive results.

(Mr. Kissinger returned)

President Borries: Mr. Kissinger, just a minute before you leave. Commissioner Mourdock had a question about the Fixed Asset Resolution.

Alan Kissinger: Yes, what is your question?

Commissioner Mourdock: Just, generally, what is the status?

Alan Kissinger: I talked with the County Auditor last week and she indicated to me that, at the present time, they are functioning without an ordinance. They don't really need an ordinance, just need the Commissioners' concurrence on some of the dollar amounts that we are referring to here. Are we going to talk about an asset of \$750 or more, or a \$1,000 or more, etc. Basically, I told her that I thought we were going to follow the same basic guidelines as the city did as far as those things were concerned. But that when she got to the point in her work that she felt like she needed an ordinance in order to continue, that we could certainly do that. But she says that, at the present time, she doesn't really need the ordinance in order to prepare a list of properties that will become a part of the Fixed Asset Capitalization Project.

President Borries: I thought that we might have...if we have not, for the record, we need to. I think that we discussed the figure of \$1,000. Can we do that in a motion? That is certainly the

figure that I understood that we had discussed with these students and also with Mr. Tom Simpson. Again, I want to get it on record, sometimes when you talk with the State Board of Accounts, they always talk with you, but we don't see a lot of things on the record. Clearly, if I am correct, in my discussion, I believe Mrs. Crouch was there and maybe Mr. Fluty was there, we did talk about a thousand dollars and he did agree to a thousand dollars. Is that your understanding?

Bill Fluty: Yes. That is what we have been doing.

Alan Kissinger: Good.

President Borries: May I have a formal motion then to approve a thousand dollars as a limit for assessing fixed assets in Vanderburgh County?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

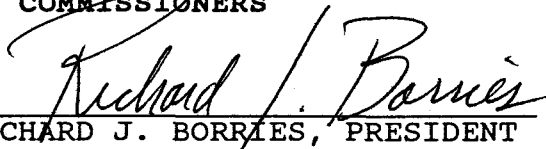
President Borries: So ordered. Thank you, Alan. Any other new business at this time, or old, as the case may be? Alright, if not, then we will start our Drainage Board immediately. We are adjourned.


Meeting adjourned at 6:29 p.m.


THOSE IN ATTENDANCE:

Richard J. Borries
Patrick Tuley
Richard E. Mourdock
Bill Fluty
Alan Kissinger
Cindy Mayo
Teri Lukeman
Bill Morphew
John Stoll
Al Folz
Kent Irwin
Members of the media

**VANDERBURGH COUNTY BOARD
OF COMMISSIONERS**


RICHARD J. BORRIES, PRESIDENT


PATRICK TULEY, VICE PRESIDENT


RICHARD E. MOURDOCK, MEMBER

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS

OCTOBER 30, 1995

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The Vanderburgh County Board of Commissioners met in session at 5:46 p.m. on Monday, October 30, 1995 in the Commissioners' Hearing Room.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Borries: Good evening, everyone. I'd like to call the meeting of the Vanderburgh County Commissioners to order this evening which is October 30, 1995. An Executive Session was held prior to this meeting for the purpose of certain personnel matters and pending litigation. No decisions were reached at that time, nor any votes taken. Let me introduce our staff this evening. Mrs. Cindy Mayo should be here momentarily, she serves as Superintendent of County Buildings and our Office Manager; County Attorney is Alan Kissinger. To my right is County Commissioner Pat Tuley; I'm County Commissioner Rick Borries; to my immediate left is County Commissioner Richard Mourdock. Deputy County Auditor this evening is Mr. Bill Fluty and our official Recording Secretary is Mrs. Teri Lukeman. Would you join us please for the Pledge of Allegiance?

RE: ACTION ITEMS

President Borries: Let me also say that an agenda is available for your information over on the table near the door. We'll proceed through that agenda as it is printed this evening. May I have approval of the minutes from our last meeting which was held on October 23, 1995?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Borries: So ordered. Are there any persons or individuals wishing to speak to the Board this evening, address this Commission, who do not find his or her item on the agenda? Any persons wishing to speak at this time? May I have this Board grant permission to open bids for the item known as VC-9509 which is a document imaging system and this system, we have Lynn Ellis here, if I am correct, this would be used by the Clerk's Office. Is that right, Lynn?

Lynn Ellis: Yes, that's correct.

President Borries: May I have approval to open those bids?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

RE: ORDINANCE TO AMEND CHAPTER 32

President Borries: I don't see Mr. Rounder here.

Alan Kissinger: I don't think it's really necessary that he be here. He has nothing new to add. If the Commissioners will recall, this ordinance has been approved. This amendment to an ordinance has previously been approved, but through oversight, we neglected to properly advertise it so now we're merely going back through the procedure of properly advertising. Keith appeared with a lady from Weights & Measures --

Commissioner Mourdock: Loretta Townsend.

President Borries: Okay.

Commissioner Tuley: So it's already been advertised on the 20th & 24th of October. It says now, it just requires the Commissioners' signatures.

Alan Kissinger: Well, you need to go through the procedure now of actually adopting this ordinance. So it would be appropriate to consider it and vote on it.

President Borries: Okay, may I have a motion?

Commissioner Mourdock: I'll move the adoption of the Ordinance to Amend Chapter 32 of the Code of Ordinances as recommended by Deputy Attorney Keith Rounder.

Commissioner Tuley: I will second.

President Borries: I'd like to call for a roll call vote at this time. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Borries: Commissioner Tuley?

Commissioner Tuley: Yes.

President Borries: And I vote yes. The ordinance is approved. I only see one signature line, so for the record, note that the ordinance was approved by unanimous vote and acting in behalf of this Board, I signed the ordinance.

RE: MIKE ROBLING - GRANT FOR DAYLIGHT SEWER PROJECT

President Borries: I saw Councilman Rick Jones here earlier. I see Mr. Mike Robling in the audience this evening. This has to do with a grant for the Daylight sewer project. Would either of you or both of you, then, at this point, want to present the information here?

Mike Robling: Indiana Department of Commerce has awarded a grant of up to \$150,000 for the Daylight sewer project. The grant will cover 22 percent of the project costs, not to exceed the \$150,000 amount. I have presented to Commissioner Borries a letter accepting the grant on behalf of the county and another form that needs to be signed for signature card purposes.

President Borries: Okay. May I have approval to sign the letter which says that we accept the Industrial Development Grant Fund award in the amount of \$150,000 for this project, and on behalf of the Board, we would like to thank the Indiana Department of Commerce for its' financial assistance on this project.

Commissioner Tuley: So moved.

Commissioner Mourdock: I'll second.

President Borries: So ordered.

Mike Robling: Also, earlier this evening, I placed on your desks a copy of the water and sewer utilities contract that had been signed with the private sewer developer who was previously going to do this project so you can see where their starting point will be from the negotiation point of view. I did point out that there is one section there that you'll probably want to pay particular attention to, because it's somewhat contrary to some of the thoughts, I think, you have about the ownership of the system. I didn't know whether Alan has had a chance to discuss that with you.

Alan Kissinger: I'm sorry, Mike --

Mike Robling: The sewer agreement. Have you had the opportunity to talk to Kevin or...?

Alan Kissinger: I have talked with him but only preliminarily.

I'm going to need to get something together with him.

President Borries: And you're saying he needs to study this document to....?

Mike Robling: The standard agreement that they used calls for the owner, which would be the county, to own and maintain the system for up to a 15 year recoupment period. It was my understanding that you don't want to be in the business of running a sewer utility for 15 years.

President Borries: You're right.

Mike Robling: So, the recoupment thing is really the issue that this is tied to, that will primarily need to be negotiated.

President Borries: Okay. Alan, if we could work on that with Kevin Winterheimer, we need to do that.

Commissioner Mourdock: And do I understand, Mike, that this copy, and I'm sorry, maybe I'm missing the point, but the copy of the sewer agreement that you've given us dated the 28th of July, 1994, you're just suggesting that this is a model that can be used?

Mike Robling: From what I understand, it's pretty much their basic agreement and that is the agreement that they had with the private sewer company that was going to do this project.

Commissioner Mourdock: And what is the current status of that private sewer contract?

Mike Robling: It expired.

Commissioner Mourdock: The contract expired?

Mike Robling: That contract expired for lack of action.

Commissioner Mourdock: For failing to meet its terms.

Mike Robling: As I understand it, that's pretty much their basic sewer agreement and that will be where they'll want to start negotiating, I'm sure.

Commissioner Mourdock: Okay, and I don't mean to beat a dead horse here, but just, not having had a chance to read this, this expired because it wasn't done in the given amount of time --

Mike Robling: Right, they didn't submit their plan and specs and all that and it expired due to that.

Commissioner Mourdock: Okay.

President Borries: Thank you, Mike. Councilman?

County Councilman Rick Jones: I talked to Alan before the meeting started. No, I don't want to get into the 15 year sewer business either. I do recall that, when I used to work for the city utilities, that there are standard agreements that, if we can get the water and the utility board to go along with, that we don't have to...the main thing is, what we want to do is recoup our money out of the initial investment and then the city can have anything that they want as far as tap in fees. In talking to Mike, the way that this model reads is that they have all the tap in fees up front and I kind of want to back load ours as we go along, and I'm hoping that Alan, with the city attorney and Jack Danks, can reach an agreement on that. But, I've had numerous phone calls from people who aren't even a part of this sewer going up Highway 57, from the subdivisions, now that they've caught wind that there is a possibility of this happening, just coming out of the woodwork.

I just told them, we've got to get this thing built first before you can even think about tapping in. So, it looks like there's a lot of interest in it.

Commissioner Mourdock: I've had several calls like that, too, Rick. My concern is that the cost to the county goes above and beyond what the tap in fee reimbursement would be. I know there are several subdivisions out there that are very anxious to do it, but they are quite a ways off the main line, too. I'm not sure you could ever get enough tap in's to fully reimburse what your costs could be.

County Councilman Rick Jones: Some of the subdivisions that are relatively close to 57 shouldn't be a problem, but you're right, in the remote areas, you're talking about a lot more sewer line to go up there to tap into the trunk.

Commissioner Mourdock: Yeah, and the good news is there are larger lots, the bad news is that means there's fewer homes to amortize it.

County Councilman Rick Jones: Thank you.

President Borries: Thank you.

Commissioner Mourdock: Before we leave the subject, I just want to make one thing clear for John Stoll's benefit. The thing we just agreed to do on the grant acceptance with the state, part of the language for that is that we have to indicate approval of the project and final budget must be submitted to the Indiana Department of Commerce by November 15, 1995. That's not out there very far, so you'll need to talk to Councilman Jones and also Mike Robling and just make sure everybody is on the same page.

RE: JAMES GRAY - COMPLAINT REGARDING RAY STRADTNER EXCAVATING

President Borries: I have a couple of other agenda requests here from Lynn Ellis, but on the action items I have James Gray - Ray Stradtner Excavating, 626 Missouri. Is there someone in the audience? Mr. Gray?

James Gray: The problem I've got is the county acquired a house at 626 W. Missouri and had it torn down on the 9th. The whole side of the house they tore down fell on mine and Ray Stradtner refuses to fix it. He said he turned it in to his insurance, and to you, and to everyone else. I called three weeks in a row and finally found out he'd never even turned it in to the insurance, much less the county.

President Borries: I'm...

Cindy Mayo: I spoke with Mr. Gray and Mr. Gray's wife, as did Sunny. She spoke with them a couple of times.

James Gray: My wife's in the hospital now because of pneumonia.

Cindy Mayo: She spoke with Joe Coleman with Code Enforcement, as I believe Mr. Gray did, because they wouldn't give the name of the insurance company and the bonding company who is --

President Borries: Ray Stradtner's?

Cindy Mayo: Yes. The last time that I spoke with Mr. Gray, he said that he was on a call with the bonding company at the time that I was speaking with him on the phone. And then Sunny spoke with him since, and he is saying that he is getting no satisfaction. After speaking with Joe Coleman, he did say that the contractor, that is what they are bonded for. He said the only thing that he could recommend was, maybe if Mr. Gray would come to

this meeting. We, being Sunny and myself, we did not know, there's no way that we can force this contractor to turn this in to his bonding company. So we are just really at a loss, we did not know what to do.

President Borries: That's fine, you've done the right thing. The Commissioners speak through their minutes and on the minutes we're going to order some kind of...how did Mr. Stradtner get this? Is this for a piece of property that --?

Cindy Mayo: It is a piece of surplus property that the county owns. They take bids, "they" being Code Enforcement, and it goes to the lowest bidder. They are required to be bonded for such an occasion.

Commissioner Mourdock: And that paperwork was in order, I presume?

Cindy Mayo: Yes.

Commissioner Mourdock: And was the bid just for one specific house or was it for --?

Cindy Mayo: Yes, it was for 626 E. Missouri.

Commissioner Tuley: West Missouri, it says West.

James Gray: It's East. It has West on there, but it's East Missouri.

President Borries: What was the date of this, sir?

James Gray: October 9. You all don't have a video machine, do you? I've got a tape that a neighbor took of the house. How they tore it down, they were scraping the siding off to sell it to the next door neighbors, which their house needs to be torn down, too, but they've decided to board it up and use it for storage for the rest of their houses. As they were scraping the house for the siding to give to this guy, it totally just collapsed the whole house and it fell on top of mine, which I just had bought and had just had vinyl siding put on the week before. It smashed the windows, air conditioner, knocked the frame off, the whole frame of the house.

President Borries: Have you had estimates?

James Gray: No, I've called several people about estimates. The problem is it's not turned into my insurance, and it's dealing with an out of town insurance. Ray Stradtner is telling his insurance a four by four wall scratched my house and one man moved it, which it shows their crane lifting it up and three guys climbing under it to support it.

President Borries: Your video tape shows that?

James Gray: Yes.

President Borries: I think I'd hang on to that video tape.

James Gray: Then they sent a Monroe agent out, took a couple of pictures, and this afternoon before I came down here, another agent from Monroe Insurance said they were just contracted by Ray Stradtner's insurance to give me an estimate, but they've never sent anyone out before. So now I'm getting lied to by both insurance companies; the bonding company said they're not going to pay, that they're going to fight the liability company. The liability said they're going to fight the bonding if I can prove that the house fell on my house. All I know is, the property is in the County Commissioner's name.

President Borries: We need to authorize a letter to Code Enforcement. Do we know who the bond company is for this...Ray Stradtner?

Cindy Mayo: I do not.

President Borries: We need to get that name immediately and to have them contact you immediately on this. I would suggest to Mr. Gray that you keep your video tape. I'm sorry that this happened, but...obviously, your house, you can verify it was intact before Mr. Stradtner came out, right?

James Gray: Yes.

President Borries: And it is not now, and you can verify that there was no storm or any unusual occurrence between the time that your house was intact and in its current condition?

James Gray: Correct.

President Borries: So I think that you should probably have a pretty good case.

Cindy Mayo: One thing, I spoke with John Stoll and he recommended that I check and see if the contractor had been paid. That is paid through the city and not the county, but if they have not yet been paid, that might give us a little bit of leverage.

President Borries: May I have approval for Mrs. Mayo to contact Code Enforcement to follow through on these procedures and certainly, also, to stop payment to Mr. Stradtner until this matter is settled?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered. We will continue to work on it, sir. I'm sorry that this happened. Again, you may need to, at some point, may need to provide either Mrs. Mayo or Mr. Kissinger, that video tape, but again, that's why I was asking some very simple questions for the record.

James Gray: Everyone in my neighborhood has a video of it. They had a block party the day the house was torn down. They all took pictures. Now that they have torn that down, there is an empty lot and the people that live behind it own a stump removal company. They are parking all their trucks on it, which they had been before. Now they're grinding their stumps with their machines all during different times, which I called today and held my phone up in the living room, just straight up in the air, and someone listened to it from your office and they could hear it quite clearly.

President Borries: We'll need to notify --

James Gray: They've been notified five times, three times.

Alan Kissinger: -- they're on county property.

James Gray: There's a sign up there that the county came out and put up, said that they would be fined, they would be prosecuted. They've been talked to, I was told, several times, very nicely by the county not to park there.

Cindy Mayo: I've driven by there a couple of times during the day. Obviously, --

James Gray: They take a lot of their equipment and move it. At night they bring it back, cars are pulling up in the middle, over

the curb, spinning around in the dirt --

Alan Kissinger: Perhaps what we could do, if that's currently county property, perhaps we could have Mrs. Mayo contact the Sheriff's Department and alert them to what the situation is. When this gentleman contacts the Sheriff's Department and says this problem that the County Commissioners have addressed to you is occurring now, then the Sheriff could respond.

James Gray: It was this afternoon when they were grinding up the stumps and I called the Commissioners' Office. They heard it then and there and they said, well, we'll send a Sheriff out right away. No one ever came by. She said they've been warned more than several times. I don't mind except when I wake up and I hear somebody else's tree stump being ground in my bedroom.

Alan Kissinger: Well, they are, in fact, trespassing.

President Borries: We'll forward that to the Sheriff for enforcement. They are, as Mr. Kissinger said, trespassing. It currently is county property.

James Gray: I appreciate it.

President Borries: Thank you. I'm sorry for all of the inconveniences.

RE: JOHN STOLL - COUNTY ENGINEER

John Stoll: I've got a request for the county to accept the storm sewers outside of the dedicated right-of-way in McCutchan Estates, Section II. All of the storm sewers were built according to the plans and everything was in properly. I'd recommend that the county accept the storm sewers upon receipt of the \$2.00 a linear foot fee for the pipe.

President Borries: May I have a motion?

Commissioner Tuley: So moved.

Commissioner Mourdock: I'll second.

President Borries: So ordered.

John Stoll: That's all I have.

President Borries: John, it must have something to do with your Minnesota team playing or some other team that happens to be a favorite with a few of us here. So that's all you have this evening?

John Stoll: That's it.

President Borries: Thank you, John.

Commissioner Mourdock: Did you, if you didn't catch what I was saying before about the thing with Rick Jones, it's, again, just a budget item, but I'm sure you'll need to --

John Stoll: I just asked Mike Robling about that. I told him anything that I needed to do in conjunction with that project, let me know and he said that would be fine. So, we'll take care of it.

President Borries: Thank you, John.

RE: BILL MORPHEW - COUNTY HIGHWAY

President Borries: The department has submitted a progress report from Friday, October 20, 1995 through Thursday, October 26...ooh,

we moved ahead in terms of the century. I'm going to correct that, we've got the wrong century here, but now we're back where we need to be. Also, the bridge crew has submitted a report and, again, shows work done in all parts of the county. Bill, where are you and what are your activities for this week in terms of paving and equipment, at this point?

Bill Morphew: We've been working on Kimber Lane trying to get it ready for paving. Provided it doesn't rain too much tonight or tomorrow, we're going to pave that, put the base on it tomorrow and the surface on Wednesday. We're also currently working on the parking lot at the garage trying to get part of the parking lot itself covered through the remediation. Actually, I'd like to do that by the end of this week and finish it up by Tuesday of next week. We're going to try to pave Roesner Road yet this year. That will be the last two roads, Kimber and Roesner will be the last two that we do this year. I think the weather is going to catch us. I look at putting on a couple of plows and spreaders here in the next two weeks, getting ready for the cold season.

President Borries: Any questions of Bill?

Bill Morphew: I do need to ask for a leave of absence for an employee at the garage, a medical leave of absence. This has been requested through the person's doctor.

President Borries: Okay. May I have approval?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Bill Morphew: I'd like to ask the Commissioners or let them know that there is a spot there for a mechanic and also a laborer's position.

Commissioner Mourdock: I'm sorry, what do you mean by that?

Bill Morphew: A mechanic's position and a laborer's position.

Commissioner Mourdock: Those are two new positions? Is that what you're saying?

Bill Morphew: Yes. They're open now. The laborer's position became open this past week. That's all I have.

President Borries: Any questions of Bill? I have one for Bill while John's here at the same time and that would be, I've had a person call me who lives in the 5200 block of Nolan where there's gravel. I guess the question is, is that particular area accepted, does the county maintain it? This person had some questions about it. Can we do some checking on that?

Bill Morphew: Yes, sir. I have done this several times this past year. The records, from the indication we get, the rock section of Nolan is not accepted for county maintenance.

President Borries: Is not accepted, the rock section?

Bill Morphew: No, sir.

President Borries: Is there a reason...so if that was going to be that way, then the residents would have to petition to go through that type thing. Is that correct?

Bill Morphew: Yes.

President Borries: Okay, that's what I wanted to know. So we don't receive any kind of reimbursement through MBH or any --

Bill Morphey: No, sir. From the road file that we have, I didn't know this question was going to come up tonight --

President Borries: I didn't either until I looked at my notes.

Bill Morphey: I'm thinking roughly 600 feet on Nolan is what is accepted, which goes from Speaker Road to the top of the hill and it is paved. I think it's an 18 foot width to the top of that hill, and then from there back, it's gravel. I did go out in early spring and measure it, but I don't recall exactly what the footage was.

President Borries: Okay, well that's some of the confusion. Also, while you're up here and while Joe Profazer is here as well, if this Board feels that we need to do so, could you spend some time with Bill Morphey and look at some of his office functions? I would be interested in seeing what kinds of data we could begin to get on disk and on the computer that is currently being done at the county garage and I think you're the person that could be very helpful in that, if you could. Could you contact Bill about that?

Joe Profazer: Sure.

Commissioner Mourdock: Bill, before you go, just in a nutshell here, I looked in my consent items because I thought there might be something and I didn't see it, you mentioned the laborer and mechanic positions. Is that just two folks who, for whatever reason, terminated this week?

Bill Morphey: No, the position...I don't even remember how the position became open. It goes through a bumping and a bidding procedure. It goes three days in the particular department, then it goes five days county wide. If one person from another department bids on it, then it goes back and that department has to go the three days again --

Commissioner Mourdock: So both of these are vacancies that have been there for a while and you're just now making us aware of it?

Bill Morphey: I believe there was a transfer from the garage to the auditorium and another fellow retired is what those were. The bumping procedure went back and forth until it came down that these are the two positions that became open, and now we can fill them.

President Borries: Thank you, Bill.

Bill Morphey: Yes, sir.

RE: LYNN ELLIS - PURCHASING

Lynn Ellis: I have several items for approval for existing contracts. The first is for the body armor and the request is to extend the pricing and the contract through the end of '96. The bidder has agreed to do that, Kiesler Police supply, and the Sheriff's Department is in favor of that recommendation.

President Borries: Okay, may I have a motion?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Lynn Ellis: On the other agenda item, I combined all of these other miscellaneous bids together. They are also annual price

agreements. The first is for car washing services. Three of the bidders out of the six that we have a contract with currently have indicated a wish to continue that pricing structure and that's Oak Hill Car Wash, First Avenue Car Wash and Detailing Center and the third is Mike's Detailing Service. They've indicated through the letters attached to your agenda request that they would continue their price and their contract through the end of '96. The next is APA005-95 for surfacing materials with J. H. Rudolph & Co. and Koester Contracting. That would also continue through the end of December 31. The next is bid APA013-95 for tires and tubes. Southern Indiana and Reis Tire have indicated that they would like to continue through '96. Master Tire indicated that they would be unwilling to do that so the few tires that they were awarded would need to be re-bid and I'll bring that back to you next week or the week after. If I'm not mistaken, they were only awarded something like seven lines out of the total. That would also be continued through the end of '96. The next is APA016-95 for liquid asphalt. That is with J. H. Rudolph through the end of '96. The next is APA017-95 for guardrails in sections and miscellaneous pipe. That contract is with M & W Concrete Pipe and Supply and PVC Plastics Company also through the end of '96. The last is APA018-95 for timber materials and that contract is with American Timber Bridge & Culvert. That would also be through the end of '96.

President Borries: Okay. Any questions of Lynn?

Commissioner Mourdock: Just one. Lynn, I guess this isn't a question as much as it is a statement. When you approve the extensions for the bids with multiple vendors under one bid number... well, never mind, I'll just withdraw it. What my point was, obviously, with the Koester one, I'm going to abstain. Basically, because they're done under the same number, I'm having to abstain from both the Rudolph one and the Koester one. While I guess I shouldn't feel bad about abstaining when it would otherwise be voting to spend money with a competitor, I just feel like, in the future, maybe when we get these presented to us, if they're separated, it might make it a little bit easier. Do you understand my point? I didn't state it very clearly.

Lynn Ellis: Yes, I do.

President Borries: How do you do that? Let me follow up a bit. Are you saying that the price is the same for both providers, both vendors?

Lynn Ellis: No, sir. Some of the bids, especially the surfacing materials, it would depend on the location of the successful contractor and the job that was being performed. So whoever was the closest would deliver the material and also whoever was available.

Commissioner Mourdock: But the prices are not necessarily the same?

Lynn Ellis: They are not the same.

Commissioner Mourdock: Just the total delivered cost may be cheaper based on the location.

Lynn Ellis: Right.

President Borries: See that's what I'm trying to figure out with the concrete pipe and the plastics materials, the same thing. We're looking at one contract number but we've got two very different suppliers here.

Lynn Ellis: Yes, one had the guardrails and end sections and the other had...where is it...?

President Borries: Pipe.

Lynn Ellis: Right, pipe.

Commissioner Mourdock: Isn't it PVC?

President Borries: Well, that is a thought. I'm not trying to make any extra work for you either, but when you have two vendors here that are different corporations, it might be helpful to separate those out. I'm not trying to make extra work for you, but I see where Commissioner Mourdock --

Lynn Ellis: That's not a problem. That's a good idea. I'll do that in the future.

President Borries: Do you want to do these one at a time, then, unless there's questions of Lynn?

Commissioner Mourdock: I'd prefer that we do them one at a time.

President Borries: Alright. I'm going to do them by bid number at this time, then. First, APA001-95.

Commissioner Mourdock: I'll move approval of the bid.

Commissioner Tuley: Second.

President Borries: So ordered. APA005-95.

Commissioner Tuley: So moved.

President Borries: I will second and so order. APA013-95.

Commissioner Mourdock: I'll move acceptance of the extension of the bid.

Commissioner Tuley: Second.

President Borries: So ordered. APA016-95.

Commissioner Mourdock: I'll move acceptance of the extension of the bid.

Commissioner Tuley: Second.

President Borries: So ordered. APA017-95.

Commissioner Mourdock: I'll move acceptance of the extension of the bid.

Commissioner Tuley: Second.

President Borries: So ordered. APA018-95.

Commissioner Mourdock: I'll move acceptance of the extension of the bid.

Commissioner Tuley: Second.

President Borries: So ordered.

Lynn Ellis: Thank you.

President Borries: Thank you, Lynn.

Lynn Ellis: And I'll do that next time, separate them.

Commissioner Mourdock: I see you brought your chief deputy with you.

Lynn Ellis: Yes.

President Borries: She looks like her mother. She's a very pretty young woman.

RE: ALAN KISSINGER - COUNTY ATTORNEY

President Borries: Let me ask Alan Kissinger for his report if he is ready.

Alan Kissinger: Alright. The first part of my report will be a bid recap on the document imaging system VC-9509. The first bidder is CMC Data Management, Inc., the amount of the bid was \$63,065.09; Automated Office Solutions, Inc., the amount of the bid is \$57,190.00; VanAusdall & Farrar, Inc., two bids, \$73,792.89 is the first bid, the alternate bid is in the amount of \$83,495.82. The final bid was Alternative Systems, Inc., this bid does not appear to be in compliance, specifically, in that it does not contain a bid bond and some of the other (inaudible). Do you want that taken under advisement?

Commissioner Tuley: What's the recommendation?

President Borries: May I have this referred to Mr. Joe Profazer for his review and report at a future meeting?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Alan Kissinger: The next matter that I have to report is the Board of Commissioners asked me to research the legality of expending CCD or Cumulative Capital Development Funds for auditorium overtime wages and benefits. I have researched the approximately 28 to 30 different statutes regarding cumulative funds, their purposes and what the funds can be expended for. None of those funds allow the spending of cumulative fund money for overtime wages, benefits or any type of wages or benefits, for that matter, for employees. So, the answer to the Commissioners' question is, CCD Funds cannot be spent to pay wages, overtime wages or employee benefits. That's all I have to report.

Commissioner Mourdock: Given our action of last week in sending that back to the Council, do we need to notify them that we need to put the toothpaste back in the tube?

Alan Kissinger: Yes, with the Commissioners' permission, I'll contact Mr. Joe Harrison Jr., who is legal counsel for the Vanderburgh County Council, and tell him that request should just be considered withdrawn in consideration of the fact that it's our opinion that the money cannot be used legally for that purpose.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Alan Kissinger: That's all I have to report.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Cindy Mayo: I only have one item. I really don't know if it can be done at this meeting. At the last Drainage Board meeting the signature sheet had all three Commissioners listed and Rick Borries was not present at that meeting and should not have signed the signature page. I have an amended signature sheet --

President Borries: I was probably glad --

Commissioner Mourdock: Up until then you were glad you weren't there.

Cindy Mayo: This is for the October 2 special Drainage meeting.

Commissioner Tuley: I think we'd better re-sign it.

Commissioner Mourdock: Yes, can we sign this at this meeting or do we need to sign that and approve minutes at an actual Drainage Board meeting?

Cindy Mayo: The minutes were approved at the Drainage Board meeting.

President Borries: I think we're just going to have to hold on to it.

Alan Kissinger: One way to handle this is just to make a notation down here, this signature page is amended to reflect the names of members actually present at that meeting.

President Borries: I apologize for that.

Commissioner Tuley: How were you so fortunate to be gone?

President Borries: I don't know, but I was.

RE: CONSENT ITEMS

President Borries: We have employment changes. The lists are attached and available for persons. We have two travel requests from the Health Department and also one from our own budget? Oh, I'm sorry, it's coming from their own budget. I see. Let me read the Land Valuation Commission, this group needs to be formed and there was a profile of people who needed to be appointed by this Board. Let the record show we did confer with the County Assessor. She offered certain positions and this Board, at this time, would offer other positions to fill these out. So, at this time, the Board would look like this:

Cheryl Musgrave, County Assessor

Glenn Koob, Township Assessor - appointed by the Commissioners

Randy Kron, Township Assessor - appointed by all township assessors, basically, he was elected

Clem Behme - who is appointed by the Commissioners and he holds a real estate salesperson or brokers license

John Bittner - county resident appointed by the Commissioners to represent agricultural land

Al Mann - county resident appointed by the Commissioners to represent commercial land

Jerry Fruth - county resident appointed by the Commissioners to represent industrial land

Jim Lindenschmidt - county resident appointed by the Commissioners to represent residential land

Pam Macer - an individual appointed by the Commissioners to represent financial institutions in the county

Commissioner Mourdock: I'll move...do we need a motion?

President Borries: Yeah, basically, what we would be moving here is to accept the consent items. With your approval, we've read those, so if we can have an acceptance here of the consent items, I think we're ready.

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

Commissioner Tuley: I'll second.

President Borries: So ordered.

RE: SCHEDULED MEETINGS

President Borries: Scheduled meetings are available, there is a list attached to the agenda.

RE: OLD BUSINESS

President Borries: Is there old business this evening?

Commissioner Mourdock: I have two very brief items. One, just continuing, I received a letter this week from the Warrick County Commission representative, their administrator, Roger Emmons. The letter, quite simply, said:

"On October 23, 1995 at their regular scheduled meeting, the Warrick County Commissioners expressed their interest in continued involvement with the multi-county agency which the Vanderburgh County Commissioners have initiated."

So, I just wanted to go on record as supporting that.

President Borries: Good.

Commissioner Mourdock: The second item of business I had was the state statute on the Welfare-to-Work Council which the County Executive appointed. Their work under statute, I believe, was scheduled to be completed by November 1. The committee is in its final phases locally, but they were unable to put together their full report last week, so they are going to meet again this coming Wednesday to finalize that. I suggested to the chairman of that committee, Gary Heck, that he come to a meeting shortly thereafter and present it to us. So, that should be forthcoming.

President Borries: I appreciate your work on that and also the work of that committee. I would daresay that, as hard as they have worked and you have reported, and I've talked with Gary Heck on several occasions, that we're, even though late by the suggested time lines, I would daresay that we are probably farther ahead than most counties in the state.

Commissioner Mourdock: I cannot imagine any county in the state having any group work harder than that group has. I've been, and we all attend these meetings and these words come pretty easy, but I have truly been overwhelmed with their dedication to it. They have really worked hard. So, it will be interesting to see what their suggestions are that come back.

Commissioner Tuley: (Inaudible)

Commissioner Mourdock: That's rare in itself.

President Borries: Yes, it is.

Commissioner Mourdock: I think they've only had two members drop out, which out of a 21 member task force, has been pretty remarkable.

RE: NEW BUSINESS

President Borries: The only new business I have was a letter of resignation; it's being circulated around to both of you probably in our routing system, from Mr. Jeff Hatfield. Due to other business concerns and other interests that he may have, he is going to resign from the Board of Zoning Appeals, BZA, effective January 1, 1996. I've written a brief letter acknowledging his service and appreciation of his service and I would want to enter that into the record. I will get the letter, I think it's back here somewhere. That's the only item of new business I have. We'll have to consider an appointment there. Any other business?

Commissioner Mourdock: I can just think of one other thing. This past week, I attended the meeting of the Transportation Committee of the Chamber of Commerce, and in putting their three priority items together for the year, one of their priorities was the Burkhardt/ Lloyd area in general. They asked that I pass on to the Commission what seemed to be a consensus among their group that one thing we should look at very seriously is the plan that EUTS has presented to dedicate CMAQ money to the extension of Cross Road Boulevard as presented here a couple of weeks ago. There seems to be a lot of support for the idea of getting that, either as a dedicated right-of-way, actually building the road which we all know will be difficult to do. But at any rate, they did want me to report back that they thought that was a very viable alternative and might take a lot of traffic off of Burkhardt eventually.

President Borries: I'm in agreement if we can get the funding. I think that's very good. I would report very briefly that we continue to negotiate with some developers who wish to build along that Burkhardt Road corridor. I think it has been the consensus of this Board that what the TIF monies are intended to do, is to build a public road along public right-of-way, what we acquired, and that is the extent of what we intend to do. It's a very narrow focus here, but it seems as if there, at times, gets to be other roads and other things that are involved in this. I, at times, sound like a broken record to say that we are building, improving a public road along a public right-of-way and that public road is Burkhardt Road. So, that's where we are at this time. If there's no further business...I could say, go Bears, tonight. Their Monday night hex, I hope, is not continued. Oh, you missed this, John.

Commissioner Tuley: Go Bears!

President Borries: We are adjourning the meeting.

Meeting adjourned at 6:37 p.m.

THOSE IN ATTENDANCE

Richard J. Borries
Patrick Tuley
Richard E. Mourdock
Alan Kissinger
Bill Fluty
Cindy Mayo
Teri Lukeman
Mike Robling
Rick Jones
James Gray
John Stoll
Bill Morphew
Lynn Ellis
Joe Profaizer

**VANDERBURGH COUNTY BOARD
OF COMMISSIONERS**


Richard J. Borries, President

Patrick Tuley, Vice President


Richard E. Mourdock, Member

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS

NOVEMBER 6, 1995

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The Vanderburgh County Board of Commissioners met in session at 5:35 p.m. on Monday, November 6, 1995 in the Commissioners' Hearing Room.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Borries: Good evening, everyone. I'd like to call the meeting of the Vanderburgh County Commission to order on this election eve, November 6, 1995. I want to welcome you here. Let me introduce our staff this evening. To my far right: Mrs. Cindy Mayo, who serves as Superintendent of County Buildings and our office manager. Our County Attorney this evening is Mr. Dennis Brinkmeyer. Commissioner Pat Tuley could not be here this evening. I'm Commissioner Rick Borries. To my immediate left is Commissioner Richard Mourdock. Our County Auditor is Suzanne Crouch and our official Recording Secretary is Teri Lukeman. Would you join us please for the Pledge of Allegiance?

RE: ACTION ITEMS

We have approval of minutes from our last meeting that we'll do first. Our last meeting was held on October 30, 1995.

Commissioner Mourdock: I'll move acceptance of the minutes as filed by the Auditor for the October 30, 1995 meeting.

President Borries: Thank you. I will second and so order. At this time, may I authorize our County Attorney, Dennis Brinkmeyer, to open certain bid items so that he can begin to review those?

Commissioner Mourdock: So moved.

President Borries: I will second. So ordered. Are there any persons here or individuals who do not find their item on the agenda this evening who would like to speak at this time? Any persons here who wish to speak?

RE: ORDINANCE TO AMEND CHAPTER 72

President Borries: Our County Engineer, is he nearby? Where is John Stoll? Actually, this is fairly routine. Unless Commissioner Mourdock has any questions...what it is, on this action item we must approve an amendment to Chapter 72 Schedule II of the Code of Ordinances of Vanderburgh County, which basically adds roads to our acceptance list in Vanderburgh County. We submit these to the State of Indiana. We are reimbursed through certain funds for having accepted these roads and they have been reviewed and they would not be on this list if the County Engineer's Office had not recommended it. So, at this time, if I could have a motion to approve this ordinance.

Commissioner Mourdock: Yeah, this ordinance is specific to a number of stop sign locations and I have reviewed it, so I'll move acceptance of the Ordinance to Amend Chapter 72 as filed by the County Engineer.

President Borries: I will second and call for a roll call vote at this time. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Borries: And I vote yes. The ordinance is approved.

RE: JAMES McCAMPBELL - PURCHASE OF DIGITAL PRINTING SYSTEM

President Borries: Jim McCampbell, I don't believe is here this evening. We have authorized our attorney to open...there are a couple of items, I think, that are on a list this evening, one of which is the purchase of a digital printing system. Mr. Campbell has --

Cindy Mayo: There is a letter where they want to use CCD funds.

President Borries: Right, he wanted to use CCD funds for this. He said they had originally asked for this appropriation from the County Council. Due to available funds, they have requested that I present this to you. Commissioner Mourdock, what's your feeling?

Commissioner Mourdock: As our discussion took place a couple of weeks ago about using CCD money for capital items, I guess in the broadest sense, this certainly is a capital item that they're looking to approve, so I would move acceptance of the recommendation made by Mr. McCampbell for the purchase of the digital printing system.

President Borries: I will second and so order. As you have mentioned, we do intend to work with the County Council on many items; however, we will be writing them a letter expressing our concerns about the use of that cumulative capital fund account.

RE: BILL BIVINS - WEST HAVEN SUBDIVISION II SECTION E

President Borries: Mr. Bill Bivins is here regarding West Haven Subdivision II Section E.

Bill Bivins: I'm Bill Bivins. I'm representing Rich Kluemper who is the owner of this subdivision. He just recently purchased it. The subdivision was approved in 1979. No lots were ever constructed out there; the streets were not put in. I have recently given John Stoll a set of street plans and my reason to be here is to request a waiver on sidewalks for this subdivision. None of the other streets in the subdivision have sidewalks.

President Borries: Are you going to put this many homes in here?

Bill Bivins: Most likely there will only be 20 homes in the area. Lots 1 and 2 are, right now, too low to build on, they're in the floodplain.

President Borries: Okay.

Bill Bivins: He wants to increase the lot sizes of the subdivision as he goes along.

Commissioner Mourdock: So are you saying, Bill, those on the...would it be the west side of the street, those lots are going to be redesignated to come out with 20 lots?

Bill Bivins: No, what he going to do, he's probably going to sell lots of 100 foot wide, so the lots would just be increased in size.

Commissioner Mourdock: Okay.

President Borries: Let me ask you this, Bill, about how far out is this? I should know this, but I want to get this on the record.

Bill Bivins: Okay --

President Borries: How many miles outside the city limits of Evansville would you estimate?

Bill Bivins: Probably three. It's where West Haven Drive comes off of Red Bank Road and it goes to the west, where it actually extends straight up the hill there. It's about a 60 foot rise to the top of the property.

President Borries: Okay. John Stoll, do you have any recommendation on this?

John Stoll: There aren't any other sidewalks out there that I can think of. They wouldn't tie into anything else but these are smaller lots. If this were a brand new subdivision today, we would

probably look for a sidewalk to be built in. It's just, you won't be able to make it tie in to anything because none of the rest of this subdivision --

President Borries: Let's put it this way, do you think a school bus is going to go all the way around on a cul-de-sac and turn around? Probably not, is it?

John Stoll: Probably not.

President Borries: Okay.

Commissioner Mourdock: Is this one-way traffic, in and out?

President Borries: Yeah. Motion to approve his request?

Commissioner Mourdock: I'll move that we waive the sidewalk requirement for West Haven Hills Subdivision II.

President Borries: I will second. So ordered.

Bill Bivins: Thank you.

President Borries: Thank you.

RE: LYNN ELLIS - PURCHASING

President Borries: Lynn Ellis, Purchasing. I think we're moving into our department head reports.

Lynn Ellis: Good evening. The first item is a request to approve advertisement for bid VC-9510 and that is for the purchase of one backhoe/loader for QMB --

President Borries: Cumulative Bridge?

Lynn Ellis: Yes.

President Borries: And we're basically approving the advertisement and bid opening?

Lynn Ellis: Yes.

President Borries: Okay. May I have a motion?

Commissioner Mourdock: Before I do, just one question. In the bid advertisement, are we specifying a delivery date?

Lynn Ellis: Yes, not to exceed 30 days.

Commissioner Mourdock: Okay. With that firmly in mind, I will move the approval for the advertisement for the new rubber-tired backhoe.

President Borries: I will second. So ordered.

Lynn Ellis: Thank you. The next item is to approve the award of bid VC-9509. This is the document imaging system for the County Clerk's Office. The recommendation of the County Clerk, Data Processing and Purchasing is to award the bid to Automated Office Solutions at a total cost of \$60,950.

President Borries: Okay. That's your recommendation?

Lynn Ellis: Yes, sir.

President Borries: This comes from funds through the County Clerk's Office. Am I correct on that?

Lynn Ellis: Yes, sir.

President Borries: Okay.

Lynn Ellis: The bid tabulation that was submitted Friday incorrectly indicates that the low bid and the second low bid did not meet specs and the third bid did. But all three of the bidders failed to meet 100 percent of the bid specifications, so not any of them complied 100 percent. As you can note from your bid tabulation, there's a significant difference in cost between the first, second and third bid.

President Borries: But the bid bond, all of the critical things, the components were in place. Is that correct? Is it just other items here that apparently did not...

Lynn Ellis: Yes, sir. That would probably be contested by the high bidder, but after review by most of Data Services and the County Clerk's Office and myself, it is our determination that the specifications that they did not comply with have been either rectified through amendments within their bid, or will be dealt with at no additional cost to the county, or are immaterial and do not justify the difference in cost. David Cosby is here from the Clerk's Office and Joe Profaizer is here from Data Services if you'd like to hear from either one of them.

Commissioner Mourdock: I just have a couple of questions and whomever is most appropriate, please feel free to answer them. You said part of the bid discrepancies were immaterial. Immaterial, I understand, but then you also said that parts of the bid were rectified or otherwise, you didn't use this word but it sounded like, amended? Did everyone get a shot, all three bidders had a chance to rectify or amend? Is that what you're saying?

Lynn Ellis: Well, when we were analyzing the bids, the low bidder and the high bidder were basically being considered. The middle bidder, CMC, didn't meet warranty and it was so material and the cost that was provided was significant and it was deemed that they would be thrown out. If we had to consider them as the low bid, then it would be the recommendation to throw them out immediately because of warranty issues, so we were looking at the low bid and the high bid. Both bidders would have to make an amendment to their bid. Both indicated that they would do that at no additional cost to the county.

Commissioner Mourdock: We're they both amending the same item?

Lynn Ellis: No, sir.

President Borries: But these amendments did not affect the price of what the submitted bid was?

Lynn Ellis: No, sir.

Commissioner Mourdock: And, Mr. Cosby, you're convinced and Joe, you're convinced that this equipment is going to do what you need it to do?

Joe Profaizer: Right.

President Borries: Okay, I'll entertain a motion to approve the...

Commissioner Mourdock: I'll move the award of VC-9509 to the low bidder, which is Automated Office Solutions pursuant to the recommendation of the County Clerk, the Data Services Department and the Purchasing Department.

President Borries: And at a price of \$60,950?

Lynn Ellis: Yes.

President Borries: I will second and so order.

Lynn Ellis: Thank you.

President Borries: Thank you.

RE: JOHN STOLL - COUNTY ENGINEER

President Borries: John Stoll, County Engineer

John Stoll: The first item I have is a travel request for Tim Spurling and Valerie Harry to attend a products seminar in Washington, Indiana for Washington Concrete Products. They make box beams and we didn't know they sold box beams or any kind of bridge beams for that matter. All of our beams have typically come out of Henderson, so this might be another place where we can get some prices that may be able to drive the cost of our bridges down somewhat. I'd like to send them up there on Thursday to see what they have to say.

President Borries: Okay. May I have approval?

Commissioner Mourdock: So moved.

President Borries: Second and so ordered.

John Stoll: The next item I have is a request for street acceptance for Key West Drive and Largo Court in Key West Subdivision. Everything was built according to the approved plans and I recommend that the streets be accepted.

President Borries: Motion for approval?

Commissioner Mourdock: I move acceptance of the street and road improvements in Key West Estates as recommended by the County Engineer.

President Borries: I will second and so order.

John Stoll: Next, the administrative settlement that we had offered to clear the Mulzer's property out on the Ohio Street Bridge, the previous amount was \$25,000 and a change has been made in the interest rate that was used to figure the amount to settle that. That has driven the cost up to \$37,000, which is a substantial increase but is still quite a bit less than the \$160,000 that the property was originally appraised at. I've talked it over with Alan Kissinger and he said it's no problem to go ahead and pay the \$37,000 versus the \$25,000, just as long as the Commissioners approve that.

Commissioner Mourdock: I'm sorry, you'll have to say it again. What is it that went from 25 to 37? The appraised value?

John Stoll: No, the interest rate used in the appraised value.

Commissioner Mourdock: An interest rate, what?

John Stoll: An interest rate used in the appraisal. What we're doing is leasing, well, Mulzer's will be leasing a piece of property from the water and sewer department and the interest rate used in figuring the present value of that lease was changed by the water and sewer department which resulted in the increase. Even though it results in a substantial percentage increase, it's still quite a bit less. Not that I'm real fond of paying another \$12,000, but it's still significantly less than what the original \$160,000 appraised value was for that property as a whole. So, we can get it settled still for quite a bit less than the original

appraisal. The last time it was brought before you, was the start of October. The change was just brought to our attention last week once the water and sewer started running some additional numbers in their financial department.

Commissioner Mourdock: So the increased money is going to who?

John Stoll: It will be going to Mulzer's, but Mulzer's will in turn pay that to the water and sewer department for the lease of their property.

Commissioner Mourdock: I had a feeling that was going to be the answer.

President Borries: Okay?

Commissioner Mourdock: Yeah, I'll move...what was that, a change order? How did you deem that?

John Stoll: It's a change in the administrative settlement for clearing the right-of-way.

Commissioner Mourdock: I'll move the acceptance of the administrative settlement for the right-of-way associated with the Ohio Street Bridge as recommended by the County Engineer.

President Borries: I will second. So ordered.

John Stoll: The only other item I have, I guess, have the proposals been addressed as of yet?

President Borries: As soon as we get to County Attorney Brinkmeyer's report here, yeah, we'll go ahead and do that. Let me just say that as part of what we're doing, he will be reporting on opening requests for services on a project from Burkhardt Road to Morgan Avenue, or State Road 66 to State Road 62 in that area. Let me say that this county is not yet at a point where we're going to be able to award any of those services since we, as of tonight, are still not completely funded in relation to this project. So, with that, I think we can take these under advisement, but there is not funding yet to move forward in the selection for this, at least the funding is not in place yet.

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

President Borries: Thank you, John.

RE: BILL MORPHEW - COUNTY HIGHWAY

President Borries: Bill's report is submitted for Friday, October 27, 1995 through Thursday, November 2, 1995 and it is a work report from the County Highway Department and also the County Bridge Crew, it does show work being done in all parts of the county. We will enter it for the record. You're not paving at this point, I guess? Did the cold weather get you?

Bill Morpew: Yes, sir. It has. We finished up paving Kimber Lane. We were going to start on the parking lot today at the garage and we didn't get a chance to do that. It could be at the latter part of the week or even next week before we can get that done. We did mount a couple of spreaders, preparations for the upcoming onslaught of snow.

President Borries: Well, let's hope we don't have that bad of a winter, but who knows.

Bill Morpew: Everyone I've talked to says we're going to have a bad one!

Commissioner Mourdock: Yesterday morning at 8:00 we had a nice little shower of ice pellets in beautiful downtown Darmstadt.

President Borries: Is that right?

Commissioner Mourdock: Yeah, it was coming down, snowflakes...

Bill Morpew: They were unusual, they looked more like sleet than snow.

Commissioner Mourdock: Yeah.

Bill Morpew: We're trying to get ready for it. I also have a request to travel to go to Washington for the concrete seminar.

President Borries: Okay, do we have that in here, or are you just adding it now?

Bill Morpew: No, sir. I'm just adding it now. It's just one day, just travel up and back to go to Washington.

President Borries: Okay.

Commissioner Mourdock: Washington, D.C., Daviess County, right?

President Borries: May I have a motion to approve?

Commissioner Mourdock: Yeah, I'll move to approve that travel request.

President Borries: I will second and so ordered.

Bill Morpew: That's all I have.

President Borries: Good.

Commissioner Mourdock: Schedule, and maybe this goes to John, too, where are we at, schedule wise, to get Baseline Road re-opened, and also on New York Street, right past...

John Stoll: St. George Road Bridge?

Commissioner Mourdock: Yeah, thank you.

John Stoll: St. George opened today and if the weather would cooperate, the contractor told us that they thought they could get all of the paving done on Baseline in about a couple of weeks. They've got portions of it done, but with this weather, I don't know if they'll be able to meet that time frame or not, but that's what they were shooting for.

Commissioner Mourdock: Is that concrete or asphalt?

John Stoll: Asphalt.

President Borries: How are we doing on Franklin Street Bridge?

John Stoll: It should be finished in early December. They've got to get the striping down before they can open up the south half of the bridge and there will still be periodic lane closures while they continue to paint the bridge underneath, but for the most part, it should be opened either late this week or early next. There again, depending upon the weather.

President Borries: Okay.

Commissioner Mourdock: And lastly, Bill, the thing I gave you before the meeting regarding Eichel or --

Bill Morphey: Eichele?

Commissioner Mourdock: Eichele and Peerless, was that a new one to you? Had you seen it?

Bill Morphey: No, I know about that situation. I think there's 33 feet of right-of-way on Eichele and the road is entirely on one side of the right-of-way, which makes it look like the trash and there's some debris in a little wooded area is actually on someone else's property. I know about that. There was some on county property several years ago and we had removed it and did some tree trimming there then. But the note that you gave me this afternoon, I haven't been on Eichele for probably six months, I'll have to go and take a look.

Commissioner Mourdock: Okay, if you would.

Bill Morphey: Yes sir, I will.

President Borries: Thank you, Bill.

RE: JOHN STOLL - COUNTY ENGINEER

President Borries: John Stoll?

John Stoll: I've got one other item that Teri just reminded me to get taken care of, I've got a Notice to Bidders for the replacement of some culverts on Strueth Hendricks Road and I need to get that approved by the Commissioners so we can proceed with bidding that project out. We've got two box culverts out there that we're going to replace so the county paving crews can come out next year and resurface and widen the road.

President Borries: Okay.

Commissioner Mourdock: So moved.

President Borries: Second. So ordered.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Cindy Mayo: I submitted a written report which I'll just briefly go over. The matter of the home that was damaged on Missouri Street has been turned in to the insurance company, so we should be out of that now and it be between the insurance company and the homeowner.

President Borries: Okay.

Cindy Mayo: At the Council meeting in November, we were given a portion of CCD funds. Suzanne Crouch, the Auditor, is going to try to come up with some General Fund figures that we might be able to use, so I will be submitting, with your permission, a request for appropriation out of CCD and General Fund, both, and whichever, if we can come up with money in the General Fund, then hopefully we won't have to use the CCD. But it does need to be advertised in case we have to.

President Borries: Okay.

Commissioner Mourdock: So moved.

President Borries: Second. So ordered.

Cindy Mayo: The letter that I attached about the Floyd Staub variance is just for your information. They apparently are going to have a private one-acre landfill there and I just assumed that any questions would be coming your way. It's just to kind of let you know what is going on with this, and if you wanted me to do

anything with it, or just to let you know that they are asking for this.

President Borries: Yeah, I think we need to have somebody from our County Engineering Office there. Commissioner Mourdock, do you have any comment on this?

Commissioner Mourdock: No, that would be fine. The other question I had was whether or not there was any, I guess, enabling legislation, if that would be the pertinent term, or other legislation within the state of Kentucky where they would have to notify specific property owners adjacent. I presume we got this because we probably own some right-of-way adjacent to, and were other property owners down there notified? I haven't heard from any of them, which I'm kind of surprised we haven't. You know, you put the words landfill in a public notice in a certified letter, and that will usually get a response.

Cindy Mayo: We did get a certified letter and since it says adjoining property owner, my assumption was that all adjoining property owners got the same letter.

President Borries: I know when there have been previous attempts at some changes going through Henderson, there has been a fairly big outcry, some concerns down there.

Commissioner Mourdock: I would certainly agree with your comment that it would be wise to have the County Engineer present at that meeting.

President Borries: I was trying to think...if you could see if the persons who run Inland Marina, for example, would be notified of this request, I would appreciate that. There are people down there who might be interested in this particular request.

Commissioner Mourdock: I suspect the easy way to find out, probably, if you call the Henderson County Board of Zoning, they told them who those letters had to be sent to and they'll have a list of who was notified.

Cindy Mayo: Okay. I spoke with Jack Shroeder on the surplus property. We do have the title searches run on the properties that we've received in 1993. His feeling in looking at the law, and since he is the person that does issue the title insurance on these properties and is going to see that we comply with the law, he feels that when the letters are sent out to the people with substantial interests in these properties, that they will be given a chance, if they wish to at that time, to redeem these properties. So I need to get with the Auditor's Office and I will be finding out what the taxes are that were written off, what the subsequent taxes would have been for the years that there were no taxes on, and once I get all those figures together, I will be sending letters out via certified mail to all substantial interest holders. The only other things that I have that are not on my report are, I spoke with Commissioner Mourdock today, the County Commissioners Fall Conference is coming up. We did get a letter from them asking if any of our Commissioners would be attending. It is November 29 and 30 and December 1, in Indianapolis. We need a response as quickly as we can. They're saying that they cannot guarantee rooms at the conference rate after November 7.

President Borries: It's going to be doubtful for me for rooms. I may try to attend a portion, but don't prepare a room for me.

Commissioner Mourdock: I'm essentially the same way. I'll probably look at the agenda and try to pick one day, and that'll be about it.

Cindy Mayo: The last thing that I have is for your information

from the County Assessor. She would like to have a public hearing at Central High School in the auditorium. She has sent a letter to Pat Kimbell with the Evansville School Corporation asking that the fee be waived for them to use the auditorium there and these are for homeowners in Center Township where they are talking about increasing the assessment. She did say that there might be some fees involved, a five dollar fee per student that would be involved with the sound system, she would pay for that out of Board of Review money that is already in place. If they do not waive this fee, we have set aside a room at the auditorium for the public hearing to be held there and then we are going to advertise, that is for December 5, and then December 7, the Board of Review will meet and act on what was done at the public hearing.

Commissioner Mourdock: So what, specifically, does she need from us, then?

Cindy Mayo: It's just a point of information for you to let you know what's going on with that.

Commissioner Mourdock: Okay.

Cindy Mayo: That's all I have.

President Borries: Thank you, Cindy.

RE: CONSENT ITEMS

President Borries: We do have consent items that are in our folders and they include employment changes, travel requests and one blue claim. May I have approval at this time?

Commissioner Mourdock: So moved.

President Borries: I will second and so ordered.

RE: SCHEDULED MEETINGS

President Borries: There is a list attached for scheduled meetings. I am aware, I think, what do we want to call this group, our short-term ad hoc committee which is looking at the Auditorium, will be meeting this week.

Cindy Mayo: Sunny sent a news release out on that today.

President Borries: Okay, and that will be this week? Yeah, I think Thursday?

Cindy Mayo: I don't know.

President Borries: I think it's Thursday. Dennis, I'm sorry, I think I've skipped over you and I need to get these into the record. I am sorry, sir.

Dennis Brinkmeyer: That's alright. No problem.

Commissioner Mourdock: Before we leave the calendar, one other thing, while it's not our official business, on the 15th at 11:45, the Indiana Regional Highway Committee or whatever, is meeting over at the River House over a luncheon.

President Borries: Oh, good. I'd like to attend that if I can.

Commissioner Mourdock: I've got that on my agenda.

President Borries: I know our Welfare-to-Work Committee is going to be reporting to us shortly, too. They've just about finished their work and --

Commissioner Mourdock: Yeah, they have finalized their meeting as a group and I think they're putting the last touches on their report. I don't know this for a fact, but I think probably Gary Heck will call and want to come before the Commissioners next Monday, the 13th.

President Borries: Okay.

RE: DENNIS BRINKMEYER - COUNTY ATTORNEY

President Borries: Okay, let me go to County Attorney Dennis Brinkmeyer, here, and he can read the bid proposals. I think these are for the Burkhardt Road project.

Dennis Brinkmeyer: This is for widening from Lloyd to Morgan. There are 13 individual proposals that have been submitted and they include:

CWC, Inc.
MSE Corporation
United Consulting Engineers & Architects, Inc.
Butler Fairman & Seufert, Inc.
Bernardin Lochmueller
Congdon Engineering Associates
Three I Engineering, Inc.
R. W. Armstrong
First Group Engineering, Inc.
Floyd E. Burrows & Associates, Inc.
Woolpert
Veach Nicholson Associates
Morley & Associates

President Borries: Okay. Again, I'd like to thank you for those. May I have permission to turn those over to the County Engineering Department for review and evaluation?

Commissioner Mourdock: Yeah, take them under advisement. So moved.

President Borries: I will second and so order. Thank you. Again, we are not at this time, I just want to say, where we have not finalized the funding in this particular project, so we have to do exactly as Commissioner Mourdock said, take these under advisement until this matter of funding is resolved.

RE: OLD BUSINESS

President Borries: Any old business this evening?

Commissioner Mourdock: No, I don't believe I have any tonight.

President Borries: Nor do I.

RE: NEW BUSINESS

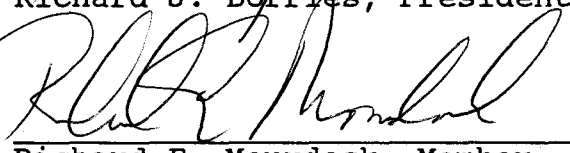
Commissioner Mourdock: Again, I'll pass.

President Borries: Well, I think we have moved through this election eve meeting rather quickly and accomplished a great deal. So, if there's no further business, we are adjourned.

Meeting adjourned at 6:12 p.m.

THOSE IN ATTENDANCE

Richard J. Borries
Richard E. Mourdock
Suzanne M. Crouch
Dennis Brinkmeyer
Cindy Mayo
Teri Lukeman
John Stoll
Lynn Ellis
Joe Profaizer
Bill Morphew

VANDERBURGH COUNTY BOARD
OF COMMISSIONERS
Richard J. Borries, President
Richard E. Mourdock, Member

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS

NOVEMBER 13, 1995

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The Vanderburgh County Board of Commissioners met in session at 5:40 p.m. on Monday, November 13, 1995 in the Commissioners' Hearing Room.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Borries: Good evening, everyone. Welcome to the November 13 meeting of the Vanderburgh County Commission. I'm sorry for being a bit late, there was no Executive Session held prior to this meeting; however, we did have a Solid Waste District meeting and that did run a few minutes over. So again, we're pleased you're here. We'd like to begin. We have agenda for you this evening available for your information. Let me introduce our staff with you this evening. To my far right is Mrs. Cindy Mayo who serves as our Commission Office Manager and Superintendent of County Buildings. County Attorney is Alan Kissinger. To my immediate right is County Commissioner Pat Tuley. I'm Commissioner Rick Borries. To my immediate left is County Commissioner Richard Mourdock. Our County Auditor is Suzanne Crouch. Our Official Recording Secretary is Teri Lukeman. Would you join us please for the Pledge of Allegiance?

RE: ACTION ITEMS

President Borries: We'll proceed with our action items, some that are very brief and the first is the approval of the minutes of our last meeting which was held on November 6, 1995.

Commissioner Mourdock: I'll move approval of the minutes from November 6.

President Borries: I will second. So ordered. Next, I'm sure there are many individuals here that are here for item E. Is there any other person or individuals who wish to speak to our Board this evening or have some item of information that we don't have on the agenda? Yes, Sir. Would you come forward, please, and give your name.

RE: BOB WILSON - 750 ST. THOMAS

Bob Wilson: My name is Bob Wilson, I live at --

President Borries: Come forward, Bob, so we can pick up -- we don't have a real high-tech system of microphones -- a fine recording secretary, but it's tough to get verbatim.

Bob Wilson: The reason I'm before you is because I thought we were going to talk about the situation in Old Petersburg Place. I think Mr. Mourdock knows about it, where we're having hunters back there behind our homes in the woods, within sight of our homes shooting bows and arrows, shotguns and rifles. I guess what I'm asking is what can we do about it. Is there something the Commissioners can do about it? We've posted signs ourselves. The woods do not belong to us.

President Borries: To whom do the woods belong?

Bob Wilson: I do not have that information with me.

President Borries: If they are posted, we need to find out if they have, first of all, approval to be on private property...

Bob Wilson: The ones I talked to, they were bow and arrow hunters walking through my yard, you know, putting up their tree stands, they had permission from the owner to hunt in that area and his woods. My concern is that, with no leaves on the trees now, you can see Hamilton Golf Course from my house through the woods, so I know they can see our homes. Common sense would tell you, you don't shoot that close. Now, the neighbor has a target deer --

President Borries: Unfortunately, common sense does not always prevail, does it?

Bob Wilson: Correct. And they shot at, you know, he's got a miniature deer out there, it's not a real one, it's a fake deer, and they shot at it. So, I mean, that's within twenty-five feet of his house, and that's my concern.

President Borries: I understand, and I'm not...few things surprise me, Sir, at these meetings anymore. To our attorney, I would certainly think that this falls under a public nuisance, certainly a public safety issue.

Alan Kissinger: It is a --

President Borries: Certainly, the Sheriff of the county --

Bob Wilson: They've been notified, they've been out there.

President Borries: I'm not sure, well, we'd have to examine, again, we get into problems, we've had one other situation where there have been hunters literally shooting near a business out in an industrial park on the east side of the county. Some residents that had some concerns there. It may get to a point where we're going to have to re-examine what our ordinances say. I'm not sure we can ever afford to get into something too specific as to how many feet here and there, but you're right, I mean, common sense and the public safety issue is the thing I think we have to --

Bob Wilson: Well, I'd hate to be sitting at my dinner table and a bullet come through my --

President Borries: I understand.

Bob Wilson: Through my house, you know.

Commissioner Mourdock: The last point you raised, Rick, and I guess I'll kind of put this question to our County Attorney, Mr. Kissinger, you just said so many feet away, and I presume by that you meant off the property line or something? Is that something that other counties do or is there any state ordinance that would be helpful to us?

Alan Kissinger: There is a state statute, quite frankly, I can't cite it to you immediately, but it refers to safety and three hundred feet, within three hundred feet of a residence, so the difficult thing is making that determination and it's usually a determination made after the fact, when a resident calls the Sheriff, the party is not there, etc., and that's where the problem comes in. It's very difficult in enforcement. It's my opinion, presently, we have state laws which do cover this situation and if properly enforced, an ordinance adopted by the county may merely be duplicitous. If the state statute isn't being enforced at the present time, I don't think we'll accomplish anything with a county ordinance. I will talk with the Sheriff and his personnel about enforcing the state laws and cite those laws to (inaudible) state statutes to them so that they will know what the law is in reference to those situations when they're confronted with them.

Bob Wilson: Okay.

Commissioner Mourdock: With the state statute being as it is, I presume from that, the logical enforcement arm would be the County Sheriff, it wouldn't be the State Police.

Alan Kissinger: State Police or County Sheriff can enforce within the county.

Commissioner Mourdock: Okay, and if I understand, Mr. Wilson, you said you have called the Sheriff?

Bob Wilson: No, I haven't. My neighbors right next door have. In fact, it was last Saturday. He chased one guy and couldn't catch him.

President Borries: We also, I think, certainly need to communicate with various hunters groups around the area. Hopefully, they're going to be responsible enough to know that they shouldn't be doing this kind of thing in residential areas, but again, sometimes common sense doesn't always prevail.

Bob Wilson: Correct.

President Borries: We will make it a concerted effort here to contact the Sheriff as Attorney Kissinger has said to see if we can't step up enforcement and I don't think you should hesitate to call them, because we will call them and notify them that we need to protect our residents, obviously.

Bob Wilson: Very good. Thank you very much.

President Borries: Thank you, Sir, for coming.

**RE: ORDINANCE TO AMEND CHAPTER 72 - SECOND & FINAL READING
FOR TRAFFIC CONTROL SIGNS**

President Borries: I think tonight will be the second and final reading on the ordinance to amend Chapter 72, Schedule II of the Code of Ordinances of Vanderburgh County. Essentially what these are, are streets and intersections that at this point indicate stop signs where those various intersections are located. May I have a motion to approve this ordinance on second and final reading this evening?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: Okay, it's been moved and seconded. It is amending our Code of Ordinances, so I will call for a roll call vote at this time. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Borries: Commissioner Tuley?

Commissioner Tuley: Yes.

President Borries: And I vote yes. The motion is approved.

RE: VC9510-02 BASELINE ROAD

President Borries: May we give our attorney permission to open bids on VC-9510-02 which is a project on Baseline Road?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Borries: So ordered.

RE: JAMES GRAY - 628 MISSOURI

President Borries: Is a Mr. James Gray in the audience? Mr. Gray, I'm not sure...we may have gone past you. Do you have another item that you'd wish to speak to at this time before we get into Item E?

James Gray: I'd like to know --

President Borries: Come forward, please, and identify yourself for

our record.

James Gray: Yeah, last week I was here about the house falling on mine. The insurance finally did contact me and they sent out some insurance man and a person that called himself a contractor which did not even walk in the house. They took pictures and looked at the video that I have and called me yesterday and offered me \$600. The air conditioning alone that they broke, Sears gave me an estimate of \$999, a window estimate man gave me an estimate of \$500 just for that. Every bit of the walls on the inside of the living room is broke wide open. I've put my fiance in the hospital for ten days with the flu because of it. Both kids have missed school three days because of it and my electric bill probably is about \$400 now. I'm not asking for money, I am asking for either the county or the people that the county hired to tear this building down to fix my house.

President Borries: Mr. Gray, here's where we are with this. I think Mrs. Mayo and Mr. Kissinger may have additional comments on this. If I understand correctly, and I need to ask this for the record, are you the owner of the property, sir?

James Gray: It's in my mother's name, but I am buying it on contract from her.

President Borries: Okay. We needed to get that on record. It appears that if there is going to be a dispute here between you and these contractors, we have notified them, we have told them about their insurance, I'm not sure at this point what other legal action we're going to be able to take until you may have to start legal action yourself.

James Gray: I'm going to file a suit against them and the county tomorrow.

President Borries: Alright, okay.

James Gray: I am contacting Mr. Hargrove, he will be out tomorrow. I'm borrowing \$50, he's a certified engineer to see how much damage he says that he knows that they've neglected to look at.

President Borries: Sir, I think, on behalf of all of us, I can tell you that we're sorry that this happened. There are some, again, apparently, obvious differences in relation to what you say and what has happened. So, I think that there is going to have to be as you are doing, some legal action that proceeds there. Unfortunately, one way or another, that may resolve the matter. Mrs. Mayo or Mr. Kissinger, do you have anything to say about that?

Alan Kissinger: Mr. Gray, I don't know who you intend to contact as legal counsel --

James Gray: I have no one.

Alan Kissinger: I can tell you this, have your legal counsel contact me. It will save him some time and trouble. If you file a suit against the county, ultimately, our pleading is going to be that the people who did the work improperly are the ones who are responsible. I understand your situation. We are not in a position that we can turn in a claim to our insurance carrier because the people who contracted with us agreed that they would insure their work and their activities.

James Gray: Right, but I forced the issue for them to even turn it in. Their contract calls for them to immediately contact the county of any mishap, which they did not. It took me two and a half weeks to get hold of their insurance company, which they refused to give me.

Alan Kissinger: Mr. Gray, I'm not disputing the fact that you have a claim against that company, --

James Gray: But, the land is owned by the county.

Alan Kissinger: Understood, but it was --

James Gray: So, I have to put the county and that person.

President Borries: We understand.

James Gray: So, I mean, it's nothing personal toward you guys, it's got nothing to do with you.

President Borries: We understand. We understand.

Commissioner Mourdock: We get sued as often as we eat.

James Gray: All I want is my house fixed so there's not holes that I can put my hand through and wave at the neighbors as they drive by.

Alan Kissinger: Mr. Gray, when you do have legal counsel --

James Gray: I cannot afford legal counsel. I live on \$412 a month SSI for four kids.

President Borries: Well, you do have rights to go to --

James Gray: Legal Aid does not handle this.

Commissioner Tuley: How about Legal Services?

James Gray: Legal Services do not handle this. I've called both, --

Alan Kissinger: Let me just give you some, I won't call this free legal advice, this is general legal advice. In consideration that you have a claim that may generate money, you will probably get some attorney to take it on what is referred to as a contingent fee basis. I think that you will be able to hire counsel under those circumstances.

James Gray: Okay.

President Borries: Do you understand what he's saying?

James Gray: Yeah, I understand. In the morning, I'm just filing a small claims thing against them --

President Borries: You need to maybe consult with -- you do it as you wish, but there are, as he said, some who would take it on, and I'm not going to spout out advertising here, do you understand what we're saying?

James Gray: Then you get into who gets this, who gets that. I want my house fixed.

President Borries: You can agree on that, you can negotiate. You can agree on that easily. But you can find an attorney that will take this case.

James Gray: All I'm wanting is my house fixed and I know the county owns it, the property.

Commissioner Mourdock: Before we leave this subject, Cindy Mayo, Superintendent of County Buildings, is the contractor that was involved with this still on our active bid list or assignment list or, obviously, we have requirements --

Cindy Mayo: All of our demolition is handled through the Building Commission.

Commissioner Mourdock: On a per site basis?

Cindy Mayo: Yes, for every razing that they have, they take bids on that. I believe that this particular contractor, this was about the third job that they had done for the Building Commission. It's the first one that they had done for the county, but they have done work for the city. I have not been given instructions that they be taken off of the bidder's list and have not requested that they be taken off.

Alan Kissinger: It's entirely possible that this is not really the fault of the contractor, but, instead, their insurance carrier.

James Gray: No.

Alan Kissinger: I'm talking about the problem with getting paid.

James Gray: No.

Alan Kissinger: That may be the problem with the insurance carrier.

James Gray: No, they refused to turn it into their insurance.

Alan Kissinger: Ultimately, it has been turned in --

James Gray: Yeah, I called and turned it in.

Alan Kissinger: Okay.

James Gray: They absolutely refused. They offered me \$100 and told me not to turn it in to insurance.

Alan Kissinger: Okay.

Commissioner Mourdock: I guess, just concluding my thought, I wonder if it would not be appropriate for us, at least to let the other folks that you just mentioned, the Building Commission, at least let them be aware of what this situation is and that we're going to be watching to see how this is resolved very carefully.

James Gray: I have one other problem with the whole situation. My house has been cited that...loose foundation, and I was just here the other day with my mother, because I have to put mortar in the loose bricks from the foundation that has been broke loose. I have to come back up again here the 7th to show that I did this. I can't do this until they fix my house.

President Borries: Are you sure? I'm not sure that you come before this Board, I think you probably --

James Gray: I went through another board --

President Borries: You can go through the Building Commissioner.

James Gray: I went to the Building Commission and I told them the problem and they said to see what you guys said to fix that problem before they worry about fixing the other problem, so I'm going to end up coming up here every week, I guess.

President Borries: Well, it's hard, I know. I want to, again, say on behalf of us, that we apologize that this has happened. It appears you have a legal claim. You should proceed in what you're doing.

James Gray: Okay. Thanks.

President Borries: Thank you, Mr. Gray.

Commissioner Tuley: With his proceeding, it seems like if, don't leave, Mr. Gray, if in fact he files a suit, it seems like to me that when he comes back before the Building Commission for that committee, he should be able to present proof of that suit as a defense to holding any further action until that matter is resolved. Did they offer that as a --

James Gray: The judge just said he's kind of not really worried about it because he understood what was going on, but the problem is I'm having to come back up here. You know, I mean, you guys are nice folks, but I'd rather be home eating dinner.

President Borries: Well, so would we, and sometimes our lives are full of problems, sir. You have a big problem, we understand it, we're sorry for it.

James Gray: That I had nothing to do with.

President Borries: I understand.

James Gray: I'm being punished, my wife and kids are being punished.

President Borries: Mr. Gray, we'll try to do everything we can to monitor the situation as Commissioner Mourdock has said and you need to proceed as quickly as you possibly can with that claim, sir. I'm sorry to interrupt your life on this. Thank you.

Commissioner Mourdock: Just for the record, I'll move that we have the Superintendent of Buildings draft a letter to notify the Building Commission of the status of this and, you said two, Cindy, is that the Building Commission and someone else?

Cindy Mayo: No, it is the Building Commission.

President Borries: Code Enforcement.

Commissioner Mourdock: To both those groups to notify them of the situation.

Commissioner Tuley: I'll second.

President Borries: So ordered. Thank you, Mr. Gray.

RE: GARY HECK - WELFARE TO WORK

President Borries: Mr. Gary Heck, regarding the topic of Welfare Work and the huge amount of work that your committee has done.

Gary Heck: Thank you, Mr. Borries. I think you have a packet in front of you that has the suggestions or recommendations to date with the caveat that we really do need to take some further action, and that's some of the things that I would like to get into tonight with you.

As you know, the state general assembly passed the Senate Enrolled Act 478 which established this local planning council and established some deadlines. Either fortunately or unfortunately, part of what our requirements to do are also affected by what happens in Washington, D.C. with some of the action that they are taking on the welfare reform. When I say that we're not in a position to make as firm of a recommendation at this time as we would like, it's because that welfare reform is a process and not really an event and that a lot of what we're trying to do is certainly affected by what the bigger picture is and what happens in Washington, D.C.

I know you're painfully aware that the current system is that we're in a gravity-fed system and we're at the low end of the gravity system. The federal government makes plans, passes it onto the state, the state makes plans and passes it on to the county, and when the county looks around to make sure that there's somewhere lower on the system, it doesn't stop anywhere else but here. You're at that system right now.

The editorial that was in the Sunday paper was pretty accurate as far as it went with the exception that, at our last meeting, we also decided to say that this is still just the beginning and not really the ending, so the final report we're presenting to you tonight also includes a recommendation that you allow us to stick around and continue the work that we began as soon as the federal and state appropriations and all of their discussions are settled, so that we really have something to make some firm recommendations on.

Part of the problem is that as the welfare system works at the Washington level, we're getting mixed signals. On one hand, they say everyone that's currently on welfare needs to go to work. On the other hand, they're doing away with some of the incentives that allow people who are working and who are the working poor to actually benefit from that transition; one in particular is the Earned Income Tax Credit. If you look at the, and assuming that the newspaper reports are accurate, if you look at what they just did over the weekend, they took and the conference committee agree on the welfare reform act, just the personal responsibility only, that they were going to eliminate about \$81,500,000,000 over the next seven years in federal expenditures on welfare reform as far as savings. That's what the plan would actually save in those reduced cuts. At the same time, they're reducing the Earned Income Tax Credit by \$32,500,000,000, so the incentive that's there to use as the carrot to encourage people to go to work, because there will be this transitional help that will be there, at the same time, it's being taken back with the other hand as they're yanking back the welfare assistance and requirements that people go to work on the other. So, I just need to make sure that we're all clear on that particular issue as we get started.

Also, in your attachments, I wanted to show you some of the overview of federal programs that actually do help young children. These are all some of the categorical funding that's currently available. Under the block grants, we're not sure what those outcomes are going to be and to the extent that any of these programs that used to be an entitlement will continue to be an entitlement.

Something else that's unclear in Indiana is whether, under the welfare reform, whether the governor's waiver program and what the Senate Enrolled Acts program will actually come out as the winner, because it's unclear which one is really the current law. Currently, we know that the governor's program is in place, currently, we also know that the Senate Enrolled Act was passed by the Indiana General Assembly and if and when a federal bill gets approved that doesn't have any AFDC requirements anymore, does that mean that the Senate Enrolled Act, which is asking for additional waivers by the fact that it's already been passed by the state and since the federal government doesn't have an AFDC requirement anymore, does it automatically become law, and if so, it complicates the matter because the appropriations are, rather than having an entitlement-type situation which is going to be done away with, Indiana's involvement for dollar amounts is going to be limited just to the amount that the General Assembly appropriates and nothing more. Also, in addition to that, the federal government has included language in their's that requires states just to fund at the state level at 75% of what they did in 1994 and still receive whatever federal benefits are there.

The only reason I mention all this, once again, is just to let you know that what happens to welfare reform is really out of this community's hands until those other things take place. What we are prepared to do in recommendations, is talk about some broad points and to make some recommendations to the extent that they will be helpful, that will allow us then to go on with some of the other work when we get to that point.

Before I get into those, there's just one other point I'd like to make about public policy, and that is that we've been very sensitive to a couple of things. One of them is that there needs to be a much better education level on the perceptions of what welfare is and what welfare isn't. Welfare is an issue about survival and it's not an issue necessarily about laziness. There's no disagreement that people should work whenever possible and whenever it's feasible for them to do so and still meet the responsibilities for their families. It's also, I guess along with those same general trends, we also need to talk about responsibility that works both ways. While there is a personal responsibility that's stressed, there's also a responsibility that every aspect of the community needs to accept including government, including business, including philanthropic groups, and including regular citizens who don't find themselves below the federal poverty level. Those are just general comments that need to be made before we go forward.

Under our specific recommendations, and these will probably be the top two sheets in your report, we talk about the safety net and the fact that despite the community's best efforts, there's going to be some folks that just aren't going to be able to become self-sufficient in the twenty-four months that the governor's program allows for and rather than be forced in a situation where they've got three years to go without any kind of support other than, this is one of those mixed blessings in that in Indiana there is a trustee system that you could fall back on perhaps over those three years if someone weren't able to receive benefits under the AFDC program or other kind of assistance from the state. In theory, the trustee system is there for them. We're the only state in the United States that I'm aware of that still has a trustee system. The program is that the state legislators, when they passed their law, they said that if the state division of family and children denied someone assistance or benefits, then the trustees could also use that as a defense not to award benefits as well. I certainly have nothing against trustees, I respect what they do quite a bit, but it's unfortunate that there's a dual system that already sets in a caveat or defense that says, even though you're coming to us for assistance, we don't have to offer it anymore because the state, in their wisdom, when they passed their law that says you've got to go without, gave us the same defense to use, to go without. So in that sense, it's kind of a double bite and that's a little unfortunate. So, there really needs to be something to look at in the safety net. Now, at the federal level, they're talking about allowing states to have 15 percent of their population that they could waive these rules on, saying that we know that there's going to be some people that aren't going to be able to make our requirements. We'll allow you to carry up to 15 percent of your case load, we're just not sure if that language is that accurate and if it is, if that's an accurate number for us to say 15 percent is a high enough number to use. So we just want to put you on notice that we do need to talk about that later.

The child support is a critical issue because the reason most folks are receiving Aid to Families With Dependent Children is because the non-custodial parent or individual for whom paternity has been established, isn't paying the court ordered child support that they should be. Using the governor's statistics which they gave to the Associated Press, which then reported them in the local newspaper, and assuming those numbers are right through that transition, that there's about 122,000 parents that owe over \$1,000,000,000 in

Indiana in back child support. In Vanderburgh County, last year we collected \$5,000,000, the state of Indiana collected \$177,000,000 against that \$1,000,000,000. There's really no one that really knows in Vanderburgh County what the potential amount that's out there because there's about 30,000 cases in Vanderburgh County that are open in child support. A case stays open until the youngest child in the family reaches the age of 28 or until they reach 18 plus 10 years. So until that youngest child is 28 years old, a case stays open unless the custodial parent pro-actively goes and asks them to close a case and that doesn't happen real often. So there's a whole lot of cases out there that could be worked if we had additional staff. The way the current relationship works with the federal government and the state government, it only costs the local community about 34 percent of that actual amount to increase the staff because of the incentives that are in place and there's language in the federal that suggests that's going to go down to 10 percent that the federal government will actually pick up 90 percent of those costs. So we do have a recommendation in our report that we do increase the child support staff. The recommendations that you have, once again, don't go a whole lot into numbers just for the reasons that we mentioned before.

Child care is probably one of the most important aspects that has to be dealt with in order to allow somebody to find, accept and keep employment. So we definitely need more and expanded child care services and we can go into that at a later date.

Transportation is probably the second most important to the extent that we need to have some kind of subsidized public or non-public alternative to make it work. The U.S. Census Bureau statistics show that only about 2.2 percent of the working individuals who work outside of their homes are actually able to use public transportation to go to work because of route schedules, conflicts, where they live, where they work, all of those kinds of issues. So it's a very low number. Our number is probably higher in Vanderburgh County because we do seem to have a public transportation system that at least goes to retail areas real well, although an editorial in the paper pointed out quite accurately that it stops when you're heading out the Lloyd Expressway. They turn off at Burkhardt Road to go to the Eastland Mall and then to the Washington Square Mall, and they haven't rerouted them out to the new businesses yet. There have been people who are seen walking along the road in their uniforms going to their restaurant and hotel establishments that's to the east of Burkhardt on the Lloyd, that it would seem, at least to the editorial staff of the Courier, that it wouldn't hurt to extend those bus routes out because it's going to be another potentially dangerous situation when they're walking out there in the snow and stuff and people can't stop, there aren't sidewalks and what have you.

The job creation readiness, referral, placement and retention, and job creation is real important. Part of the governor's plan encourages the private sector to get involved. The private sector recognizes that the government can't force them to hire anybody they don't want to hire. This still is America, it's a free enterprise system and no one can tell a business who they have to hire other than through incentives. You can encourage with carrot like approaches but there's not any one person who is a dictator that can say you will hire so many people because the governor says so or anybody else and for that reason, it appears like the big incentive is to get people to go to work but you say, go to work where, and at what salary, what hours and all the other things that are involved with that particular issue, it becomes a real challenge. Part of our work needs to be to get more business people to come and really ask them for some creative solutions of what it would take for them to hire an extra individual. Another concern we had was that we didn't want to set up as a public policy, although our primary charge was really just working with transition people from welfare to work, there is a large number of

working poor in any community where there could be an extra resentment if we were to come back and say you need to specifically hire, through your entry level programs, only people coming off of welfare. We chose not to take that tact at this point because it is unfair as a public policy just to say that in order for you to be able to get a job at these industries, you have to go through the welfare system first. That just seems to be a bad statement of public policy and we certainly chose not to do that at this time at least.

Community partnerships, we talked about this once before. Probably the thing that the editorial on Sunday in the Courier pointed out quite accurate, is that we do need to have much more involvement from past and current welfare recipients and from businesses to make sure that the dialogue is there from all sectors and those are, the businesses weren't specifically overlooked by the General Assembly and the federal government, but it was the welfare recipient passed and current, wasn't addressed at those levels and our council feels like they should be. We would encourage, if you do allow us to continue, that they be named and as voting members of this particular group as we go forward. Another part, when we get to the work incentives, part of the problem, as we see it at least, is the way they're transitioning the benefits, is that individuals who are in this twenty-four month time limit, have the opportunity to keep their AFDC benefits in addition to the money that they're earning which is great for those two years. The problem is, at the end of the two years, it compounds the amount of money they actually need to be making in their real employment job in order to survive because they've now lost an additional six to seven thousand dollars worth of cash equivalent benefits. That pending drop is really just an unacceptable type of transition and it's really a major concern that we need to talk about with the governor and the state legislators as we progress.

Adequate resources, we've already talked about the gravity-fed system. It seems real clear that the federal government is getting out of this particular issue and passing it on. It seems pretty obvious that the state, through the Senate Enrolled Act 478 is setting not only entitlement caps, but just dollar amounts to the level that their general assembly appropriates money, although they do have what in the general community is called weasel words that says, under certain conditions, we may consider raising our appropriation. It's not real clear and they sort of hold out a holey safety net, if you will, and "holey" not being used in the religious sense in this case. So, there is some concern about that, too, that we really do need to address. Under adequate resources, the most important thing is just to say that this council knows that we haven't finished the job we set out to do. We know that we still have a lot of work to do but it's really going to depend upon what happens at the federal level with the legislative groups now having come together in their conference committee and sent the bill on to the President. If the President vetoes it, it'll depend upon what action they take whether they can override the veto or whether they will come back and negotiate from that point. What happens at the federal level then comes back and it will affect what the state is doing for a couple of reasons, one of which, when the governor put his plan together, it was all based on categorical funding continuing to come in at the level that it was at the time his plan was in place. We know that that's not the case now. We also know that in order for the state to continue to receive what monies will be coming from Washington, they only have to spend at 75 percent of whatever they were spending before, which is a clear message that if they chose to reduce spending, as long as they go up to 75 percent of what they did fund before, they'll still get the full amount that they will get through the block grants. It just creates a bigger problem or puzzlement for the counties then to see how to do funding to make up those differences. Under the current AFDC entitlement program, the federal government picked up 63.5 percent of that cost, the state

22 percent, and the local county 14.5. If you can see, if the reductions are coming along, and if the expectations are that it's going to cost at least as much as before to do this transition, although if you look at states like Wisconsin and other states that have done it, the increase in the short-term increases dramatically if you're doing the training and all of the support services correctly, the potential burden to the county is tremendous if we are forced to pick up the slack ourselves. I know that's not a popular thought that property taxes may not go down, may actually need to have to go up, and this council certainly recognized at least that the federal government and the state of Indiana should assume the primary responsibility for the public welfare system. We'd like to make sure that you all realize that, too.

In conclusion, I guess what we're simply asking is that we be offered the opportunity to continue the work we've started. We know that the next step in the long run was to look at the regional level. In your attachments, also, is the other counties that have named their county representatives to the regional planning council. Perry County has made their selection, Posey County has, Spencer County has, Vanderburgh County has, and Warrick County.

President Borries: We have now?

Gary Heck: Well, there's an attachment, your last sheet has got the recommendations from Vanderburgh County, although we have one alternate and we've always had Commissioner Mourdock listed as our ex officio member since he's representing the County Commissioners at the meetings. The next step, of course, would be for the County Commissioners of those five counties to agree on which one of the counties will actually host the regional planning and then to have, I believe it's the Auditor...let me look at my list here a minute...but I believe it's the County Auditor in whatever county agrees to do that, will actually get the regional planning grant and account for those kind of funds as well. So, if for instance, Vanderburgh County were to do it, then there would need to be a named County Commissioner who would serve on it, the County Auditor in that county would also assume that responsibility, and the only other regional member that's required by law is the representative from the Division of Family & Children, Robert Webster from Mt. Vernon, who would be included. Those twenty-five members of the local planning councils along with the named County Commission, along with the Auditor, and along with Mr. Webster would take this the next step between now and December 31. There are sixteen regional planning councils around the state. They, then, would forward their work product to the human resource investment council on or shortly after January 1, and they would try to consolidate those by March 1 and turn them over to the State General Assembly. That's pretty much our recommendations. Now, in your office, there's a three-ring, three-inch binder that has every document that was either sent by mail, verbally communicated, presented at public hearings, minutes from the fourteen regular public meetings that we have from the three public hearings, and then just a sundry of other attachments that came in from one source or the other. There's tax scenarios that have to do with how the minimum standard of living was arrived at using three different scenarios. The one that Vanderburgh County used, plus we also did a similar comparison as the other counties in our region did so that there would be apple to apple comparisons there with those results as well. There's a lot of other attachments and useful information that we have to build on. This is certainly, if I've learned anything about welfare, it's that it's real individualized because one dollar changed in one formula one place, affected every other formula and everything has to be recalculated. It's no wonder it's always been an entitlement system because I don't know you could accurately budget because everybody's needs vary so much. If you have somebody with a high school diploma, but with no work experience, trying to decide what it could cost to actually get them a job is very difficult and you have ranges from \$2,800 to

\$6,000 depending upon who you talk to and what plans are out there. So, we could give you some numbers, but they wouldn't be worth the paper that they're written on. They told me when we were doing our data crunching that the numbers that we have are what's known as "BAD" numbers, the best available data. The best available data in this changing environment that we find ourselves in, wouldn't do much good to this council. It would certainly do a disservice to you to use those and then have something change at a later date. That wouldn't help you. It would be a disservice to the welfare recipients in this community, it would be a disservice to the working poor and it would be a disservice to everybody else in the county that are trying to make projections based on the fact that what is currently the law isn't going to be the law as soon as President Clinton signs or vetoes whatever is happening in Washington. There's twelve members from the local planning council here tonight, unless they have some other things to add, that's kind of, in a nutshell, our overall summary with the hope that you'll allow us to continue at a later date. Do you have any questions I can try to address or to answer for you?

Commissioner Mourdock: I was just going to go with Gary's comment, if there were any other comments to make before we --

Gary Heck: Well, in your attachments, there is a copy of the minority report that was mentioned as far as the Executive Summary. We have the two-page recommendations which is the consensus that the whole committee came upon and then there is a four-page minority report that some council members, although they agreed with us in principal, said that in some cases, we probably didn't go far enough and they wanted at least to be on record of suggesting that. That's it right there.

President Borries: Richard, any comments or questions of Gary at this time?

Commissioner Mourdock: Yeah, a bunch of comments. You've come to know that and expect that from me, right? First of all, as I've said to the Commissioners several times throughout the process since this all started in July, I think all of you who served on this group need to be commended and it's been, as Gary said a moment ago, he's learned a lot about the welfare system through this and I'll be quite blunt, so have I. I feel like I have probably tripled my knowledge easily and that's only scratching the surface. There's much more that can be learned. The thing that has struck me throughout this process, and again, the newspaper editorial that you mentioned summarized it all very well, I think this community would be well served by having the committee continue on with it's process of evaluating what's out there as far as changing laws and changing statutes and keeping us apprised, but I also think the comment that the committee would be better served if we had a few more folks on there that had been or who currently are welfare recipients, the old phrase, from the horse's mouth or something like that. Is that the phrase, maybe that's a mixed metaphor there. I think that's something we need to do and along with that same thought, we definitely need to get some corporate citizens involved with that. That is going to be the most difficult part of the whole process. I guess I will disagree slightly with something you said towards the end, Gary, where you made the comment, it's going to depend on what happens at the federal level how that trickles down and affects the state level. Yes, that's true as far as what the numbers are, but while the numbers are changing, I can tell you the thing I've learned on this committee over the last eleven months is that numbers always are going to be changing and the laws are always going to be changing. For that reason, I would very much like to see Vanderburgh County move forward with some programs and processes that are going to go beyond what the state or what the federal people dictate to us. We talked in the committee about possibility having incentive programs tied back through the taxes that businesses pay to give incentives

to take people off the welfare rolls to get involved with job training, and I think this Commission and this county needs to do that. The one thing that you had listed as number four or five, which was job creation readiness, referral, placement & retention and job creation, I guess that's as close as the word comes, to simply being education. If there is a common thread among people on AFDC and on welfare, perhaps the closest thing there is to a common thread is education levels or lack thereof. I think this community has an incredible opportunity with riverboat revenues to use those in job training programs and that more than anything else you have listed here, in my opinion, is going to make a difference as to who gets off the welfare system and who isn't. Right now, under the state program, we should all mark the date October 1, 1997 on our calendars, because the system as Gary described it, of chutes and ladders of the current welfare policy, as of that date, October 1, 1997, the first people are going to be kicked off the system. They've had their two years, and they are going to be out. How they are going to react in this state to that, it's going to be ugly, because we've basically said to people, we want you trained, we're going to continue some incentives and then at two years, you're out of there. It is absolutely crazy to do that. In this county, we have the opportunity, maybe, to make some of that gap up. I think we have to be extremely creative to do that, but I think we cannot wait on the state or the feds' people to come through and do something for us.

Gary Heck: I agree with that and not necessarily in a defensive mode, but when the block grants do get to the state, the state could change that two-year requirement. If that happens, then, I don't know that they'll lengthen it is the problem. They could shorten it, so it created us a little uncertainty about trying to make a real firm recommendation knowing that the environment is going to change. I agree with you to the extent that we do have some unique opportunities here in Vanderburgh County that perhaps other counties don't have. We did mention those in a report about potential funding.

Commissioner Mourdock: Yes, you did. I think it's simply a matter of acting on those. The mind-set in Washington, D.C. right now, unfortunately, is too much of two years now, to where some set period and there is a general lack of understanding that, as Tommy Thompson, the Governor of Wisconsin, is being cited as a role model. He's getting people off welfare and look at the money the state is saving. But what too many in D.C. are missing is the fact that he did spend a lot of money in the previous years on education and on job training. That's why the welfare rolls are dropping. It's not just because he's "kicking people off welfare".

Gary Heck: And he was quoted as saying it costs about five times as much to do it correctly. I'm not sure what Wisconsin spent before, but he said it costs five times more to do it that way, but they are realizing that investment and that's how they looked at it, as an investment and not as an annual expenditure.

Commissioner Mourdock: And it is that. Any one of us who has a college degree has been fortunate, and looks back at those days knowing we made an investment and you get the proceeds of such an investment and the community will as well, or not. I just feel very, very strongly that...when I was running for this office, I often said and was occasionally accused of trying to politicize the issue, but as much as I personally have great disdain for the riverboat, the fact that it was overwhelmingly supported in the poorest parts of this community tells me that the revenues on a disproportionately be funneled back into those poor neighborhoods because that's where the education is most needed. If that's politicizing the issue, I frankly don't care because that's where we need to help folks.

President Borries: Pat?

Commissioner Tuley: I've often said this about you, but I've never heard you talk so much before on an issue. But I commend Gary and the rest of the committee members. This is obviously something you people put a lot of time, a lot of effort, and what I can read from this in the short period I've had to read this, you took a rather in-depth look at it. Obviously, it's not going to be easy. I think, Richard, you're on the right track in terms of your thought process on the riverboat gaming. The current County Council members and the Commissioners here have all talked that money should be dedicated to economic development, and what greater form of economic development could we put it into in terms of the people, the working poor, that we need to get off of welfare? I don't know in specifics if that comes down to child care, extending it and making it more readily available, transportation as you've mentioned, tax incentives for local employers to hire these people. I'm not sure yet what's the right way, but you've given us some ideas to look at and some great ideas and I think it's something that we need to put a lot more attention to. I agree with the idea to keep the committee intact, to add to it. It's hard for us that have never been on welfare, that have never known what's it's like for not be able to find work, not know how to get there if we do find work. It's hard for us to sit down and try to make determinations for somebody else what's in their best interests. I really feel strongly that we should expand the committee.

Gary Heck: And I need to let you know that this council isn't shy and won't be shy about giving you some very specific recommendations with dollar amounts attached to it. Part of the effort, though, is to make sure that when we do that, if we know for instance that there's a limit of federal \$2,400 tax credit that's allowed someone if they're in the Enterprise Zone, or if there's another tax group that's already out there, knowing that it's going to be in place to come back and then say, here's an additional incentive that's necessary that will make this work. To say that if we concentrate or prioritize our efforts on those people who already have kids in school where child care is not an issue, if we can give you some of those kind of recommendations with figures in a prioritized setting with this kind of dollar amount would do you more good than for us to say, well, we need to spend \$15,000,000 on child care, transportation and this, and we'd like to see you concentrate on the welfare recipients first. I think we are in a position where we will be able to give you some of those recommendations in the near future.

Commissioner Mourdock: And to use your word of a moment ago, even when it comes to things like child care or the transportation, to use your word, investing. That's where, my heart of hearts right now, is saying the money that I want to see is going to be going into investment-type decisions more than just spending decisions. Pat, your comment is also very accurate about the Council wanting to use money for economic development. I will tell you as a business person, business will always take care of itself. We have a stack of bids over there today from businesses that didn't have to be prodded to do it, they're out there doing it and they're going to do it the best they can do it. Again, I'd rather see money like this, meaning the riverboat funding, being used to change people's lives, because that's an investment.

Commissioner Tuley: Yeah, and I hope that's the way you took what I was saying.

Commissioner Mourdock: Yes, I did.

President Borries: Well, I'm not going to give a lengthy speech. They always say that I talk too long, but let me just say...well, they've really both been very eloquent and, again, to cast aside any doubts, I have strongly supported you and your group and in a minute I want all of you to be recognized so that we applaud you for what you've done. There have been some very eloquent remarks

here about us at the local level taking the steps as you have done in a leadership position probably we're as far along with your leadership as any county could be in this state. I, admittedly, had a bad, negative connotation with this as you know, because I am strongly opposed, and you have confirmed what I have believed, I am strongly opposed to 92 different welfare systems in this state. I will predict, and you know, I am so impressed with Richard Mourdock's comments here. I think he'd make a great democrat, because I will predict as he has, that there will be a race to the bottom in a lot of these states. There will be a race to the bottom in terms of benefits as of 1997 that could cause some serious social unrest in this community and around the county because no state is going to be so naive to think that they're going to offer more, literally, when you're in a border town such as Evansville, if people could attract more, get more benefits by merely crossing a river and getting more benefits, that there's going to be such a serious race to the bottom in every state that benefits are going to drastically be reduced, basically, through no fault of their own. I guess, as a person who has dealt with children, and I talked to some third graders this morning, you know, the people who, as Richard, I think, has so eloquently pointed out, who can least afford to take care of themselves. Business will be there, business will take care of itself. Business is the backbone of this country. I don't believe we would have to have a welfare system if we had all these people employed in some way in the private sector. There wouldn't be any need for it. But it's not there, and if we don't get some creative long-term solutions on the part of businesses to get into this and take a leadership role, not only a partnership, your work is seriously jeopardized, because we don't have the resources to do this and that gets me to my last point in terms of magic. There isn't any magic to this. Somewhere there's got to be some money and in this shell game, we keep pulling it up and everybody keeps saying we're turning out the lights on this and this and this, it's going to hit here. I have told people over and over again that, make no mistake about it, your taxes will go up and they're going to go up where you least can afford it, right at home in your own pocket. So, I just want to commend you for a fantastic job. I think it's been a diverse group, that's healthy. There have been a lot of different diverse comments on it, that's healthy. I think that one of the most misleading things we do in America is talk in terms of 30-second commercials and polls, and so we're always being whipsawed back and forth and in another 30 seconds to go this direction and in that direction. This is a complicated, long-term problem that will not be solved in 30 seconds or 30 minutes or, in fact, three years. We don't have anybody talking about a long-term solution longer than a 30-second sound bite in this country, and it's tragic.

Gary Heck: Well, you've got one group.

President Borries: You guys have had a difficult task and I commend you for it and, again, with three items, then, real quickly to do, if Commissioner Mourdock would stay on as our personal representative since he has been on it, if we can re-affirm the committee's action and existence and if we could volunteer as a host county for the regional, if the other counties would agree to that, we would be willing to host it, if our Auditor would also serve as support in that. She would have to be on that. If we could do that, I would entertain a motion to --

Commissioner Tuley: So moved.

Commissioner Mourdock: I'll second.

President Borries: So ordered. Would your group stand, because I think we ought to give you a round of applause for a very hard task.

Gary Heck: Well, there are some from the council and then just some other folks in the general public that have been to our meetings.

President Borries: Thank you for your work, and we will add to the committee. I think we will wait on your recommendations as you have other people that you believe ought to be on this committee. I don't think there will be any hesitation on the part of this Board to put those people on it.

Gary Heck: Thank you.

Commissioner Mourdock: And I would certainly look forward to working with you and the rest of the group especially to hone the list of business people, community...I was going to say community business leaders, but I'm not sure they're the best ones to have on that committee. I'd like to have some people who work at different plants around here who can tell us what they're looking for as far as job training and then some executives as well to find out what kind of carrot they might need on the lead end of that stick to see what we can do.

Gary Heck: Okay. On behalf of the committee, thank you again for the time you've allowed us tonight.

President Borries: Thank you. Were there some other comments? I think...

Gary Heck: No.

President Borries: Well again, thank you for coming and your attendance and patience here and we hope that you will continue to work in behalf of this community. Thank you very much.

RE: ALAN KISSINGER - COUNTY ATTORNEY/LYNN ELLIS - PURCHASING

President Borries: I don't see Lynn Ellis here.

Cindy Mayo: Lynn's daughter is sick and she will not be here.

President Borries: Alright.

Alan Kissinger: I'm speaking for Lynn.

President Borries: Then I think that we have some other guys that are in the back and you're here Alan, so what we're going to do, if it's all right with the Board, we'll just go right off...may we go to the County Attorney here because I think he has --

Commissioner Mourdock: Bids?

President Borries: Yeah, bids and some other lengthy items, I guess.

Alan Kissinger: The bid recap on project VC9510-02, the Baseline Road project, there were six bidders. The first bidder was Phoenix Construction Company, their bid was in the amount of \$117,962.11; Blankenberger Brothers Incorporated, \$134,208.91; Koester Contracting Corporation, \$109,896.00; J. H. Rudolph & Co., Inc., \$129,090.35; Koberstein Trucking Incorporated, \$137,564; John Mans, Inc. \$113,869.99. I've talked with John Stoll on this and he has requested that the Commissioners take this matter under advisement at least until next week when he can report back in reference to the bids and whether or not they comply and what he recommends to the Commissioners.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Alan Kissinger: The next matter that I have basically is in reference to the reason that Lynn Ellis was on the calendar and it has to do with the document imaging system. I wasn't here for last week's meeting, but my understanding is that a recommendation was made and based on that recommendation, the Commissioners were prepared to award or did award a contract for the document imaging system based on the bids that were received. Quite frankly, I don't know to whom that award was made, but I do have some recommendations to make in reference to that bid. I've talked with Mr. Joe Profaizer from Computer Services; Dave Cosby, the Chief Deputy Clerk where this equipment will be used; Lynn Ellis with the Department of Public Purchasing. I've also reviewed a letter that I received today from Betty Knight Smith, the Vanderburgh County Clerk. My recommendation in reference to that bid is in four parts. Number one, I recommend that the Commissioners rescind any award that has been made in reference to those bids that were solicited. Number two, I recommend that the Commissioners reject all of the bids submitted for the specific reason, as I was told by all parties concerned, none of the bids actually met in total the specifications that were provided. Number three, I recommend that the Commissioners authorize Lynn Ellis, as the representative of the Department of Public Purchasing, to prepare detailed specifications and finally, submit those detailed specifications in quote solicitations as opposed to a request for proposals or bids in consideration of the fact that we're fully aware now that this purchase is going to be less than \$75,000, or it's going to be \$75,000 or less, which under current Indiana law, allows us to solicit quotes and then purchase from those quotes. I recommend the Commissioners allow the solicitation of quotes from known vendors for a one-package hardware and software purchase for this document imaging system. What happened in reference to the last award, I know the Commissioners were not aware of, there were some people involved in the bidding process and the recommendation process that didn't fully understand the procedure and the laws that have to be complied with. I don't think it's necessary to go back for bids and I think that it will take a very minimal effort now to detail the specifications to keep everybody on a level playing field. But I think that everybody, perhaps, was not, or at least it could be perceived that everybody was not on a level playing field during the last bid process. So the specific recommendation is that the Commissioners rescind the previous award, reject all bids and authorize Lynn Ellis from Purchasing to return all the bond checks, and then authorize the Department of Public Purchasing to solicit quotes from the known vendors for a one package hardware and software purchase. Any questions?

Commissioner Mourdock: I went back to my notes from last week. I had at the end, approve this item since it was the low bid even though it was a little flaky, so it must have been.

Alan Kissinger: I can give you more details if wish. If there's some specific question that you have, I'll be glad to (inaudible).

Commissioner Mourdock: I guess I just wanted to be sure I understood what you said earlier. You have a letter from David Cosby or Betty Knight and all these folks saying --

Alan Kissinger: No, I have conferred with Joe Profaizer, Lynn Ellis and Dave Cosby, and I have a letter from Betty Knight Smith, all of them expressing their feelings in reference to this. No one is saying specifically, this is what we want and this is the way we want it done. Once I explained to them what the problems were, and that the Commissioners were obligated to follow the law in making these purchases, everyone agreed that in consideration of the way the bid was awarded based on the specifications that were given, if there was not an impropriety here, and no one believes that there was, it is certainly not unreasonable to perceive that some

impropriety could have occurred and that perception, just that perception should be taken out of (inaudible). I think this is the method that will accomplish that.

Commissioner Tuley: I wasn't here last week, so...what I'd like to do, if the consensus amongst the Commissioners is to follow Alan's advice, put it in two motions. One, if you so desire to rescind the award of the bid and I'll abstain because I wasn't here last week to vote on it to start with, then start fresh and I can vote from that point on.

Commissioner Mourdock: Okay. Before I make such a motion to rescind, I'll just put it in the record here, I do recall that we asked all the folks who were here which included Joe and Lynn and everybody, were we going the right way with that, and I'm kind of bewildered here. But if you're telling me, Alan, and obviously you are, that there may be the perception of error, then I will move that we rescind the award of the imaging system bid that was voted on November 6.

President Borries: I will second, so ordered.

Commissioner Mourdock: At this point, ask that Lynn Ellis act to issue a solicitation for a new system pursuant to the comments of the county attorney.

Commissioner Tuley: I'll second that.

President Borries: So ordered. Let me interject something here, and it may not be entirely accurate, but my old memory here goes back a bit. What we need to do maybe is to waive a requirement that I think, historically, we have had in this county, even though state law, unless we have done this and maybe I have forgotten it, even though quotes, I think, can be accepted under the limit as our attorney has said at \$75,000, I'm not sure that under some kind of local ordinance that we have or previous resolution passed by this Board, had a limit of \$25,000.

Alan Kissinger: That \$25,000, I think, was based on previous state statute.

President Borries: Okay, then at some point, I think we need to either amend or make some provision here that we...

Commissioner Mourdock: It's my recollection that some last time were below \$75,000 and some were above, is that not right? And I think, I'm almost certain that that's the case. And if that's the case, do we want to move forward with the foregone conclusion they're going to be below that number?

Alan Kissinger: If one was over \$75,000, it was because of the misapprehension of the specifications or a misquoting of the specifications, and I think everyone is in agreement because I have talked at least with one of the vendors and I think everyone is in agreement that if the specs are detailed at the level of the bid that was previously awarded, it will definitely be under \$75,000. Do you understand that?

Commissioner Mourdock: I understand it as long as you have an answer for when they all come in at ninety and above.

Commissioner Tuley: Well, at that point, we can't award anything -

President Borries: No, we couldn't award it anyway. So are you saying that we need to take any action here?

Alan Kissinger: I would ask that you consider --

President Borries: Just go through the state law at this point?

Alan Kissinger: Yeah, I consider that you should not do that at the present time in consideration of the fact that Public Purchasing has advised me that they are going to submit for the Commissioners' consideration a public purchasing policy manual to apply to both city and county. If everyone, the City Council and the County Commissioners arrive at some agreement as to adopting that document, then perhaps it would be appropriate to cover that particular item in that document instead of doing it piecemeal.

President Borries: Okay.

Alan Kissinger: And if you would, include in your motion that all the bids previously submitted be rejected and all of the bond checks be returned to the various vendors.

President Borries: Okay.

Commissioner Mourdock: So moved.

President Borries: I will second. So ordered.

Alan Kissinger: That's all I have to report.

President Borries: Alright, now then, we're actually going to need a third one. Have we in fact instructed Lynn Ellis to prepare the specs and to go with quote solicitations?

Alan Kissinger: Yes.

Commissioner Tuley: That was part of his original --

President Borries: Gotcha, alright.

Alan Kissinger: That's all I have to report at this time.

President Borries: Thank you, Alan. You always give us a lot to think about here. Okay, Lynn Ellis is not here. I'm not sure if there's any...wait a minute. Okay, I'll bring this up and we may want to refer this to Alan for a week or whatever, and I think Commissioner Mourdock will have a comment on this. Ms. Ellis has requested to approve an extension of contract with Jerry David Enterprises, Inc. for hot asphalt for calendar year 1996 in accordance with bid #APA005-95. Jerry David submitted their agreement to extent the 1995 prices later than requested so that they were not included in the prior request to continue pricing through December 31, 1996.

Commissioner Mourdock: My comment quite simply is that, with these types of things, if we have a date, we have a date, we have a date. I think if we're going to be consistent with these things to keep from facing some other liability down the road on some other bid on some other extension, that we have to say that this was just too late and it's not going to be accepted.

Alan Kissinger: In this particular case, since we know that this bidder would be lower, if we say that we're going to reject all bids and let him in, we'd still be accomplishing our purpose. So, legally, I certainly agree with what you're saying.

President Borries: So, we need to take action here to have a motion to that effect, then?

Alan Kissinger: I think so, yes.

President Borries: Okay.

Commissioner Tuley: As a request (inaudible)

Alan Kissinger: There is a request to approve the extension of the

contract, so I guess your motion would be to approve the contract and then vote on the motion to approve the extension of the contract and then vote on that motion.

President Borries: Is that what you --

Commissioner Tuley: I'm just trying to make sure that we understand what we're (inaudible), the motion or the voting.

Commissioner Mourdock: Yeah, and let's take it one step further. I realize that I'm in a delicate situation with this one because it looks like, you know, we're harming one of the competitors to my employer and I don't, that's not my motivation here. It is, quite simply, to be consistent. Do we have any knowledge from Lynn that there is anything more to this than this guy simply missed the deadline? I mean, if he missed the deadline, it's cut and dried, and I think it is, but I just want to see if there are other extenuating circumstances --

President Borries: Well, I think that's exactly the point and that's why I thought if we wanted to refer this or delay it for one week --

Commissioner Tuley: I don't think it hurts anything. I mean, I'm like you, if it's just simply a case that he just flat forgot to turn it in or whatever, I'm sorry, Charlie. But if in fact, who knows, --

Commissioner Mourdock: Especially --

President Borries: I mean, if he is just simply saying that he is later than requested, I don't think we have any --

Commissioner Tuley: And I think that takes off any discoloration from this.

President Borries: May I refer this to Mrs. Mayo to inquire or to our County Attorney to see if there was any reason...what the reason is. If it's late, it's late. We understand that real clearly and whatever circumstances, if we could just have a report back.

Commissioner Mourdock: That's fine. Do you want a motion?

President Borries: Yes.

Commissioner Mourdock: I would move then that we have Ms. Mayo and Ms. Ellis to advise us next week as to the full status of the extension request by Mr. David for hot asphalt.

Commissioner Tuley: Second.

President Borries: So ordered. Let's see, Alan, you're finished?

Alan Kissinger: Yes.

President Borries: Lynn Ellis, we've taken her item. We'll get our County Engineer.

RE: JOHN STOLL - COUNTY ENGINEER

President Borries: John, we've referred some bids to you. I think you've...you've requested that we take these under advisement which we will do.

John Stoll: Right. The first item I've got is a travel request for David Franklin to attend a seminar in Indianapolis on November 27 & 28. It's a seminar by the American Concrete Institute and I recommend that it be approved.

President Borries: Okay. May I have a motion to approve?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

John Stoll: The next item I have got is the cover sheet for the design plans for County Line bridge number 320. This is the bridge replacement that will be a timber bridge out on County Line Road. We need to get the mylar signed so that way we can go ahead and get the plans finalized and get that project put out for bid.

Commissioner Mourdock: Is I-164 not running right through here, John?

John Stoll: It comes right through here.

President Borries: It's on the other side of the interstate.

John Stoll: Right, it's on the east side of the interstate.

Commissioner Mourdock: (Inaudible) dead ends right there.

John Stoll: No, it goes through. You can --

Commissioner Mourdock: Oh, I thought you were going across here on Kansas, but the bridge is actually on County Line Road?

John Stoll: Right.

Commissioner Tuley: County East.

John Stoll: Right.

Commissioner Mourdock: I thought we were building a bridge to a dead end, a cul-de-sac.

John Stoll: There not a lot of traffic, but it does go through.

Commissioner Mourdock: I'll move acceptance of the bridge repair request on County Line Road.

Commissioner Tuley: Second.

President Borries: So ordered.

John Stoll: I should bring the Notice to Bidders and everything within the next couple of weeks. The last item that I have is a request to go before County Council. I need to transfer \$30,000 from McCutchan Road bridge to Contractual Services and \$7,009.02 from Eickhoff Road bridge to Contractual Services. Those two items will cover the culvert replacement on Strueh Hendricks Road that I brought the Notice to Bidders for last week. I also need to transfer \$20,000 from McCutchan Road bridge to County Line East bridge to cover the bridge that you just signed off on the mylar for the design plans. The McCutchan Road bridge is one that we just didn't get to this year that we had budgeted for and that's why there's surplus money in that account and the money in the Eickhoff Road account that we will be transferring from was just leftover money from when we completed that beam replacement job out there on that bridge.

Commissioner Mourdock: I'll move the transfer of funds as requested by the County Engineer.

Commissioner Tuley: Second.

President Borries: So ordered.

John Stoll: That's all I have except for any questions.

President Borries: Thank you, John.

RE: BILL MORPHEW - COUNTY HIGHWAY

Bill Morpew: Good evening.

President Borries: Good evening, Bill.

Commissioner Tuley: I hate the thought...Friday, November 3rd, snowplows and spreaders.

Commissioner Mourdock: As long as they just mount them, that's fine.

Commissioner Tuley: That's right. As long as they don't have to put them in gear.

Commissioner Mourdock: I was in Charleston, West Virginia last Wednesday and the airport authority had their snowplows out there and they had these beautiful murals painted on the blades of the snowplows. They have a pool as to the day it will be scraped off and then the money is going to some local children's fund, which was kind of an interesting community thing they're supporting.

President Borries: Well, I returned from Chicago yesterday using that four-letter word that had white stuff on it, and three-letter word, they had ice. They had thunder, it was a mess up there Saturday morning. You could get in Indiana and slide around down to about Boswell, near where Purdue is, and then it would begin to lessen up. There were traces of snow at Sullivan but we dodged a bullet here. Chicago was a mess, it was cold, really cold. One item, and this is not your fault, but I just believe in terms of the terrible turnout of persons that actually voted on Tuesday, in the future, could we put election day when we have a vote, instead of holiday. Unfortunately, I'm afraid some people did take a holiday and not exercise some of their other rights. So, just a suggestion maybe. Not your fault, but perhaps if we can remind our crew that in fact, we should not have taken a holiday if we did not exercise our right to vote. Just a personal comment.

Inaudible comment.

President Borries: Well, I would really...yeah, I really would someday, and I don't think we'd want to talk about what our statistics would be there either, but it's just pitiful and that's not your fault, you know, I'm not mad, I just don't like the term holiday there. We have lots of benefits in this county and one of them ought to be that we keep those by voting and we're, you know, when we have the lowest turnout in 60 years, it's pitiful.

Commissioner Mourdock: (Inaudible)

President Borries: Bill, let's see, I had one item and I'll have to probably refer it to you next week. Maybe I did refer to it...a call from a person who wanted to know, again, on what was the...a phone call on --

Bill Morpew: Huebner Lane.

President Borries: Huebner Lane, yes, yes, yes.

Bill Morpew: Nothing with the road, it was problems with her neighbors.

President Borries: Well, we have to do a lot, that's one I'm

afraid we're not going to be able to help with.

Bill Morpew: Not much I can do there.

Alan Kissinger: Perhaps I can help.

Bill Morpew: In this particular case, I think the Health Board really needs to pay a visit.

President Borries: Okay, well, any questions of Bill at this time? Thank you, sir. I would just say one thing that I know that County Auditor Suzanne Crouch, and I've talked with her, I know you have some concerns about your budget. We're going to continue to work through the state to find out what those accurate figures are because I know that from the Build Indiana Fund, we were to get early distribution here and Bill got really concerned that there's one local person here who was indicating some pretty sizable cuts. I think Mrs. Crouch is aware of this and checking at the state level so we can continue to get that information, so we're with you on that.

Bill Morpew: Yes, she --

President Borries: And I strongly suggest we use the state funding formula because we're just going to continue to get that information. Okay?

Bill Morpew: Thank you.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Cindy Mayo: I have one item in addition to the requests that I turned in for Council Call last week. I have two additional items, we need to ask for money in Veterans's Burial, approximately \$3,000, and then in Codification we need to ask for \$20,000. The Auditor's Office has said that should be coming back from wherever it was sent to, the Code of Ordinances to be re-codified and be put on computer. It should be back in December, so we need to ask for funding for that.

President Borries: Okay. May I have approval?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

RE: CONSENT ITEMS

President Borries: There are consent items. I'd like to add one item on that and that would be a request from Mr. Gary Heck for reimbursement from the...actually, it could be paid from the humongous \$5,000 that we received from the state to do this project. So, if I could add that to consent list, I would like to do so.

Commissioner Mourdock: And just for the record, let me add that it's not directly to Gary, as I read that. It's actually to Junior Achievement.

President Borries: It's to Junior Achievement for reimbursement of, yeah, his time, roughly he figures...and it's very generous, but he figures that he's charging \$15 an hour but there's probably his staff and him, I guess, have probably put in as much as 134 hours.

Commissioner Tuley: I will so move the approval of the consent items submitted along with your addition.

Commissioner Mourdock: I'll second Commissioner Tuley's motion to approve the consent items.

President Borries: So ordered.

RE: SCHEDULED MEETINGS

President Borries: We have a list of scheduled meetings attached, we have these items to sign.

RE: OLD BUSINESS

President Borries: Old business?

Commissioner Mourdock: Just the question regarding the committee with Mr. Eckels and Akin and all. I know there was a story in the paper this past week about some of their activities, and just, anything new on that? I certainly want to hear what those folks have to say. The 20th is coming next week, so are they going to be here, do you know? Have you heard anything?

President Borries: I've not. I was out of town. I know they held a meeting. I know they intend to complete a report which I believe that they are going to come here. They are aware of that date. So, I'm not sure that I am aware of -- are there any other meetings, any public meetings? I'm not sure that there are.

Commissioner Tuley: I made my wife fall out of bed laughing the other night, though. I laid down to read the paper right before I was getting ready to go to sleep, and I go, "Oh, no! Here it comes again!"

President Borries: It's back! It won't go away. It's sitting over there.

Commissioner Mourdock: Well, the phrase that went through my house, Pat, was that those who think it's back need to listen to the old country and western song, What Part of No Don't You Understand? I think the Council point of view was clear and with all respect to Commissioner Borries, it seems that's where we are. So, it's time to move along.

President Borries: Yeah, well, I know that this Board will get plenty of opportunity to ask questions, so I'm not really...I didn't attend the meeting and have not really talked with Mr. Eckels since that meeting. But again, I encourage both of you to call. But I really don't have anything to report. I don't know if they're going to meet again or not.

Commissioner Tuley: I don't know.

Commissioner Mourdock: I'm anxious to hear what they have to say.

President Borries: Yeah, me too. Any other old business? That's really getting old, isn't it?

Commissioner Tuley: You can beat it down, but you just can't kill it!

Commissioner Mourdock: We've just passed the Halloween season, that's when you need to put the stake in the heart!

RE: NEW BUSINESS

President Borries: Under new business, there is an AIC meeting. It would start at 4:00 to 4:30 our time in Jasper, the Southwest meeting. I'm not sure yet if I'm going to be able to attend, but perhaps we can have some people attend. That will be at the Jasper K of C in Dubois County. From 4:00 to 4:30, I think, is

registration, it starts on Wednesday the 15th. I believe that's it. Is there any other business? Any new business at this time?

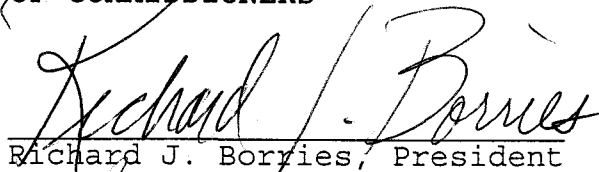
President Borries: Okay, if not, we're adjourned.

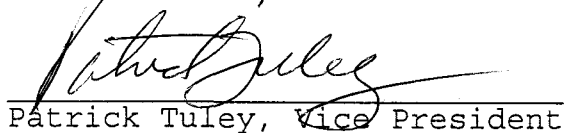
Meeting adjourned at 7:14 p.m.

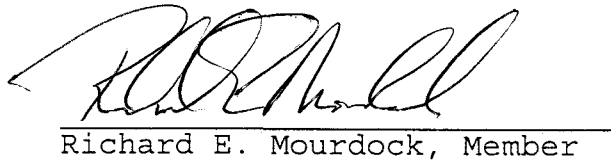
THOSE IN ATTENDANCE

Richard J. Borries
Patrick Tuley
Richard E. Mourdock
Alan Kissinger
Suzanne Crouch
Cindy Mayo
Teri Lukeman
Bob Wilson
James Gray
Gary Heck
John Stoll
Bill Morpew
Others unidentified
Members of the media

VANDEBURGH COUNTY BOARD
OF COMMISSIONERS


Richard J. Borries, President


Patrick Tuley, Vice President


Richard E. Mourdock, Member

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS

NOVEMBER 20, 1995

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The Vanderburgh County Board of Commissioners met in session at 5:58 p.m. on Monday, November 20, 1995 in the Commissioners' Hearing Room.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Borries: Good evening, citizens of Vanderburgh County. It is going to be my stated effort this evening to dispense with a number of items, including introductions, since it looks like we all know each other. If there aren't any other persons coming in, to see what kind of expeditious meeting we can conduct here, this evening. The approval has been done. We are in this wonderful country. We will say the Pledge of Allegiance. After some executive sessions it's always refreshing to do that.

RE: ACTION ITEMS

President Borries: Action items, we are going to say that item C is off the agenda this evening. It will not be heard. The committees' report, I don't think is completed. It may be next week, it may be after that, but at any rate it's deferred for this evening. Could we approve the minutes of our last meeting which was held on November 13, 1995?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered. Herb, we deferred item C. So that may shorten your tenure in here as well. We have members of the Fourth Estate here with us to monitor this meeting. The rest of us are us government types. So, I don't think there is any other groups or individuals who wish to speak this evening. Department heads, Lynn Ellis, Purchasing will go into their reports at this time.

RE: PURCHASING DEPARTMENT REPORT

Lynn Ellis: At this last meeting, I apologize, my daughter was sick all week with the flu. There was a question raised about the continuance from Jerry David for the hot asphalt and the reason for his tardiness and response to the request. The office manager of the company was out on an extended leave, I believe it was a medical leave. Due to her absence there were things that were overlooked, and not things that weren't responded to. When she returned she discovered that the letter was there, and did the response. So, that was the reason for the tardiness.

Commissioner Mourdock: Was it a fixed date in, I guess, we were extending the contract from the previous year?

Lynn Ellis: Yes.

Commissioner Mourdock: Was there a fixed date in that contract that required the submission of the acknowledgement? They would honor those prices?

Lynn Ellis: No, not in the letter. I mean, not in the previous contract or the bid. I just asked for a deadline so that I could present all of them at one time. So that I would not have to come back multiple times to continue the contracts, and to get a feel for the number that would have to be rebid.

Commissioner Mourdock: So you simply sent a letter to the vendors? What were there three of them or four of them?

Lynn Ellis: Three.

Commissioner Mourdock: Ok, you sent a letter to those three vendors saying, if you want to honor these prices for the coming year, respond by 12:00 noon on a certain date?

Lynn Ellis: Yes.

Commissioner Mourdock: It was not in the contract?

Lynn Ellis: No, that's right.

Commissioner Mourdock: There was no legal, I'll ask Alan. Is there any legal status implied by such a date?

Alan Kissinger: No. Lynn, do you consider that to be a solicitation of quotes?

Lynn Ellis: No, actually the contract itself doesn't require anything with any given deadline. They could have said on December 31 of this year that they would continue those prices. I just asked for a deadline that I could work within. And, I'm still behind on redoing all these bids with the stuff that's going on in my office. And, the amount of mail that the County is sending out. We're back-logged. So, I was just attempting to get ahead a little bit.

Alan Kissinger: I need to get kind of a grip on this thing. The point that I need clarified is, once you established the deadline, who responded?

Lynn Ellis: Well, two out of three bidders responded. The problem is, is that with the amount of work and the type of construction that is going on, and this is what I'm being told by engineers, the three companies that we have in town that supply the hot asphalt are back-logged, and, are kind of supplying each other with hot asphalt to respond in a timely fashion, to meet the different deadlines. They're having a problem keeping up and that kind of thing. I didn't interpret the letter as I would a bid due date. You know, that if you don't respond by this date that it will not be extended. It wasn't worded that way.

Alan Kissinger: What you were doing was basically soliciting information for your own use in preparing proposals? Requests for proposals?

Lynn Ellis: Well, to determine whether I would have to rebid this particular bid, or not.

Alan Kissinger: Ok, or could you extend the contract?

Lynn Ellis: Yes.

Alan Kissinger: Ok.

Lynn Ellis: If I had the bidders' agree to extend it, then I wouldn't have to rebid this.

Alan Kissinger: It would be my opinion then, that no statute will be violated by allowing this supplier to continue, as far as the extension of the contract is concerned. We will not be violating any statutory dictates. Because it was not a solicitation for quotes and it was not an invitation for bids. It was merely a letter requesting information by a certain date to assist you in making a decision. No, that would not be a violation of any of the bidding statutes, but by the same token, I think, in consideration of the fact that they did not respond in a timely fashion, if the Commissioners choose to, ask Ms. Ellis to prepare a bid to rebid it. That would certainly be appropriate.

Lynn Ellis: The Commissioners already approved the extension of the contract with the other suppliers. This one was not included in that extension, because they hadn't responded at the time that I was preparing all these agenda requests.

Alan Kissinger: Ok. Am I correct with that explanation then? You're requesting now that the Commissioners vote as to whether or not to extend this contract?

Lynn Ellis: Yes, sir.

Alan Kissinger: Ok, I think that the Commissioners can safely and legally do that. You can safely and legally vote on that issue.

Commissioner Mourdock: Ok, one last point here. Did the, and this is strictly a hypothetical question, I realize that from the beginning but, do you have any reason to believe these people acted as they did based on the response of the other two bidders that did come in on the proper time? Do you see what I'm asking?

Lynn Ellis: Yes, sir and they weren't given that information, at least not by me. They were not told, when I contacted them. I said that I need to know whether you are going to extend this contract. I sent you a letter dated, such and such date, with the deadline for response by a certain date. The office manager indicated that she had been out and that they had failed to realize that the letter was even in the office.

Commissioner Mourdock: Was that before we acted on the other two? To extend the other two?

Lynn Ellis: No, that was after.

Commissioner Mourdock: And, that was at a public meeting, so conceivably they might have known.

Lynn Ellis: They could have known, yes. But, it wasn't by anything that I said to them. The request came because the Board of Public Works, on the City side, said that they do a lot of work with Jerry David, and that they do work with all three of the bidders, but that they had been getting supplies from Jerry David because of the location of the work that they were doing. They would like to see that his prices be extended. If he was willing to do that, and if he wasn't that they would like to rebid it, as opposed to continuing the contract with the other two bidders. You all had already extended the contract with the other two and so I just contacted them to see if there was a problem or if they had the intent to extend it or if they had decided not to.

Commissioner Mourdock: My recollection is that he was highest of the three anyhow. Was he not?

Lynn Ellis: Do you all use Jerry David? Do you use them for supplies and patching and stuff? It depends according to the statute, the paving materials, the patching materials, hot asphalt can be awarded based on location because of the job site. With the location of the supplier and the location of the job site, you want to get the closest in proximity to it. They allow to award that based on location as opposed to just straight cost. It's my hope that you can use the vendor that's the lowest in the cost. But, that is not always the case, depending on the location of your job.

Commissioner Tuley: Lynn, you don't have a problem with that if we accept the letter?

Lynn Ellis: No, I mean I would have preferred, when I do this again, I won't recommend that this contract be extended for a third year. This would be the extent of the extensions because, in the contract we allowed for one year extension. So, this cannot be extended beyond 1996. We'll have to rebid it at the end of 1996 for 1997. I would tell the bidder in the future that they need to respond as they would in a bid situation because, as it did in this case, causes problems with extending contracts and knowing exactly

how those extensions will work, or if it is to be rebid or not. I could incorporate something into the bid that, an extension letter has to be submitted by a date certain. Then, we wouldn't have any problem with it.

Commissioner Mourdock: I need to clarify that. When I read your note on here, to me, that's what this implied. That 1995 prices--submitted their agreement to extend the 1995 prices later than requested, so that they were not all included in the prior bid. I thought that request was a formal request as far as a bid document. That's why I raised the question.

Lynn Ellis: I'm sorry, that's misleading. The request was just a letter from me to ask if they were or were not going to extend their prices.

President Borries: So from your standpoint, what you're saying to kind of end all this, you did not put a date, a hardball date in there and said you must respond. Please, send your, by such and such?

Lynn Ellis: In my letter there was a date. So that I could provide an agenda request to you to extend the contracts. But, Alan's point was that it was not in the contract, it was not in the request for bids. It did not identify a date in there. It left it open.

Commissioner Tuley: If I understand correctly, in their next contract, which has an automatic one year renewal, you'll make that part of the bid that you must submit it before...

Lynn Ellis: And, I'll be coming back in the next weeks, god allowing, due to some of these bids. I actually get to purchase something instead of doing all of this administrative stuff. I'll be bringing back requests for bids to do the gasoline and fuel and those kind of things. In those requests then, would be a date certain that they would have to respond by, such and such date to extend for addition year that's allowed, then it would be as part of the contract.

Commissioner Mourdock: After a lengthy executive session I guess I've mellowed. I'll move for approval of the request to extend for another year the asphalt contract of Jerry David.

Commissioner Tuley: I think it wore you down too. I'll second.

President Borries: So ordered.

Lynn Ellis: Thank you.

Commissioner Mourdock: Well it's a key point and I'm sure you understand what we were struck with.

Lynn Ellis: Yes, I do. I guess the point would be, and I think Bill would agree, that if we couldn't extend all three of the bidders that we would want to rebid that because we work with all three of them.

Commissioner Mourdock: Right, I understand that.

Commissioner Tuley: Is that your whole reason for being here?

Lynn Ellis: Yes, sir.

President Borries: Well, we wanted an explanation.

Commissioner Mourdock: Made it worth your while.

President Borries: Thank you, Lynn.

RE: TEKOPPEL BRIDGE

John Stoll: John Stoll, County Engineer. Those pictures are of the cracks that are in the beam out there on the Tekoppel bridge. as it stands right now. We've been putting together some specifications to replace the beam that's out there. In order for us to proceed, I guess, with getting a minimum of at least two quotes, we'd have to get it declared an emergency. Otherwise, we'll have to go through the usual bid process and we'll still contact as many contractors as we usually do, but that would at least eliminate the month delay in the bid process.

Alan Kissinger: Does it constitute a public safety hazard, John?

John Stoll: Yes.

Alan Kissinger: Then it concerns me.

John Stoll: There's always some concerns about an increase in emergency response time, in regard to trains blocking the tracks and not letting the emergency vehicles down to Union Township.

Commissioner Mourdock: The bridge is presently closed?

John Stoll: Right. We closed the bridge Friday afternoon.

President Borries: May I have a motion then, to declare this matter an emergency and then we can ask further questions?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Borries: So ordered. John, I don't know if you have all the information, I'm sure you don't, in relation to what needs to be done here, but you are, based on the bridge inspection and talking to the supplier of this particular piece of the bridge.

John Stoll: I've not spoken with the supplier directly as of yet. Valerie Harry has tried to get in touch with them several times but hasn't gotten any response as of yet. I have talked with the bridge inspection consultant and I want to speak with them one more time before we definitely proceed with a replacement to see if they do know of any permanent type repairs that can be done. To this point, they have told me they don't know of any repairs that can be done to the beam. They said, that the best bet would be to replace it. I want to contact them again one more time tomorrow and find out for sure. As it stands right now, it sounds like replacement would probably be our best bet.

President Borries: Any questions of John?

Commissioner Mourdock: Yes. The suggestion that replacement is the best bet. If you would back up about 45 seconds in what you just said. Whose assessment is that at this point?

John Stoll: United Consulting is who I've been talking with so far. They're the consultant that's doing the bridge inspection. They found the crack last week.

Commissioner Mourdock: Ok, and they feel that replacement of that beam is the best option?

John Stoll: Right.

Commissioner Mourdock: Are they a specialist of precast concrete?

John Stoll: Well, I asked them about a shear crack of that nature and they said they didn't know of anything that would permanently repair it at this point. Like I said, I want to talk to them one more time tomorrow to make sure. There have been some options thrown out as far as trying to bolt it together and things like that.

Commissioner Mourdock: That's what I'm wondering. If you could grout it together and pin it.

John Stoll: Based on those pictures it looks like there was an attempt to do that already, but, I don't know who and when.

Commissioner Mourdock: Were there no bolts in the bottom of it?

John Stoll: No, just the grout. Just the black smears you could see on there.

President Borries: I guess our concern, obviously would be based on their inspection of this, is that a structure which is roughly only three years old. You know we've got some serious concerns here about it, obviously about the future integrity here, if we don't take action at this time. That's why I was asking if you had contacted the supplier, because it appears to be or let's put it this way, that there could have been then some attempt in whatever reason here to, that the thing may have been delivered in somewhat of a altered state when it was received.

John Stoll: Right, it may have been a defective beam.

Commissioner Mourdock: That's what I wanted to know.

President Borries: Ok, well we'll have to continue to pursue this then when you give us more information. I think you can move forward at this point, because we do have to, rather than finger point at this point as to what's or who's at fault and that type of thing. We do need to move forward and get it replaced.

John Stoll: That's why we've gone ahead and tried to start putting together the specs for a replacement. Unless somebody presents a better option that would be permanent, I'd say that would be our best bet. Would to be go ahead and plan for a replacement.

Commissioner Mourdock: Where does this beam fit in the general span? Is it right in the center of traffic in the middle of the lane?

John Stoll: It's on the outside, it's on the second span from the south end of the bridge. It would be the west side of the bridge, second span.

Commissioner Mourdock: Ok.

John Stoll: To replace it, we'll have to replace the deck, barrier rail, beam and coordinate things with the railroad.

Commissioner Mourdock: That's the bigger problem.

John Stoll: Right. As far as time frames go, I don't know what that will involve.

Commissioner Tuley: Did you say total replacement of the deck?

John Stoll: No, hopefully, we can just go to the next beam, east of there.

Commissioner Mourdock: I wouldn't be surprised if they end up recommending that we (INAUDIBLE).

John Stoll: If somebody could assure us that was going to be a permanent solution that sounds good, I'd rather do that but, since it's a brand new bridge I'd hate for us to get put in a situation where we'd have to go out and do that every few years if it wasn't of a permanent nature.

President Borries: Yes.

John Stoll: I agree. I think the sooner we assess this we can get it replaced. We'll consult with our staff to resolve this issue as quickly as we can.

President Borries: Thank you, John. Some other items that you have today?

RE: SUPPLEMENTAL AGREEMENT WITH BERNARDIN-LOCHMUELLER

John Stoll: Next item, is the supplemental agreement with Bernardin-Lochmueller for \$34,211 for the Eichoff/Korressel Road project. This is for the metric conversions. I've contacted Senator Lugar's office, I spoke to Bob Healy there, and he spoke with some higher-up officials in the Federal Highway Administration, they said that they are not relaxing their requirements for metric plans on road projects, federally funded road projects. They had told me that they were going to relax their requirements on when the signs have to be converted, but not the plan conversions.

Commissioner Mourdock: I have, in my hot little hand, a letter from the Associated General Contractors of America, dated November 15.

"At a press conference today, Tom Freeze on the national highway system bill announced that the final conference report had been completed and would be filed today. Today's event followed last week's announcement that an agreement had been reached on the statutory language of the bill."

And then, skipping ahead a little bit:

"The conference report contains the following provisions of interest to highway contractors":

1. "Repeals the Crumb Rubber Mandate".
2. "Insures that states are not required to erect metric signs and are not required to use metric measurements in bid documents before October 1, 2000."

And then, some other things that it has. Totally coincidental that I happen to have that here in my hand.

President Borries: Can we hold on this maybe then until we can resolve that? John might not have a copy of that.

John Stoll: Yes, I didn't know that. I just spoke with them at Lugar's office just a couple of weeks ago.

Commissioner Mourdock: This is newer than that. You can have that copy, John.

John Stoll: Thank you, sir.

Commissioner Mourdock: That's all right, I don't need a copy. I have a copy.

John Stoll: Ultimately, I think with Eichoff, we'll eventually end up having to convert it because of two things. One, it's probably going to be built long after the year 2000. Two, when INDOT's made the conversion from English to metric units, not only have they just converted them, they've also changed the standards as well. So, whatever has been done to this point will not meet their standards, metric or English. Ultimately, we're going to have to do it, I think.

Commissioner Mourdock: The purpose of the memo I just gave you, was not in regards to what you gave us but, as I say, it was coincidental because shortly after I came on the Board we voted for about \$35,000. Which is interesting now that I think of it, almost exactly the same number. At that time, I understood it was for software to convert Lynch Road.

John Stoll: No. I remember at that time there was some discussion on whether or not the process could be automated to where software, you could just feed the old plans in and the software would automatically convert it. The original figure \$34,211 was the actual man-hour fee from Bernardin-Lochmueller to do the manual conversions, not an automatic conversion.

Commissioner Mourdock: It wasn't software, it was just conversions?

John Stoll: Right.

Commissioner Mourdock: Ok, once again, my memory is bad.

John Stoll: There may have been other discussions, I'm not sure.

President Borries: If you could get more information, based on what you find there, it might be helpful since, obviously, we don't want to have to pay for any unnecessary work at this point.

John Stoll: Right, ok. I'll check into it.

RE: SPEED LIMIT ORDINANCE

John Stoll: Next, I'd like authorization to go ahead and advertise an amendment to the Speed Limit Ordinance. This would change the speed limits on Old State Road, Peck Road, Tree Top Lane and St. George Road.

President Borries: To various speed limits?

John Stoll: That's right.

President Borries: Below?

John Stoll: Old State would be 40 mph, Peck Road would be 40 mph, Tree Top Lane would be 25 mph and St. George would be 35 mph.

President Borries: May I have a motion to approve?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: And that's to advertise, right?

John Stoll: Right.

President Borries: So ordered.

Alan Kissinger: A penalty provision? Am I safe in assuming that, John?

John Stoll: All we did was, add the new speed limits into the old ordinance. So, it's the exactly same language as it's always been. It's just got the revised speed limits in there.

Alan Kissinger: It must be advertised twice.

John Stoll: Ok.

RE: ACCEPTANCE OF STREETS

John Stoll: The next two items I've got are acceptance of streets in two subdivisions. One is for Weston Road in Expressway Commercial subdivision and, the other one is for Gregory Court, Carrington Drive, Doe Run Trail, Whitetail Trail and Bambi Trail in Deerfield subdivision.

President Borries: May I have approval to accept these streets? Of course he will forward this for ongoing maintenance to the State Highway.

Commissioner Mourdock: I move acceptance of the streets in Deerfield, as recommended by the County Engineer.

Commissioner Tuley: Second.

President Borries: So ordered.

John Stoll: It was also an Expressway Commercial sub as well.

Commissioner Mourdock: The motion is amended.

RE: TRAVEL REQUEST FOR BILL HIGGINS & TOM GOODMAN

John Stoll: Next, I've got a travel request for Bill Higgins and Tom Goodman to go to Indianapolis tomorrow to pickup a new car for the office.

Commissioner Mourdock: Is this a new-new car?

John Stoll: This is a new-new car. It's not a Sheriff's Department hand-me-down or any of the usuals.

Commissioner Mourdock: So moved.

Commissioner Tuley: I was going to ask you why does it take two but, you have to bring one back don't you?

John Stoll: Yes.

President Borries: Second?

Commissioner Tuley: Second.

President Borries: So ordered.

RE: SIDEWALK WAIVER REQUEST FOR EAGLE VALLEY SUBDIVISION

John Stoll: Next, I've got a sidewalk waiver request for Eagle Valley subdivision. This is between Petersburg Road and Seib Road. It's out adjacent to the new golf course that's being proposed. There are about 85 lots in the subdivision. The Subdivision Review committee recommended that sidewalks not be waived in the Subdivision, due to the density.

Commissioner Tuley: Gosh, this is a strange looking subdivision. I'm telling you, this is really different here.

(INAUDIBLE)

John Stoll: At the subdivision review it was recommended the sidewalks be required.

President Borries: Let's make a motion, in affirmative then, that the sidewalks be placed in Eagle Valley II Subdivision, as per recommendation of the Sub-Review Committee.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

John Stoll: And that's on both sides of the street?

Commissioner Tuley: Correct. That's what the recommendation is?

John Stoll: Right.

Commissioner Tuley: So that was the motion then.

John Stoll: Ok.

President Borries: Now this still doesn't get, oh ok, that's another subject we'll talk about later. We've not ever, I had some concerns about the structure. Ok we've not... Ok, keep me informed about that.

RE: RESIGNATION OF KAREN HATFIELD

John Stoll: Next, I've just got a resignation letter from Karen Hatfield, in my office. She's got a new job and she'll be resigning effective December 1.

President Borries: Ok. Thank her for her service and mention that we have accepted that for the record.

RE: BASELINE ROAD CLAIM APPROVAL

John Stoll: The final item I've got is a claim in the amount of \$152,119.72 for Baseline Road for Blankenberger Brothers Construction. I didn't get it done in time, didn't receive it in time to get it on the consent agenda, but I recommend that it be ok'd and paid because everything is in order with the claim.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Borries: So ordered.

John Stoll: That's all I've got, unless you've got any questions?

President Borries: Any questions of John? Thank you, John.

John Stoll: Thanks.

RE: BILL MORPHEW, COUNTY HIGHWAY

President Borries: Bill Morphey, County Highway.

Tape Change

President Borries: Ok, let me again say for our tape here, Bill Morphey, County Highway. Bill has submitted our work report that dates Friday, November 10 through Thursday, November 16, 1995 and shows work done in all parts of the county. I'm circulating among our Commissioners a very nice letter by a person who said that she

wrote for the Evansville Courier in the 1940's. She was very appreciative of the work that had been done, kind of preserving the old Dixie B Highway, going all the way down Old Henderson Road. She wanted to thank you, so I was motivated enough to write a very nice letter thanking her, because, we don't get many of those thank you notes. I will show it to you because, she was sure pleased with what had been done here. Any particular items here that you need to bring to our attention this week?

Bill Morpew: No, sir.

President Borries: How about any questions of Bill?

Commissioner Mourdock: What's your salt in stockpile?

Bill Morpew: We have 400 ton, right now.

President Borries: It's probably not as critical as it was a winter or two ago when it got to, when prices were pretty high there. It was definitely more of a sellers market than it was a buyers market.

Bill Morpew: Yes, sir. We learned something on that, that year.

Commissioner Tuley: I remember getting a call and asked if it was ok to go buy it by the bag.

President Borries: Any questions then, of Bill? Thank you then, I appreciate it.

RE: ALAN KISSINGER, COUNTY ATTORNEY

President Borries: Alan Kissinger, County Attorney.

Alan Kissinger: Nothing to report.

Commissioner Mourdock: Let the record show, the startled expression on the face on the County Auditor.

RE: CINDY MAYO, SUPERINTENDENT OF COUNTY BUILDINGS

President Borries: Cindy Mayo, Superintendent of County Buildings.

Cindy Mayo: We have set the date for the County Surplus Auction, not the property auction, but the county surplus items. It will be December 2 out at the County Garage. That's on a Saturday at 8 a.m. Curren-Miller will be conducting the auction.

Commissioner Mourdock: What kind of items?

Cindy Mayo: Really choice items out there. You'll want to be there early.

Commissioner Mourdock: It begs for the questions, what kind of items do you have out there these days?

President Borries: Not your typical garage sale kinds of things. We've got what, some used vehicles?

Cindy Mayo: No, the vehicles were all sold at Wolf's.

President Borries: Oh, that's right, to Wolf's.

Cindy Mayo: The County Garage did have a few surplus items that some interest has been expressed in. So, I think we'll get some people out on that. We do have some window units, some air conditioners, duck decoys. There's been people interested in them.

Commissioner Tuley: How did we get duck decoys?

Cindy Mayo: It was in one of the county buildings that we inherited. File cabinets, chairs, desks that sort of thing.

Commissioner Tuley: In explaining how bad they must be, no other officeholder will go and take them out of the basement or wherever they are, they're in pretty sad shape.

Cindy Mayo: The only other item that I have is Barb Cunningham. She did ask to remind you that she would like to know or like for you to determine who will be on the Plan Commission next year.

Commissioner Mourdock: I have a gentleman's name in mind I've not contacted yet, but I hope to have it by next week.

Cindy Mayo: She would also like to know, which one of the Commissioner's might be serving.

Commissioner Mourdock: Oh, I'm sorry. There are two things there, Jeff Hatfield.

Cindy Mayo: Jeff Hatfield. Then she said there was a, I wrote down the name, Dan Burn. His term will expire at the end of this year. And then, one of the Commissioner's needs to serve on the Area Plan. She would like to get her calendar prepared and sent out for the January meeting. That's all I have.

President Borries: Thank you, Cindy.

RE: CONSENT ITEMS

President Borries: We have the following consent items, which are concerning employment changes, some travel requests and a council call for the Health Department. May I have a motion to approve those consent items?

Commissioner Mourdock: So moved.

RE: OLD BUSINESS

President Borries: I will second. So ordered. We have a list of scheduled meetings that are available. Man oh man, it's been kind of a long day here. I think my words are beginning to run together. Maybe actually, my thoughts are more on food than anything else right now. Any old business?

Commissioner Mourdock: Not having the auditorium task force report tonight, that we'd hoped to. There's disappointment reeking on the face of the crowd there. Do we have any reports as to when they might be coming in? Do we expect them next week?

President Borries: I've not heard for sure. It could be next week, I've not talked with any of them. But we're anxiously awaiting that report.

Commissioner Mourdock: And, on another subject. The Welfare to Work group that came last week of course, asked to get some more members on their board. I was not able to attend their meeting this week. My expectation is that they'll submit some names to us so we can approve those. Have you heard anything?

President Borries: I have heard nothing. I don't believe our office has received any correspondence or any requests. I would certainly honor any of their requests. I believe that our Board was certainly willing to do that.

Commissioner Mourdock: That is one of the meetings I hope to attend up at the Commissioners' meeting.

President Borries: Are you going to go to it?

Commissioner Mourdock: I'm going to go up for at least one day. I don't know that I'll make both days, but I do want to make one.

President Borries: The Indiana Association of County Commissioners meeting will be held the first week of December.

RE: NEW BUSINESS

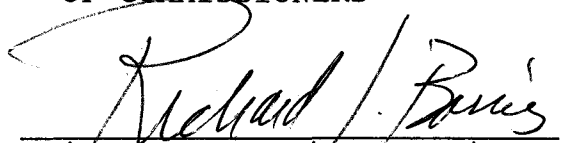
President Borries: Is there any new business at this time? Hearing none, we're going to adjourn until 7:00 p.m.


Meeting adjourned at 6:38 p.m.

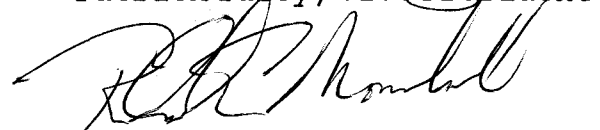
THOSE IN ATTENDANCE

Richard J. Borries
Patrick Tuley
Richard E. Mourdock
Alan Kissinger
Suzanne Crouch
Cindy Mayo
Teri Lukeman
John Stoll
Bill Morphew
Lynn Ellis
Others unidentified
Members of the media

VANDERBURGH COUNTY BOARD
OF COMMISSIONERS


Richard J. Borries, President


Patrick Tuley, Vice President


Richard E. Mourdock, Member

**VANDEBURGH COUNTY BOARD OF COMMISSIONERS
MEETING OF REZONINGS
NOVEMBER 21, 1995**

The Vanderburgh County Board of Commissioners met in session for the purpose of rezonings at 7:00 p.m. on Monday, November 20, 1995.

President Borries: I want to reconvene the meeting on this evening. We can not hear this unless the petitioner is present.

Barbara Cunningham: I don't know if you want to because there were some questions about access off of 57 and improvement on Ruston Road and stuff that you might want to ask him.

President Borries: That is what I mean. We have to have the petitioner present. So we have reconvened this meeting with the petitioner not present. Let me just go through the explanations here is this person is going to be here. This will be

**RE: VC-10-95 Petitioner: Michael Market
14200 Highway 57**

the change is from AG - M2. The petition was recommended for approval by the Area Plan Commission. I am going to instruct our secretary to turn off the microphone at this time until the petitioner shows.

(tape off)

President Borries: Let the record show that it is 7:08 p.m. and the staff has checked both the Evansville City Council meeting room and this room and the petitioner, Michael Market, is not here. Therefore, if I may have a motion to postpone this matter VC-10-95 to the December meeting which will be held on Monday, December 18? At this time, I would entertain that motion.

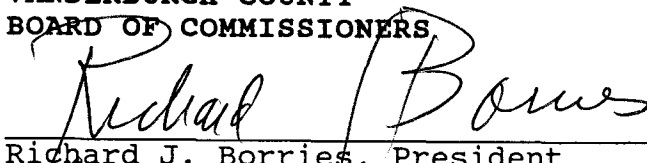
Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

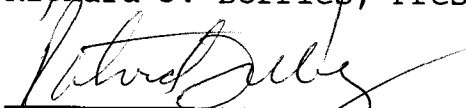
President Borries: So ordered.

Meeting adjourned at 7:10 p.m.


**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS**



Richard J. Borries, President



Patrick Tuley, Vice-President



Richard E. Mourdock, Member

**MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS**

NOVEMBER 27, 1995

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The Vanderburgh County Board of Commissioners met in session at 5:52 p.m. on Monday, November 27, 1995 in the Commissioners' Hearing Room.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Borries: Good evening, everyone. Welcome to the November 27 meeting of the Vanderburgh County Commission. I apologize for the late start. Seems like there are other things that are on people's minds. We're all a little distracted around here, I guess, these days with a number of exciting events going on. We did hold an executive session this evening for matters involving certain personnel items and some pending litigation facing Vanderburgh County. There were no decisions made and it did run over slightly. Let me introduce our staff since we do have some citizens in the audience here and they might want to know who everyone is. To my far right, Mrs. Cindy Mayo serves as Superintendent of County Buildings and also as the Office Manager for the Commissioners. Our County Attorney is Alan Kissinger. To my immediate right is County Commissioner Pat Tuley. I'm County Commissioner Rick Borries. To my immediate left is County Commissioner Richard Mourdock. Our Deputy County Auditor is Mr. Bill Fluty. Our Official Recording Secretary this evening is Mrs. Julie Hinton. Would you join us, please, for the Pledge of Allegiance?

RE: ACTION ITEMS

President Borries: May I have approval of the minutes of our last meeting that was held on November 20, 1995?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered. Are there any groups or individuals who do not see his or her item on the agenda who would wish to address our Board at this time? We do have an agenda available for you over near the door on the stand.

RE: PERMISSION TO OPEN BIDS FOR VC95-11-01 & VC95-10

President Borries: I think that there are probably some folks that are here regarding bids. I don't believe that County Coroner Dennis Buickel is here this evening, so may I have a motion to authorize the County Attorney to open bids for VC95-11-01.

Cindy Mayo: There are also bids for 10-01. We didn't have the paperwork and did not put it on the agenda, but it's for the backhoe for the County Garage.

President Borries: Okay. Alright, and so I will amend my instructions here and say, could we do both the motions, then, at the same time?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered. John Stoll, we better get him in here, this thing could roll pretty quickly, to open some bids.

RE: DAVID M. GRIFFITH & ASSOCIATES - AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES

President Borries: I have in our folder an agreement. I assume that County Auditor Suzanne Crouch has recommended that this form be signed. David M. Griffith & Associates has been a long-time provider of a plan which enables the county to be reimbursed for certain administrative costs for such programs as child support, food stamps, AFDC, Medicaid, civil defense and so forth. They have been doing this since 1977, I believe. Let's see, at least as long

as I have been around they have done it for Vanderburgh County. They have probably been able to, and certainly they can, provide documentation that they return for more monies into the system than what we pay. There is a scale of fees which would indicate that our fees in this particular matter would be \$15,750 based on population of which we would fall in from 100,000 to 400,000. Again, they, from my understanding as well as their reputation, do excellent work and return a great deal of money to the county which certainly indicates that they are very good at what they do. May I have a motion to approve this?

Commissioner Mourdock: I will move the acceptance of the agreement to provide professional consulting services to the county and that agreement would be between David M. Griffith & Associates and Vanderburgh County.

Commissioner Tuley: Second.

President Borries: So ordered. There is only one signature on this, so I'll pass those over to our Auditor. Someday it would be interesting to have a study on the various forms that we get. Sometimes they only have one signature spot; others, there are three. The variety, I guess, is refreshing but it's always interesting to understand how that works.

RE: DENNIS BUICKEL - COUNTY CORONER

Commissioner Tuley: Should we act on this, since Dennis isn't here?

President Borries: Well, it was my understanding that he wanted to be here, but I guess maybe he doesn't.

Cindy Mayo: He did call and say that he was ill and that he would not be in.

President Borries: Apparently, he still wants action on this.

Cindy Mayo: I did not speak with him.

President Borries: Well, let's just bring it up and if you all have some comments on this, we can either take action or delay it. The request from the County Coroner has to do with the following adjustments being made in the use of the Vanderburgh County Coroner's facility by other counties and/or agencies. He says that the present fee for the use for autopsies is \$50 per body. Radiology is \$12 per X-ray. He's asking for an increase to \$75 on the use for autopsy per body, and \$20 for X-ray. His justification is that the fees for the morgue usage have not increased since 1991. With a continued increase in the use of this facility by other counties, it becomes necessary to increase our fees to pay for chemicals, equipment and supplies.

Commissioner Mourdock: Do you know, routinely, when this fee increase goes in, this is being paid for directly by the other counties. I presume, they're using our facility, it's not going back to the family of the unfortunate --

President Borries: No-no, no-no.

Commissioner Mourdock: I'll move acceptance of the increase in fees so that we can make this request a dead issue.

Commissioner Tuley: Second.

Commissioner Mourdock: I couldn't help myself!

President Borries: I will say so ordered and we will say that our Coroner can increase his fees. They do serve as a regional morgue

and I can't top Commissioner Mourdock's comments, so I'm going to move on at this point.

RE: JOHN STOLL - COUNTY ENGINEER

President Borries: John Stoll, our County Engineer, is with us and has some items to bring up.

John Stoll: First of all, I'll give you an update on the Tekoppel Bridge. I met with Leo Spaans of the consulting firm, Janssen & Spaans, last Wednesday out at the bridge with representatives from Hydro Conduit and myself and two staff members. Mr. Spaans looked the bridge over and took some pictures and then he went back to Indianapolis with the design plans for the bridge as well as the plans for beams. He got back with me this afternoon and he felt that the cracks in the beam are the result of the pre-stressing strands having slipped inside the beams and he said that could have happened for any number of reasons, but anything that he would say would just be speculation on his part since he wasn't there when the beam was made or installed. He also told me that the beam could be repaired rather than replaced in his opinion. I asked him about ballpark figures on costs and he said he hadn't gotten into it to the point where he felt he could say that it could be replaced, but he didn't have a handle on what the cost might be. So, at this point, he's saying that we could have the beam injected with epoxy and then put some external pre-stressing steel on the outside of the beam in order to repair it and he said that would give the same life span as the remainder of the beams out there on the bridge.

President Borries: Questions?

Commissioner Mourdock: Yeah, the company that he was with is who, John? Somebody Conduit?

John Stoll: It's name is Janssen and Spaans. It's a consulting firm that was brought in by Hydro Conduit and Hydro Conduit was the manufacturer of the beam.

Commissioner Mourdock: Okay. Is Hydro Conduit, if we chose that route of repair, going to cover the cost? How does that work? What are you --?

John Stoll: That would have to resolved as of yet. None of the cost issues have really been addressed. If you'd like, I could continue to pursue the repair option just to see what the cost would be and how they would be divided between the county consultant, the manufacturer of the beam, the contractor, or whoever. But at this point, I don't have an idea on the cost of the repairs or what the engineering fees would be to draw up a set of plans for the repair of the beam. The other option of replacing the beam, based on some figures that were gathered by Valerie Harry in my office, she said that from her discussions with the contractors, the beam would be a little more difficult to remove than we initially thought and it would probably be up around \$100,000 to replace it, rather than the \$50,000 that we had initially estimated.

Commissioner Mourdock: And no estimate at all at this point as far as repair?

John Stoll: Right. I just found out late this afternoon that their consultant felt that repair was a realistic option.

Commissioner Mourdock: The design work for the bridge, was that done through the state?

John Stoll: No, that was done with local money, that was done by

United Consulting.

Commissioner Mourdock: Okay, I've had several constituents out there, several county residents out there call. I went out and looked at it Thursday or Friday. A couple of things that were pointed out to me was there seems to be a little settling on one end of it which has nothing to do with the spans, but next time you are out there you might just check that.

John Stoll: Yeah, I've seen where the gap is by the approach slab and that needs to be sealed up which would prevent any further problems there.

Commissioner Mourdock: And the other question that came up was just the amount of truck traffic on the bridge. Is there any limitation on the bridge at all?

John Stoll: No, it was designed for legal limit, HS20 loadings. I talked to some of United's engineers and they went back through their design and they felt that everything in their design was according to state standards and that any legal load limit that would go across that bridge would not have caused that problem.

President Borries: Didn't the railroad also review those plans? I'm sure they had to as a result of them going over their property.

John Stoll: I'm sure they did. I wasn't here at that time, so I couldn't say for certain, but --

President Borries: That's right, that's right. Well, I've often found, and they were extremely cooperative in this and we can't use them anymore, but I often likened the relationship to working with the railroad like working with the old Soviet Union. You know, you had a tough time with them. They were very cooperative, but they insisted, also, that it be done their way. I mean, there was no, if you're going over their property, it was going to be done this way.

John Stoll: We had the railroad police come and check on us when we were standing down there last week, so they're keeping an eye out on things.

Commissioner Mourdock: I know Bettye Lou Jerrel and Curt Wortman got down and looked at the bridge also and they had someone stop them, too, as they were walking underneath. What are you doing out there, that type thing, and I had a couple of people look at me. They didn't say anything, but were checking me out.

Commissioner Tuley: Richard, just to follow your question up, was the question about who designed it, the settling and stuff, is that a design problem or an installation problem?

Commissioner Mourdock: I would see it as an installation problem. What John just said as far as the load limit that the bridge is speced for, I mean, it is what it is, and I don't think that there was any, and I don't mean to imply it because I don't believe there was any kind of faulty design or anything, but if there's some settling going on, something like that is more an installation and construction and --

Commissioner Tuley: Well, I...okay.

Commissioner Mourdock: But as I said last week, I just am hard pressed to believe that we're going to have to replace that beam. I think that it ought to be able to be repaired and it sounds like that's what they're saying, and hopefully we can get a reasonable cost --

John Stoll: Then we'll just have to determine how that would be

split, if it was going to be split, things like that.

Commissioner Mourdock: Could we look closely at the other beams, too, just to see what's happening with them?

John Stoll: We looked around when we were out there last Wednesday and we didn't see any cracks in any other beams.

Commissioner Mourdock: Routinely, do we monitor those what, once a year, if we have --

John Stoll: Two years.

Commissioner Mourdock: Once every two years, so we'll certainly want to move that up. Maybe do it every six months.

Commissioner Tuley: Clarification: the consultant that was hired by the supplier of that beam --

John Stoll: Yes.

President Borries: Yeah.

Commissioner Mourdock: I'm not following your question. The consultant, you mean, that we had look at the bridge?

Commissioner Tuley: That looked at the thing, who made the suggestion that maybe it could be repaired as opposed to replaced --

Commissioner Mourdock: Ah, I see.

Commissioner Tuley: -- was paid for by the manufacturer of the beam?

Commissioner Mourdock: Is that correct?

John Stoll: That's correct.

President Borries: But somehow that doesn't surprise me. I'm not an engineer. I'm not ruling what Commissioner Mourdock says out of hand, but I would want to say that I think we do need to examine all those beams very carefully. I just feel that, you know, if we're looking at something here that happened in three years, what's this going to be in thirty years? And as you know, you are designing the replacement for the Ohio Street Bridge which is probably the oldest in the county and it's still standing since 1891. So it's not as if we have the luxury of replacing these bridges all the time and I just...I'm not saying that there was anything going on, but I think we need to look at very carefully the supplier, what did happen, and monitor this situation. Frankly, I'm unwilling to commit any kind of county money at this point until we get a pretty thorough explanation of what's going on.

Commissioner Mourdock: Yeah, and I'm not going to overstate it by any means. If, because of the relationship between the consultant who looked at it and the supplier, maybe if the county is going to expend any money, it ought to be in getting an independent appraisal. I don't have any problem with that. I mean, I've got no allegiance --

Commissioner Tuley: That's kind of where I'm headed. I don't know what the relationship there is, and we've got no reason per se to not believe it, but we all know what paid consultants --

Commissioner Mourdock: Right.

President Borries: Well, I mean, I serve on a board which is rather remarkable sometimes on looking at certain appraisals for certain pieces of property and depending on who pays for the

appraisal, you sometimes get different answers. Well, I know you're on top of it. It's useless to point any fingers at this point, but the critical part is that, and you've wrestled with these when we had washouts down there and we were able to get Waterworks Road repaired in fine fashion and quick time. That particular route is becoming critical. I was down there, I guess, Saturday and just missed a very long train coming back and I know that makes all those people very uneasy down there because of the feeling that they're blocked off for extended periods of time. Even since that bridge has been built, CSX has added more and more in terms of infrastructure down there. That is a major switching point, a major yard for them between here and Florida, really, or Chicago and Florida, I think. So, there was some guy down there when I was there. At first I thought he was talking to himself but then I saw he had a walkie-talkie and they were, I guess, switching trains and moving them back and forth and he was giving the engineers all kinds of signals here, so he was indeed in full possession of his faculties there. I kept looking at him, I thought, what is he doing? He's talking to somebody, and he was the only one standing there. But, again, we need to get on with this, but if there's some way, maybe, we might want to look at some kind of independent evaluation.

John Stoll: I'm not sure, really, off the top of my head any other consultants --

President Borries: Well, you guys are engineers, you just need to look it over real good.

John Stoll: It's just that there's not many beam failures like that in the county and I don't have a background in it and neither does anybody on my staff. It's just not something that we've had to deal with, and judging from previous inspections of all the other bridges, nobody else had, either. So, we're no experts in it, and I'd have to check to see who we might be able to find who could give another independent evaluation of the problem.

Commissioner Mourdock: If you were to that, I'd certainly be, and speaking just for myself here, certainly willing to consider that, even if we have to expend some funds because it could be penny-wise and dollar-foolish in the long run if we try to save a few bucks here on an evaluation. But the other thing is that if, in fact, the company that made it is willing to say, at some point, after an independent evaluation that it's still an easy thing to patch and fix, then I think they ought to stand behind that patch and fix, and put their engineering seal on it, and stamp it, and approve it for some duration.

John Stoll: That was one of my concerns. I want to make sure that, if we repair it, it's going to be a permanent fix and not something that we have to go monitor every six months. And that was something --

President Borries: That's exactly right. I think we'd have to look at it long and hard and based, again, on the second opinion on that.

John Stoll: Mr. Spaans told me this afternoon that he felt that it wouldn't be any problem for this beam to be repaired and last as long as a brand-new beam or any other beams out there. He said that if he was drawing up the plans, and he was there when the repairs were being made, he wouldn't have any problem certifying through his stamp that it was a repair that would be there for the long haul. He felt that way and I can look and see what other consultants I could find, maybe, to go out and take a look at it and see what their fees would be and bring that back next week. If you'd like, I can also continue talking with Hydro Conduit and Leo Spaans, who did the inspection last week, and just see what kind of dollar figures they're talking about if we would go that route.

Commissioner Tuley: Wouldn't INDOT be able to provide you with some, as much work as they do? You know, provide you with a list of some people who do that.

John Stoll: That was something I was going to check into, was other places where repairs of this nature had been done, because I asked the consultant if this was a standard method of repair through INDOT. He said, no, they don't have any standards on it, but they do approve it on a case by case basis. So, I was going to get in touch with the bridge inspectors from INDOT and see if they could tell me if that's been done anywhere down in this area and, if so, how is it holding up, and who did the work, and things like that.

President Borries: You just need to keep us advised on it, and I know you're working as hard as you can on it. I've often thought, too, I don't know if there's been any kind of influence with that being located over that railroad with all those trains rolling by. You can sure see the dark, you can see the smoke areas around there, the diesel fuel areas where diesel fuel, probably, underneath that thing. I don't know, at some point it's going to be real interesting many years down the road, the discoloration underneath the bridge and just the constant motion, not necessarily from across there, but all those trains down there. Well, please keep us advised, I mean, it's...

John Stoll: As an alternative, if we have to go with a replacement, I'd like to go ahead and go before County Council for an emergency transfer for \$125,000 to transfer that from the Heckel Road Bridge account to the Cumulative Bridge Contractual Services. That way, if, in the next couple of weeks, we determine that's the best way to go, the money will be in place. I talked to Curt Wortman and he said that would be okay with him since he's our liaison, and at least that would assure --

Commissioner Tuley: You can always put it back if that's --

John Stoll: Yeah, if we don't use it, it'll just get repealed back to the Cumulative Bridge Fund at the end of the year. So, we wouldn't --

Commissioner Tuley: I'll move that we go ahead and authorize John to do it.

Commissioner Mourdock: I'll second.

President Borries: So ordered.

John Stoll: I'll see about some other consultants and then try to get a handle on the cost figures with the consultant who's already looked at it and maybe by this time next week, we'll have an idea of which is the best way to go with it. Next, I'd like to recommend that contract VC95-10-02, the frontage road at Baseline Road, be awarded to Koester Contracting in the amount of \$110,146.88.

Commissioner Tuley: I guess I'd better so move.

President Borries: I will second. So ordered.

Commissioner Mourdock: Just for the record, I'll abstain from that one, I guess it was obvious by not seconding.

John Stoll: Baseline is open now. That project is completed.

President Borries: Yeah, it looks nice. I drove out there earlier this week and it really looks nice...or last week. I really got messed up there, it must have been Saturday I was out there.

John Stoll: Yeah, I think it got opened again last Tuesday or Wednesday. Next, I've got a Notice to Bidders for contract #VC95-10-01, replacement of Bridge #320 on County Line East Road. I recommend that it be signed.

President Borries: Okay.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

John Stoll: The final item I've got is, we've taken some price quotes to replace 250 square yards of concrete streets out in Eastland Estates. We received quotes from Deig Brothers, from Rudolph, from Phoenix and from Law. Deig Brothers was low in the amount of \$9,975. With your approval, I'd like to go ahead and hire them to do the repair of the streets.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

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

President Borries: Questions of John? A couple, maybe at some point, I know you've been focused, if we could get an update on Franklin Street, and secondly, what happened to the roof at EARC? Are we all done with...?

John Stoll: I think they've completed all the items that were on their punch list and the only thing we need to get at this point is the warranty information. But it's, for the most part, finished if not totally finished and everything was looking real good last time I was out there. I've not heard of any leaks since it was placed.

President Borries: And we have what kind of guarantee on that?

John Stoll: Five years.

President Borries: Okay. And Franklin Street?

John Stoll: It should be completed, I believe, within the next week or two, if I remember right. I was out by there earlier today and it looked like they were starting to pull up all the temporary tape for the detours, so it might be fully opened here real soon, if not already.

President Borries: Essentially, the work is being done underneath the bridge now, am I correct? Because of the steel, that's kind of an unusual structure there. They're painting the --

John Stoll: Right. They had to sandblast and paint the steel. All the concrete work and everything above is complete, except I think they might need to still seal the barrier rail on the south side of the bridge. But, for the most part, it's all done on top.

President Borries: Okay. Good.

Commissioner Mourdock: Do we need to open bids under John's item there?

President Borries: We've already done that. We may get a report from Alan very shortly. Thank you, John.

RE: MILTON HAYDEN - COUNTY GARAGE

President Borries: Milton Hayden, our Assistant County Garage Superintendent, is here regarding the report from the County Garage this evening. Milton, welcome. Good to see you back, sir. You're doing well now, I understand?

Milton Hayden: I'm beginning to (inaudible).

President Borries: Good.

Commissioner Mourdock: Looks like you've lost a pound or two.

Milton Hayden: (Inaudible).

President Borries: Good. This County Highway report is for the week of Friday, November 17 through Thursday, November 23, 1995, and the same for the Vanderburgh County Bridge Crew and shows work done in all parts of the county. Questions of Milton this evening, or any items that you need to bring up for him?

Commissioner Tuley: You lost a washer and dryer?

President Borries: You can still do some patching, I guess we're not doing paving, right?

Milton Hayden: We're still doing patching.

President Borries: Okay, so any patching...I was over a stretch, where was it, that was really starting to alligator real bad that...it kind of surprised me. I'm trying to think of where I was, where I was driving. I'll get with you.

Milton Hayden: If there is any alligatoring, we've still got 400 gallons of that oil that we have to get out of the tank and that should be in those alligator cracks before we patch over the top of them.

President Borries: I know where it was. It was yesterday, I guess, Inglefield Road. Inglefield Road as you're coming up, I was driving around that area there looking at the Azteca project, just kind of driving around the county and I was hoping against hope I might still find some late summer tomatoes and a few things out there. There's a couple of stands out there and I found some green ones, but not...I'm afraid winter is indeed here. Anyway, Inglefield Road, as you're going up toward the...it's either right at the railroad tracks there, CSX...it's right at either east/west there. It really looks to me that it may be starting to deteriorate pretty bad on that stretch.

Milton Hayden: I'll check on that tomorrow.

President Borries: Any other questions of Milton? Thank you, sir.

RE: ALAN KISSINGER - COUNTY ATTORNEY

President Borries: Report from Alan Kissinger, County Attorney.

Alan Kissinger: I have two bid recaps. The first one on project VC95-11-01, the Strueh Hendricks Road Culvert Replacement. Bidders were Phoenix Construction Company, the bid was \$59,812.84; Southwest Engineering Incorporated, \$42,856.30; Deig Brothers Lumber & Construction Company, Inc., \$53,442.99; Koberstein Trucking Incorporated, \$68,982.00; J. H. Rudolph & Company, Inc., \$100,935.00.

President Borries: Man! May I have a motion to...I would think we'd probably want to take these under advisement.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Borries: So ordered. Refer those to the County Engineer's Office.

Alan Kissinger: The second bid recap is on project VC95-10, the County Garage backhoe. Rudd Equipment Company and Brandeis Machinery & Supply Company returned their bids and indicated they have chosen not to bid. K & W Equipment Company bid the base unit at \$48,500, Option A \$53,400, Option B \$60,000. Diamond Construction Equipment Sales, Inc., basic unit is \$50,085, Option A \$54,707, Option B \$6,815. I think there's a math problem here. Whayne Supply Company, base unit at \$49,298, Option A \$52,950, Option B \$8,799. Someone...either two people ignored the instructions or one ignored the instructions or got the instructions --

President Borries: You said the first one, if you just could repeat K & W, according to what you said, was \$60,000?

Alan Kissinger: Yes. K & W is \$60,000 and I'll tell you what I believe occurred here.

President Borries: Transposed?

Alan Kissinger: I think K & W took the price of the base unit, added on the price of Option B and that came out to a total of \$60,000. I believe that's what they did, but I didn't really look at that closely because it appears here with Whayne Supply, for example, their base price is \$49,000 and then add on to that \$8,000, you come up with almost \$58,000. So that's probably what occurred. I assume it would be most appropriate to take this under advisement so the people from the County Garage can sort this out.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Alan Kissinger: The last matter that I have is a proposed amendment to the ordinance which provides the county group health insurance to retired members of Vanderburgh County Sheriff's Department. As the Commissioners will probably recall, we have, in the process of administering this program, been making it available to retired deputy sheriffs, encountered some problems in interpretation. Those problems, in one case, the interpretation was made and the applicant was satisfied and the other situation, the applicant actually filed suit. Luckily, or I guess because of my great ability, we won that suit. Nonetheless, this ordinance is designed to remove those questions and also to try to anticipate some questions that may come up in the future because of the way the previous ordinances were drawn. Also, this ordinance repeals the previous ordinances and establishes a Vanderburgh County Code of Ordinances code number for this ordinance. I recommend that the Commissioners give favorable consideration to this ordinance and direct the County Auditor to make the necessary advertisement so that this matter can come up for a vote before the Commissioners.

Commissioner Mourdock: Okay, just two questions and the second one I'll ask first here, which means it'll really be the first. As far as the cost to the county based on change for the retired deputies, do we see greater cost than what we will have now?

Alan Kissinger: No, as a matter of fact, the cost should stay exactly the same except that the potential exists that some deputies who might consider themselves to be otherwise eligible, will not be eligible as a result of this ordinance. So I think

that the only thing that might occur, remotely, is the possibility of a reduction in overall costs over the long term. The costs should not go up because the same number of deputies are going to be affected. It would go up only in the event of additional applicants and we don't really, at this point, have any way to anticipate how many applicants there will be.

Commissioner Mourdock: But the pool of deputies is fairly finite.

Alan Kissinger: Yes, I guess I'm not expressing myself very well. If those deputies retire under the present ordinance, the expense would not be any less than if they retire under this proposed new ordinance.

Commissioner Mourdock: Would not be any less?

Alan Kissinger: The expense will not be any greater. I'm sorry.

Commissioner Mourdock: Okay, I thought that's what you meant. That takes care of it then.

President Borries: You'll need to move --

Commissioner Mourdock: Pat, I was about to make a motion, here. Do you have any questions on this ordinance, or I'll go ahead and make a motion.

Commissioner Tuley: No, I talked with Alan, I'm fine with it.

Commissioner Mourdock: Okay. In that case, I'll move that we go ahead and pass this on to the County Auditor so that she can begin the advertising process for the proposed ordinance.

Commissioner Tuley: I'll second.

President Borries: So ordered.

Alan Kissinger: I have nothing further to report.

Tape change.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Cindy Mayo: I have two corrected quit claim deeds. When two of the deeds were done for Choice for some of the properties that they got, there was a short legal description on there instead of the full, long legal description. Attorney Jeff Bosse's office prepared the corrected deeds and they just need to be signed and they do state at the top, corrected quit claim deed.

President Borries: Okay. Thank you. May I have a motion to do so?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Cindy Mayo: Tomorrow between 10:00 and 1:00, EMA will participate in a mock disaster drill with the riverboat as far as their response time and how their response is. Part of that will be that they will contact the Commissioner's Office and we, in turn, will contact you and let you know that this drill is going on and it just will be some time between 10:00 and 1:00 tomorrow. They did say that you're welcome to come down and watch. I think it will be a little cold tomorrow. But I did tell them that I would pass the word on. That's all I have.

President Borries: Thank you, Cindy.

Commissioner Tuley: Unless you are required to call me, don't because I probably won't be in, anyway.

Commissioner Mourdock: Well, I'm glad you told us that, because when one of us gets a little pink slip about an emergency on the riverboat, we'll all (inaudible).

RE: CONSENT ITEMS

President Borries: Okay, are there any other items, then? We have consent items with various employment changes including travel requests from the Health Department and Auditor's Office.

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

Commissioner Tuley: Second.

President Borries: So ordered.

RE: SCHEDULED MEETINGS

President Borries: We have a list of scheduled meetings attached for public information.

RE: OLD BUSINESS

President Borries: Any old business at this time?

Commissioner Mourdock: I've got several I'll bring up. First of all, Rick, you had passed on to me a note about the position on the Area Plan. Obviously, Pat's been on that this past year. With your approval and consent, I'll be more than happy to serve on that for the coming year.

President Borries: Good. Put on your helmet and shoulder -- I'm sorry, we'd be delighted to have you do so. Great. We'll forward that information to Mrs. Cunningham.

Commissioner Mourdock: The second one is for the position on the BZA. I've contacted a fellow who was hoping to get back to me by today, but he has not. Hopefully, I'll have his name next week. If he does decline, I have an alternate in mind. But I'll give this fellow first shot at it.

President Borries: Thank you.

Commissioner Tuley: I got a call today from Judge Young reminding us there is a Community Correction Advisory Board meeting Thursday evening at 4:00, plus the fact that the (inaudible) appointee's term expired in October. So if the Commissioners would so desire to designate one of us, it might be appropriate to do that since there is a meeting Thursday night.

Commissioner Mourdock: This would fill the position we discussed before about having a full-time, or a voting member of the Board be one of the Commissioners, which I think we all agree we need to have. I'm planning on being in Indy on Thursday for the --

Commissioner Tuley: You're going to the Commissioner's Conference.

Commissioner Mourdock: Right.

Commissioner Tuley: Oh, boy. The Treasurer's Office has their Christmas dinner Thursday night.

President Borries: I'm going to have a problem making it. I have, looks like maybe a 3:30 and 4:00...

Commissioner Tuley: I could probably, I might not stay for the whole meeting, but I could probably attend between 4:00 and 4:45, something like that.

President Borries: Okay, if you could do that. Alan, would we have to change the ordinance to appoint one of us? I don't think we would, at least initially. But over the long term, that Safe House, we've all discussed at one point the advantage of having at least one Commissioner serve as a liaison.

Alan Kissinger: You know, I cannot recall now if membership on that Board is established by state statute or by county ordinance. If it's established by state statute, then we would have to talk to our state legislators to change it. However, I don't think there is going to be any problem with appointing one of the members of the Board of Commissioners as one of the members...what do they call them? Just a citizen or something --

Commissioner Tuley: Yeah, that's what we've got in mind.

Alan Kissinger: I don't see that it's any violation of the intent of the statute to appoint a County Commissioner.

President Borries: Well that certainly shortens the process of having to go through all the ordinance changes, so I don't have any problem with that. Commissioner Tuley, would you be interested in serving at least to the end of this year?

Commissioner Tuley: Yeah, I'll serve out through the end of this year. What we ought to do is just name, if we can say vice president, I think the president has enough to fill without having to serve that role. If we can just say vice president and then whomever that lucky individual gets to be, gets that along with whatever board appointments come with it.

President Borries: That's fine.

Commissioner Tuley: Which would mean me doing it to the end of this year, anyway.

President Borries: Right.

Commissioner Mourdock: I think that's a reasonable approach as well. Did you make that a motion or --

Commissioner Tuley: I'm sorry, yes. I move at this time that the position of Vice President of the County Commissioners be appointed as a citizen's member to the Community Corrections Advisory Board.

Commissioner Mourdock: I will second.

President Borries: So ordered.

Commissioner Mourdock: When I'm not wearing the shoulders pads, I'll pass them!

Commissioner Tuley: It's not bad. You'll get more insight in these rezonings than you'll get in the twenty minute presentations here.

President Borries: But I do have some advice for you in addition to the helmet and shoulder pads, which I'll share later.

Commissioner Mourdock: Okay. I had one other item of old business before we move on. That was, again, to bring up the committee over there with the Auditorium. Did you hear anything this week, Rick or Pat?

President Borries: I did not. I believe that they are going to

try to have a report, but I will confirm that, next week.

Commissioner Mourdock: Okay, and perhaps we can have Cindy give them a call or something during the week. Individually, call each of them and --

President Borries: Yes.

Commissioner Tuley: Say we're ready?

Commissioner Mourdock: -- beg, borrow. We are ready to meet with these folks and we are very anxious to hear their report so we can move on.

President Borries: Yeah, we can confirm that, but I believe that may happen next week. I hope.

Commissioner Mourdock: Okay.

President Borries: I've not talked with Rolland last week. Seems like there were other topics here that seemed to fill our agenda.

RE: NEW BUSINESS

Commissioner Tuley: Any old business or new business?

Commissioner Mourdock: I've got a new business. Just one item of new business and this may be the first time the word has actually been used in something other than an actual abbreviation here in one of these meetings, but the word is Toyota. Given what seems to be a very positive climate for what's happening up there, I think it would be fully appropriate if we tried to get our group of County Commissioners with the surrounding counties together again. We had talked in the last meeting about possibly meeting in January. I sense that there may be a need to accelerate that a little bit and with your consensus, I'll send a letter off to them, see if they're willing to do that. Roger Meyers had commented at the last meeting that perhaps the next one could be hosted by Gibson County, which seems even more appropriate now.

Commissioner Tuley: If I might make a suggestion, try to make it in the early part of December, if we can, before we get into the holiday season because people are traveling and gone.

Commissioner Mourdock: I think they will strive to try to be there. We might even want to consider Knox County, but maybe, I guess, since we were all together as four, if we're going to do something like that, it's something all four of us ought to talk about, all four of the counties before we expand it further.

Commissioner Tuley: Probably not a bad idea to at least run it through the four, first.

Commissioner Mourdock: Right. So again, if it's your consensus, we'll go ahead and put a letter out to those folks.

President Borries: Sure.

Commissioner Tuley: Go ahead.

President Borries: This is either new business or old business, but we need to...BFI has contacted me again regarding this. They want to get this creek business relocated. They have no objections to any other thing, but they felt that if they change the list, they might not be honoring the spirit of the agreement that they had negotiated with the previous Board that included some other people. There were names on that list that, that's why they wanted to stay with that particular list. So, if we could just name a name, here. They're satisfied with...you know, they haven't done

any business with any of those and this was, as they see it, was kind of a critical component to them being able to finish their project on that Locust Creek relocation.

Commissioner Mourdock: I regret that this thing has taken a few weeks here, and we haven't talked about it. It kind of slipped my mind. The spirit of the thing being whatever it was at the time, I don't know, I guess I can live with that. I'm concerned what the big deal is here, quite honestly, that they wanted, as I understood it, someone who is certified. The gentlemen who was contacted is indeed certified as a CPG in the state and I have to say I'm mystified as to what...you know, if they want to move forward, why this is such a sticking point to them. And I'm not putting you in a position to defend them, because you probably don't have a --

President Borries: I don't have a...they just felt that they wanted to stay with the original list that was developed so that they could -- no one could come back, I guess, at any point and say that there was a change in what the original mission was and so that was it. I think it's just that simple.

Commissioner Mourdock: Yeah, with that bit of a brief explanation, I can see a little different point of view from their perspective. Who is it that you've dealt with on that? Is that Erv that's --

President Borries: No, Jerry Evans is who --

Commissioner Mourdock: Oh.

President Borries: He's their attorney.

Commissioner Mourdock: Well, let me get my file and pull out the list and take another look, unless you've got it with you there.

Commissioner Tuley: I don't have mine with me.

President Borries: We just need, they keep talking to me about it and we just need to get on with it. So, do we --

Commissioner Tuley: I don't have the list.

President Borries: Okay, we need to...if we could all write that down for next week, it would be --

Commissioner Tuley: Why don't we just put it on the agenda?

President Borries: Okay.

Commissioner Tuley: Just tell her to put it on the agenda.

President Borries: Because I know he's going to call.

Commissioner Tuley: Now we've got to find the list.

President Borries: It's around.

Commissioner Mourdock: Yeah. Lastly, before we adjourn, just to get his name officially in the record, which I don't know if it's ever happened, this is Chris Rickett's last meeting. So now, Chris, your name is in the record and you're duly noted for being here all those meetings.

President Borries: I thought it was next week. This is it? We wish you well.

Commissioner Tuley: Where are you going?

Chris Rickett: Roanoke.

President Borries: May you have stimulating meetings, if you go to all those, that keep you on the edge of your seat and energize you with all kinds of --

Chris Rickett: (Inaudible - comments not made from microphone)

President Borries: That's right. We think there's going to be some pretty exciting times around Vanderburgh County. We're going to be sorry to lose you here.

Commissioner Tuley: Now we can even say the "T" word.

President Borries: Has there been some announcement? I --

Commissioner Tuley: No, I don't know.

Commissioner Mourdock: Apparently, from what the lady told me earlier out there from Channel 44, they're expecting it to be in the Japanese newspapers in about three hours.

President Borries: In about three hours?

Commissioner Mourdock: Yeah.

Alan Kissinger: So they're spreading the rumors --

Unidentified: (Inaudible - comments not made from the microphone)

President Borries: It has? That's great.

Commissioner Tuley: I wouldn't believe Marynell.

Herb Marynell: What's that?

Commissioner Tuley: I said I wouldn't believe you.

Herb Marynell: Well, I certainly wouldn't tell it to McDonald because he still won't be saying anything. The (inaudible) will be working out there for two years and they'll be talking about a major corporation --

Commissioner Tuley: That may or may not locate.

Commissioner Mourdock: Unnamed sources.

President Borries: Well, great. That's some great news. We'll, hopefully, have even more to say about this next week. In Japan, right now, they're fifteen hours ahead of us so it would be 10:00 tomorrow morning. I'm always able to figure it out a little more easily when I've been over there and just feel like you-know-what at about 10:00 in the morning thinking, why do I feel this way? It is just radical. I mean, the jet lag just kills you. Okay.

Unidentified: (Inaudible)

President Borries: That could be part of the reason, but I'm not...you know, that's fine. I'm just going to say it's the jet lag. Okay, is there any other new business?

Commissioner Mourdock: Did we get your item covered? You've sat here patiently?

Unidentified: (Inaudible - comments not made from the microphone)

President Borries: You did? Alright, we have a Drainage Board that we'd like to have follow immediately or within a short time. We have some things here to sign, so let's say we can try to convene within five minutes, at ten of seven.

COMMISSIONERS MEETING
NOVEMBER 27, 1995

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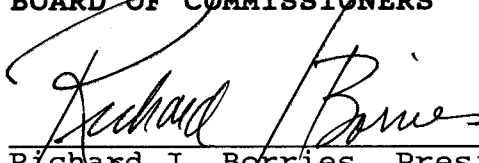
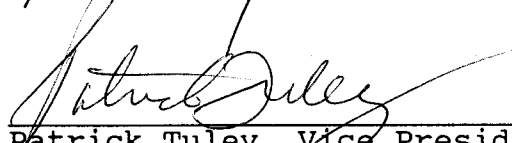
Commissioner Mourdock: Okay.

President Borries: Thank you. This meeting is adjourned.

Meeting adjourned at 6:45 p.m.

THOSE IN ATTENDANCE

Richard J. Borries
Patrick Tuley
Richard E. Mourdock
Alan Kissinger
Bill Fluty
Cindy Mayo
Julie Hinton
John Stoll
Milton Hayden
Members of the media
Others unidentified

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**
Richard J. Borries, President
Patrick Tuley, Vice President
Richard E. Mourdock, Member

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS

DECEMBER 4, 1995

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The Vanderburgh County Board of Commissioners met in session at 5:53 p.m. on Monday, December 4, 1995 in the Commissioners' Hearing Room.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Borries: Good evening, everyone. Welcome to the December 4 meeting of the Vanderburgh County Commission. There should be an agenda available near the door. Let me introduce our staff with us this evening. Sunny Titzer is with us this evening. She serves as our Administrative Assistant. Mrs. Cindy Mayo, who is Superintendent of County Buildings and works as Office Manager is ill today. Our County Attorney is Mr. Alan Kissinger. To my immediate right is County Commissioner Pat Tuley. I'm Commissioner Rick Borries. To my immediate left is County Commissioner Richard Mourdock. County Auditor is Suzanne Crouch. Our Official Recording Secretary is Mrs. Teri Lukeman. Would you join us, please, for the Pledge of Allegiance?

RE: ACTION ITEMS

President Borries: As we begin, I would say that we will be approving our minutes here and we did hold an Executive Session today on certain personnel matters and pending litigation. There were no decisions reached in that particular meeting. I apologize for it running slightly over. First, we will ask for approval of the minutes of our last Board meeting which was held on November 27, 1995.

Commissioner Mourdock: I'll move approval of the minutes of November 27.

Commissioner Tuley: I will second.

President Borries: So ordered. We see some faces here of citizens in our community. Gentlemen, we welcome you and ladies, of course, Mrs. Ellis is here probably because -- not because she wants to be -- she has some official county business to do. Are you gentlemen, is there a spokesperson or do you not find your item on the agenda?

Unidentified: We're item D.

President Borries: You're item D. Okay, then we'll proceed. I usually ask that question, if there is anyone in the audience who wishes to speak at this time who does not find his or her item on the agenda. So you all obviously see your item on the agenda.

**RE: MIKE ROBLING - DEPARTMENT OF METROPOLITAN DEVELOPMENT
DAYLIGHT SANITARY SEWER**

President Borries: Item C is Mr. Michael Robling from Department of Metropolitan Development who acts as our Administrative Assistant in various matters of metropolitan development, economic development is here regarding the Daylight sanitary sewer.

Michael Robling: Yes, the county has received the grant agreement from the Indiana Department of Commerce and you have copies of that for signature, the grant agreement and related documents. In order to get this project under way, the Commissioners need to request an appropriation from the Council to provide the matching funds needed for this project before we can actually start and hire an engineer to do the design and so forth, the funds will have to be in place to at least cover the engineering costs. The application showed a total project cost of \$690,000 of which the state will pay its 21% up to \$150,000, leaving a balance of local funds needed of \$450,000. It's my understanding the Auditor will need to advertise this soon and they need to know what fund this is coming from and I have no idea how that works, so I will need your direction or someone's direction.

President Borries: Mike, would you have any information or, I'm not sure you would, as to whether or not discussion has been

concluded with the Evansville Utility Department regarding how this money is to be placed back into an account where the county would recoup money. Are you aware of --

Mike Robling: I talked to Jack Danks on Friday. He was not aware of any negotiations that have taken place at this point in time. They had presented us with basically their standard agreement which they had signed with the private developer who had intended to do this project a year or so ago. He felt that any details could be worked out so that the county could do the recoupment process that was spelled out in that agreement. But as far as I know there have been no actual formal discussions that have taken place with the water and sewer utility.

Commissioner Mourdock: Certainly that needs to be done, because for us to act without that, we're not going to know really what the costs are, what our chances of recoup are. We have to have that first.

Alan Kissinger: I can tell the Commissioners, I have talked with Kevin Winterheimer from the City Attorney's Office. I talked briefly with Jack Danks, although no negotiations were entered into. We can use the city's contract for our recoupment as far as tap ins are concerned. The agreement that has to be negotiated, I suppose, is how the city will recoup whatever expenses they have or what happens to tap in fees after the fact of the county recouping the entire amount that we have invested and how is the city going to bill for the actual tap in work. I have talked to them. I have identified the problems, but I'm totally unaccountable as to how to solve them at this point because I don't know anyone's will on this. I don't know how anyone wants to handle this. I am ready to move forward with it when someone says, let's go in this direction, but I don't feel that I have the authority to dictate that direction.

President Borries: Okay, I think we can get that resolved real quickly here. Would this Board want to direct the Attorney to...

Commissioner Mourdock: Yeah, we can certainly direct Alan to begin the negotiations. I guess the question I heard there that sounded less reconcilable, though, was how the city will get its money back. Alan?

Alan Kissinger: Yes, two primary issues. After the county has recouped their initial investment, how do we transfer it over to the city and number two, the city has an expense attendant to each individual tap in. How is the city going to be reimbursed for those expenses. Those are two primary issues to be settled before we enter into any kind of a contract.

Commissioner Mourdock: It sounds to me as if the direction we need at this point is to simply direct the County Attorney to actually begin the negotiation process since you said there have been no negotiations thus far.

Alan Kissinger: No, it's been information gathering up to this point.

President Borries: Okay, we have resolved that the Attorney will quickly --

Commissioner Tuley: We're going to appropriate money, we've already got a grant from the state, and then we've got to work out the details later, to a certain degree?

Alan Kissinger: Well, we don't have the grant yet.

Michael Robling: We have the grant agreement to be executed locally. I mean, we have to send it back to the state and they

have to have seven people in Indianapolis sign it and they'll eventually send it back to us.

Commissioner Mourdock: So if we get started on it now, about 2001, maybe 2002...

Alan Kissinger: Are they going to ask for some type of minimum progress prior to approving this or are there going to be strings attached to this grant at this point?

Michael Robling: They're not going to require us to present a copy of an agreement with the utility department or anything like that at this point in time, no. It's basically, once we get back, I mean, we could start now, but until we actually get the fully executed contract back from the Department of Commerce, we couldn't draw out any funds. The way the contract is worded, the funds would all go into the construction phase of the project anyway, so that would be a ways down the road.

Commissioner Mourdock: And do I not recall, Mike, from the previous time you were here, the question came up about the timing. There was a restriction that they had as part of the process. Was it related to the beginning of the initiation of the engineering work or something --

Michael Robling: Those were dates we had put in the initial application. You probably already had a little slippage on that, but I think the final completion date is still probably something that's achievable. They're not real picky about those dates, like on the Azteca infrastructure improvements we had quite a bit of slippage because of the time it took to get easements and things like that.

Commissioner Mourdock: So as Pat said then, we are at that situation where we're taking funds and working out the details later.

Commissioner Tuley: Yeah, I guess my only concern is -- but if we don't ever work out the details, we can always send the money back and put the money back in the General Fund. I just don't want to be put in the spot where someone has got us over the barrel where we don't have any choice with any room to negotiate. All we're doing now is just putting the money in place and after that we'll work on it. We won't spend it until we've worked everything out.

President Borries: Yeah, I need approval to sign for, well, in terms of the grant, here, copies of the IDGF Grant Agreement, Drug-Free Workplace Certification, Non-Collusion Affidavit. And there's a signature card here that our attorney, Alan Kissinger has to sign.

Commissioner Mourdock: I'll move the acceptance of the request for appropriation of local funds as submitted by Mr. Robling.

Commissioner Tuley: I'll second.

President Borries: So ordered.

Commissioner Mourdock: Just to say it formally since we didn't before, I would also move that we direct the County Attorney to negotiate with the City Utility Board to get a favorable contract by which to extend the sewer into Daylight.

Commissioner Tuley: Second.

President Borries: So ordered.

Mike Robling: The third item is issuing a request for proposals for engineering services.

Commissioner Mourdock: I'll amend my motion then to include that request for proposals.

Commissioner Tuley: Second.

President Borries: Our engineer has reviewed those specs?

Michael Robling: No, he has not. It's basically taken off of the specs that he uses for road design projects. I asked the Water & Sewer Department to look at it because of their expertise in dealing with actual sewer things and there were a few minor modifications that they suggested.

President Borries: Okay, but they reviewed that?

Mike Robling: Right, they have reviewed it.

President Borries: Okay, as long as we've had that process in place. May I ask approval for that request for proposal to be --

Commissioner Tuley: I thought you had a motion and a second.

Commissioner Mourdock: Yeah.

President Borries: Okay, so ordered. I'm trying to sign all these.

Michael Robling: What about what fund this appropriation would come out of?

Commissioner Tuley: I don't know what number it is. Is that the rainy day fund that we keep referring to it as?

Suzanne Crouch: It would really be General Fund.

Commissioner Tuley: Out of the General Fund?

President Borries: I think Mrs. Crouch can give you that account number. Any further questions of Mike? Thank you, Mike.

Michael Robling: Thank you.

**RE: ERIC DODD - 2648 VIEHE DRIVE
CONSTRUCTION OF A SANITARY SEWER**

Eric Dodd: Yes sir, I represent the citizens of Viehe Drive and Southeast Browning Road. If Jeff would come up here for a moment so you can all get an idea of where we're talking about in relation to the city here. This, of course, down here would be the airport. This is Highway 57, Petersburg Road coming all the way up here turning into Viehe Drive. This to this area is in the McCutchanville Community Park. This is Southeast Browning Road. This dark area that you see here is the existing sanitary mainline which was recently installed that is currently in place and will be servicing the residential developments in this area as well as the new school that is proposed and actually starting some initial survey work in this area. I represent approximately 200 Viehe Drive and Southeast Browning residents and would like to give each of you a proposal, something we put together in a packet form. What this says basically is that we are, as citizens, concerned with the residential raw sewage and septic discharge to the surface to some of our ditches that we have that are currently adjacent to the community park. The community park currently serves approximately 2,500 citizens in our area and the potential contact for that septic and sewage discharge is primarily because the soil type in our particular area is not conducive to allow the adequate percolation. There have been several residents that have, at additional expense of their own, of course, installed elongated laterals, they have put in sand traps and tried a variety of

methods to improve the percolation as to not allow the sewage to come to the surface and run off. But given the soil type, that's been to no avail up to this point in time. Therefore, any of the surface ditches that run along the park or adjacent in the small woods behind this from time to time have raw sewage sitting in that. I have also included information on the exposure to E. Coli and coliform bacteria which are both prevalent in fecal material and can result in severe illness, especially in young children. I have also included the exposure routes and how these children can become exposed to that particular problem. During wet periods of the year seems to be the time when we all have the largest problem. Not only do we have a problem with the septic as far as running off, but we also had cesspools in low lying areas that are a haven for mosquitos and fly larvae which in itself causes a health problem. What we have done is, the six gentlemen that you see behind me that represent Southeast Browning and Viehe Drive, on our own, essentially, and with the support of our community, went out and secured competitive bids to determine the lowest available price to go ahead and install the sanitary sewers from the existing mainline down Viehe Drive and then hooking onto Southeast Browning. There are approximately 47 homes that would be impacted with the cost to each homeowner approximately \$3,600. Therefore, on the second page, I have drawn up two options we feel like are methods in which the county could essentially recoup their money, not understanding and not being fully aware of how the sewage usage is charged, we came up with a second option. The first option, of course, involves the initial cost and a mandated tap in of \$1,000 per home. Based on average usage of the homes, we calculated 16,000 gallons per household. Based on current prices, it would be about \$40 per home or \$2,100 recovery per month, \$22,500 a year, amortized over seven years at a return to the county at about nine percent. The same in option two, it's an ROI based on a nine year return at nine percent because we are proposing at that point in time a possible taxation to each home. These gentlemen have gone around and spoke with residents and we have got a commitment from 35 of 47 of the residents to come up with a portion of those dollars. We have a large support for this but again, it would be a financial impact on some of the residents to initially come up with the original capital. I'd like to introduce Walter Koch, he is with the McCutchanville, vice president of the McCutchanville Community Park which is adjacent to us and then we'd like to answer any questions.

Walter Koch: As Eric mentioned, my name is Walt Koch and I live out in McCutchanville and have for about the past 42 years on Browning Road, not to be confused with Southeast Browning, have served on the board of directors and currently as vice president and past president of McCutchanville Community Association which has jurisdiction over the McCutchanville Voluntary Fire Department and also the community park. We would like to go on record of supporting the need of the sewer system. We serve and have operated this park since about 1946, about 50 years, and over the past several years its grown to serving some 1,500 children and softball and soccer. In addition to that, we have 1,500 other kids that are from opposing teams with their parents, younger children, brothers and sisters, grandparents, that are exposed to not only the smell, but also the physical aspect of the septic systems. Its been an ongoing problem for several years and its my understanding that there's not much that can be done unless we help the problem with the sewer system. The younger kids that often times get down there and they'll be making mud pies and that type of thing, so we really need to address this. We've had concern, we've had several situations where it's been brought up to our community association and we would like for you, if you could, address this. Thank you.

President Borries: Thank you, Mr. Koch.

Eric Dodd: I was just asked to point out in what's referred to as Attachment B in the proposal, the letter is from Mr. Townsend, who

is with the Vanderburgh County Department of Health. The letter is dated August 21 and December 1. One relating to the actual conditions of the septic systems on Viehe Drive, which is the August 21 and the December 1 in which he provided me information to the exposure problems associated with E. Coli and coliform bacteria.

President Borries: I certainly want to say right off the bat that you've really done an excellent job. It's an extremely professional presentation and you certainly have put some work into it. It's very thoughtful. You just really should be commended for your excellent presentation. Commissioner Mourdock, any comments?

Commissioner Mourdock: A couple, just in going over your option one and option two. Option two, I guess, first, what you're showing is what you're referring to as taxation of \$30 per month for the 47 homes. First of all, you said that there are 35 of the 47 who agree --

Eric Dodd: That have agreed to a dollar amount not to exceed. We have not proposed \$30 per household which would slightly exceed that, but the initial fee that was agreed upon was substantially more than \$1,000 up front. So I think these people, we would actually get more support than the 35 out of 47. We have 100% support for the system, we don't have 100% support because people cannot essentially afford to do the initial --

Commissioner Mourdock: A hundred percent of the 35 or a 100% of the 47?

Eric Dodd: A hundred percent of the 47% support; 35 out of the 47 that are willing to come up with a large initial part out of their pocket.

Commissioner Mourdock: Alright, and then the taxation at \$30 per month for the 47 homes, what you're suggesting here is obviously the \$30 is totally being used to pay off the debt that's out there. But obviously, the folks out there would have to be paying for the service as well.

Eric Dodd: Absolutely, what this is, essentially, is a loan. That's exactly, in no uncertain terms, that's exactly what it is. It is a loan that the county would be providing us as well as the administrative support of getting the project finished and pushed through.

Commissioner Mourdock: Have you had any discussions with the city Utility Board? You heard the conversation with Mr. Robling a few minutes ago about how we've been trying to work with the city to get the tap in fees reduced, have you had any of those kind of conversations?

Unidentified: (Inaudible)

Commissioner Mourdock: Excuse me, you'll need to come to the microphone if you would. Our taping system doesn't work very well and you just need to give your name if you would.

Louis Carl: My name is Louis Carl. I live on Southeast Browning Road. The answer is no, I didn't approach that. I did talk to some people with the sewer department and find out some information about the sewer, but I did not ask them about financing or how the development would proceed.

Commissioner Mourdock: Okay. Alright.

Commissioner Tuley: The only real questions that I have and then we can get started talking about it, I guess because it's in the county, is that why we're getting more and more requests now to

extend sewer systems that the county --

Commissioner Mourdock: I think, probably in this case, that's part of it given the historical problem and I'm going to guess, although these gentlemen can speak for themselves, having seen the sewer line coming up towards Earle, Hornville Tavern and those places, I suspect that probably piqued some interest, too.

Eric Dodd: Sure, it's obviously been a problem for some time, but this is really our first opportunity that it was financially feasible for this to happen. In the past it was just economically impossible for most of the residents to support that.

Commissioner Mourdock: Okay.

Commissioner Tuley: I think we need to sit down with the Council in terms of the funding mechanism and I have no problem, we have talked about this before. The roads and sewer systems in your county is the best thing we in government can provide our citizens in terms on development and growth. I'm willing to sit down with the members of the Council and see if there's not a way to up front that money, then recoup it as we can. Those of us that live on sewer systems -- I feel sorry for the rest of you that don't. I can understand your concerns and your problems. You kind of take it for granted every day.

Eric Dodd: Well, again, this affects much more than just the residents. Being that the community park is right behind our homes, there's a potential for a problem there that we, obviously, don't want.

Commissioner Mourdock: Eric, is there a neighborhood association on Viehe Drive or in that area around the park? I presume there's not.

Eric Dodd: No, not at this point in time.

Walter Koch: To answer your question, the McCutchanville Community Association, which represents McCutchanville and also Center Township.

Commissioner Mourdock: But the Community Association is primarily for the purpose of the park, is that right?

Walter Koch: Yes, that is correct.

Eric Dodd: And the Fire Department.

Walter Koch: And the Fire Department.

Commissioner Mourdock: I was thinking of it from the context that, if it were a neighborhood association or if there was a covenant or something where they would all be mutually involved to develop this, but obviously, that's not --

Walter Koch: No, we're basically, with the Fire Department and the Community Park which is right adjacent, parallel with Viehe Drive which is causing the problems on the park.

Eric Dodd: This tap in would also allow the park to add some additional sanitary systems that it needs to support the number of people that come to the park. Right now, there's just no way their field bed can handle any more people than what they have. With more and more people participating in soccer, baseball, softball, there's no way to put any more facilities there than what currently exists.

Commissioner Mourdock: Just for information I would add one thing, since again, all of you sat through Mr. Robling's presentation and

heard the money that the county is about to get from the state, so you understand the origin of that money, that money is a grant from the Indiana Department of Commerce and it's given based on the number of new jobs that are created in a commercial area. So, obviously, housing area, we don't have those same sorts of funds available to us. Just so you understand. But, that's not at all to take away from Commissioner Tuley's comments a moment ago about getting with the Council and seeing how we can explore this. I guess one question I would have, too, Alan, as I think of it. I realize you could establish a sewer district that would have certain taxing powers within it to maintain a sanitary system, is there any provision that the county could put in place to do basically what Mr. Dodd is suggesting as far as taxing specific homes along the route of that sewer? Is that possible?

Alan Kissinger: Briefly, no. The problem with it becomes payment. The only effective method that we have guaranteeing payment is to cause a lien to attach against the real estate and my understanding in dealing with this on a west side subdivision, is that it is not a lien on which we could foreclose. But it is a lien that would be with the real estate in case the real estate is sold, then the lien would have to be paid at the time of sale. This is basically an unexplored area as far as voluntary compliance is concerned. There are cases in which the state will enforce involuntary compliance. But, no, as far as voluntary compliance is concerned, no, the county does not have the authority to enter into an agreement that is not signed by everyone and then tax everyone as a result of that agreement. We can't do that.

Commissioner Mourdock: But a sewer district, you would create that authority whereby it's no longer voluntary participation within the district. It would just --

Alan Kissinger: Yes, but I am not certain the county can do that, but I know the state can mandate that. I don't know that the county can do that. I can research that because we do have another project that was going to come up for this same kind of consideration, but it's not going to be people asking us, it's going to be the state telling them.

Eric Dodd: That would be an enforcement provision then, not a voluntary compliance provision.

Alan Kissinger: Right.

Commissioner Tuley: What about maintaining this?

Commissioner Mourdock: The city.

Commissioner Tuley: Where are they going to get the money, from the month sewer fees?

Eric Dodd: Right.

Alan Kissinger: But the problem with the city is that the city wants their money up front, of course, money is always the problem.

Eric Dodd: The city would want their money up front for?

Alan Kissinger: If they are going to enter into the contract or the extension of the line, etc.

Eric Dodd: Okay, in other words, if it was city funded and not county funded?

Alan Kissinger: Yes.

Eric Dodd: Okay.

President Borries: Yeah, that was my whole point. I think that it is going to be critical to get this information, again, you've done an excellent job, to the city utility people as quickly as possible. As a county, frankly, that's one of the areas that Commissioner Tuley pointed out that is critical in growth. Their probably isn't anything, maybe even with the roads, as critical as the sewers. In your case, most of you were there when it was so rural that probably the homes and the lots were so big that it's a far different situation when it's now mandated with subdivisions with smaller homes and, in fact, the current restrictions are that you have to have, literally, five acres before you can even build any kind of structure today, a house, without having sewer tap in. The critical component in this situation is going to be the utility department and I would say that we need to get this excellent report to them as quickly as possible to see if there are ways in which we can work together to get them to agree to extend and participate in this in some way. We will get with the Council. Please stay in touch with us on this. We'll try to move as quickly as we can, but they are a major player. The utility department is a major player.

Eric Dodd: It would behoove us then, of course, to get in front of the utility at some point in time, with the same thing, basically, that we brought to you.

President Borries: Yes. If by some chance they said, absolutely not, we cannot extend it, frankly, I don't know what we would be able to do at that point. It would be extremely difficult for us to move forward because we're not equipped as a county, as a function, to maintain a separate utility department.

Eric Dodd: Sure.

Alan Kissinger: The only workable method would be to connect to the existing sewer or the soon to be existing sewer. And that is going to require the approval of the utility department.

Eric Dodd: It is existing. The main line is existing and from a usage standpoint, we've explored that to a degree and we know it has the capability to handle our usage.

Alan Kissinger: As a matter of fact, the city water and sewer utility may be able to assist you with some financing methods that they have dealt with in the past because I know the city has extended sewers into the rural area as is servicing only residential areas, so it certainly can be done.

Commissioner Mourdock: I know several of the other gentlemen there will wince at this word, because it was a big political word in this community about 15 years ago, but the word is "consolidation" and that's one of those cases where --

President Borries: Oh!

Commissioner Mourdock: That's right, no one wants to -- and I live in Darmstadt, so...none of us wants to get pulled into the city of Evansville, but there are times where there are services the city can provide through it's things that unfortunately we have not been able to do. Although, I have to say, like Pat was saying, two years ago I went on sewer after bring out there on septic for a long time with the forced main system in Darmstadt, and it certainly helps property values, it solves a lot of ugly health problems that would otherwise be there, so I understand where you're coming from on the issue.

Eric Dodd: What would be our, I mean, obviously, we'll get in front of the utilities, when would be a time to get back in touch with you to allow you some time to --

President Borries: I would think if you could give us a month, we may have some information by then. The two critical decisions are: first, financial; and of course, the administrative or governmental insofar as working with the utility department to get some kind of an agreement or commitment for them to be able to extend the line, get that worked out. Then, obviously, the financial from the standpoint that we'll have to involve the Vanderburgh County Council, look at what the available funding we would have, from what sources, so see if there's some way in which we could set this up to assist you.

Commissioner Tuley: This is an area we need to look at in terms of if there's a way, if it's financial cooperation between the county and city, if they could do it, maybe the county can somehow -- I don't want to say give them a gift -- but help fund this since it's our residents who would reap the benefit of it. So maybe we just couldn't do it, but we could assist the city by saying, hey, we're willing to commit X dollars toward your construction costs or something along those lines. I'm open to any kind of discussion that we can have to see it become a reality.

Commissioner Mourdock: Anyone who lives on the north side has seen incredible growth out there in the last fifteen years and I think the economic news this last week is only going to add to that growth and it means we'd better get out act together to get --

Commissioner Tuley: This is something we talked about the riverboat money could be used for. These one shot deals that...

Commissioner Mourdock: That boat had better be darn successful.

Commissioner Tuley: I know there's about a hundred things on the list already, but...

President Borries: Well, if you could give us time to forward this information to the, actually, we may even need...well, do we have your permission to copy this?

Eric Dodd: Sure, I've got several copies here that I'm sure you gentlemen will give out, but --

President Borries: We'll need to circulate those, too, to some members of the Vanderburgh County Council for information. It would be helpful if you would give us those copies and, again, I just commend you for an excellent job, Eric. You really did a great job.

Eric Dodd: Thank you. Would it behoove us to present this to the Council as well, or would it be better presented coming from you?

President Borries: You're certainly welcome to do that, I mean, from the standpoint of the funding commitment, it will be critical, but if you're going to make another presentation, the main thing is that, frankly, nothing is going to happen until the utility, I think it would be very important that you make contact. I mean, we will do so as well, but you need to make contact with the utility department.

Eric Dodd: Our focal point needs to be the city utility?

President Borries: No question.

Eric Dodd: Okay, thank you.

President Borries: Thank you. Appreciate you for coming.

RE: LYNN ELLIS - PURCHASING

President Borries: Good evening, Lynn.

Lynn Ellis: Good evening. Mr. Morphew might want to join me for part of this discussion since this equipment is for his department. As with the last few bids that we've done, this one isn't clean, either. I highlighted the exceptions that each of the vendors made and each of them had an exception to the bid requirements. We had, per the Commissioners' request, the guaranteed delivery date. The issue here was primarily for the backhoe. The backhoe is the primary consideration. The trailer would be secondary. The first bidder on your bid tabulation is K & W Equipment. They guaranteed 30 day delivery in accordance with the bid document for the backhoe and then said 30 to 45 for the trailer.

Unidentified: (Inaudible)

Lynn Ellis: Okay. So, the bid said 30 to 45, but they are indicating that they can do that in 30. The second bid from Diamond C. E. Sales --

Commissioner Mourdock: Wait a minute. Time out, Lynn. The bid said 30 to 45 days?

Lynn Ellis: His bid in response to our request for bids.

Commissioner Mourdock: Oh, I thought you meant the solicitation. The solicitation was firm at 30.

Lynn Ellis: The solicitation was firm at 30. Diamond C. E. Sales exceptions were, they failed to include the three references that were required and I've got to believe that this is a mistake, but they indicated that they don't have occupational licenses. They couldn't be operating if they didn't. I'm sure that this is an error. Then the third bidder, Whayne Supply, due to the confusion with the Purchasing Department being a joint office and it being titled City of Evansville, Vanderburgh County Purchasing Department, they made out their bid bond to the City of Evansville as opposed to Vanderburgh County. I've consulted with the attorney and he indicated that would not be a problem. So, basically, the exceptions from each of the bidders are not material, they are not a concern or can be worked around. They wouldn't be a problem. Then the issue is whether to split the award. K & W Equipment, with their bid, said that they would only accept the backhoe, they would not accept the trailer by itself. Now if you total the backhoe with the 4-wheel drive and the trailer, then their bid is low if you award the whole thing as a group, as a package. Their bid is \$60,000; Diamond is \$61,522; Whayne Supply is \$61,749. The bid did allow for the splitting of the award, but the bid was requested in a manner that the options were as noted on the first page, straight backhoe, that was a straight bid. Option A was the backhoe with the 4-wheel drive, option B was the backhoe with the trailer. Then there was a total bid that would encompass the 4-wheel drive and the trailer. Two of the bidders, Diamond and Whayne, offered a bid for the trailer only. That was not a solicitation from us. That was not part of the request for bids. The trailer was called for with the backhoe. It was not quoted individually. They, obviously, interpreted it differently than we had intended, so they included that as an option. If the Commissioners agree to do that, then the award would be split between Diamond and Whayne, with the backhoe with the 4-wheel drive option going to Whayne at \$52,950 and the trailer going to Diamond at \$6,815 and that would be a total cost of \$59,765. Now, that's the total --

Commissioner Tuley: \$235, then we're dealing with two different companies if we've got a problem?

Lynn Ellis: Yes, sir. The concern I have and I expressed to the attorney is that if we split the award, and I'm caught again, it's the Commissioner's decision. I costs us \$125 minimum to process the purchase order to start at the requisition stage to process the

purchase order and to issue a check or at least the P.O. process and then there's additional monies encumbered as far as issuing that check. That includes all the time from the secretary typing up the requisition to the paperwork involved with that and purchasing's time spent, and the paperwork with that, the analysis that has been done, and it's about \$125 and more for just the purchase order. That doesn't include the check process. That wipes out the difference in costs between the two possibilities for award. I will let Mr. Morphey speak about his concerns with splitting that award.

Bill Morphey: I apologize for any errors I may have made. What I had asked to do and I thought that I had eliminated the doubt, was I put out specs for a rubber-tired backhoe loader with the option to go to 4-wheel drive and an additional option of a trailer. We didn't actually bid a trailer. We bid the backhoe with an option of 4-wheel drive and the option of a trailer. I really didn't understand why this would be confusing. I'd never even asked for it to be a split bid and my estimation of what I wanted, I see right now where I would recommend. I thought I did it right.

Lynn Ellis: We both did. Every time we do a bid something new comes up. Mr. Morphey and I drafted the bid the way it was drafted because it was our expectation that he wouldn't be able to get the 4-wheel drive and the trailer with the backhoe, that he has exactly \$60,000 and in the account, that line, for this purchase and he didn't believe that he could get all three with \$60,000. Low and behold, he can, with the choices that we have.

President Borries: Look, Lynn, what is wrong with this picture here? You're the person who kind of sets the table. We know we have to make a decision, but we need a recommendation here. Now if we need to look at this thing for another week, maybe you guys ought to talk a little bit more about what you see we need to do on this. I mean, we'll do the right thing, and if there's something here that is clear, let's say we'll try to do that right thing, okay? That's in the best of all possible worlds here. We will try to the right thing. We're obviously going to take the lowest and or most responsive bid in this situation. Does Bill have a recommendation?

Commissioner Tuley: He said he does, he hasn't told us what it is yet, but he's got one.

President Borries: What is it?

Bill Morphey: The way I bid it, I would award this to K & W Equipment for the John Deere backhoe and this trailer, because like I said --

Lynn Ellis: With the 4-wheel drive option.

Bill Morphey: And I can get the 4-wheel drive option, also, which would be great for moving snow and stuff. Like I said, what I had asked for and put together the specs for was a backhoe with an option of a trailer. I never even --

Commissioner Tuley: The trailer was an option only because you didn't think you had enough money. Is that correct?

Bill Morphey: Yes. I was hoping that the dealers would sharpen their pencils a little more if we added some to it. That was my hope.

Commissioner Mourdock: If I'm reading this correctly, with that bid that came in, for the 4-wheel drive option, the trailer going with that option is the lowest price of the three, because even though it's no bid, the trailer was \$6,700 is the bid was \$53,000.

Lynn Ellis: It would be \$6,600 because it would be the difference between the backhoe with the 4-wheel drive and the total bid of \$60,000, so the difference would be \$6,600.

Commissioner Tuley: Which still makes it the cheapest trailer.

Lynn Ellis: Yes, it is the cheapest trailer, the --

Commissioner Tuley: It doesn't seem like a tough decision to me.

Commissioner Mourdock: But that is your recommendation?

Bill Morpew: Yes.

Lynn Ellis: I would concur. I mean, well, the significance -- the difference in costs is --

Commissioner Tuley: You'll pick one here, and you'll pick one here, that may look like the lowest bid but then you take in the other factors of what she's talking about. The time to process all that stuff, plus the fact, and I see our attorney leaning forward getting ready to give us some legal advice --

Commissioner Mourdock: That's why I was getting ready to make the motion before he can!

Commissioner Tuley: Then you have a risk of having a problem with two different companies.

Lynn Ellis: Mr. Kissinger and I have communicated about this. I called him Friday about it.

Alan Kissinger: Ms. Ellis has provided me with all of the information that she has provided the Commissioners with. The bottom line on this thing is, the lowest responsible and responsive bid is K & W. For various reasons, the other bids are not totally responsive. Now I say this with the understanding that every time we issue an RFP there is a potential that we, in issuing the RFP, are going to create confusion. But if, after we open bids, the bidders come in and say, I was confused and we accept that, then we will never, ever award another bid again. The totally responsive bid is that of K & W.

Commissioner Tuley: Did you say when it first started that they changed, they can do the trailer in 30 days as well? Is that what you said?

Unidentified: I had 30 to 45 days, but we could do it in 30 days.

Commissioner Mourdock: Based on the recommendations of the Superintendent of Highways and the City/County Purchasing Department, I move acceptance of the bid of K & W for the 4-wheel drive backhoe and trailer.

Commissioner Tuley: Second.

President Borries: So ordered.

Lynn Ellis: Thank you. Sorry.

Commissioner Mourdock: And the word "option" will never appear in another of Bill Morpew's bids!

Bill Morpew: No, I thought I was going to eliminate confusion.

Commissioner Tuley: You thought you were on safe ground, didn't you?

Alan Kissinger: No more thinking, Bill.

Lynn Ellis: Actually, it's a good idea and like he said, you can sometimes get the additional equipment cheaper when you purchase it in this fashion, as opposed to us going out later and trying to buy a trailer, we would be spending the \$8,000 or \$9,000 as opposed to \$6,000 or \$7,000. But, there's always room for confusion. We just seem to be getting a lot of it.

Commissioner Mourdock: And improvement. We can always do better.

Lynn Ellis: There's always room for improvement.

President Borries: Thank you, Lynn.

RE: JOHN STOLL - COUNTY ENGINEER

John Stoll: First of all, I'll give you an update on what I found out since last Monday in regard to the Tekoppel bridge. I spoke with Leo Spaans, of the firm Janssen and Spaans, who inspected the bridge upon Hydro Conduit's request. His estimate for design fees and inspection fees for repair is about \$10,000. What Hydro Conduit proposed at this point was if the county would cover the design fees, that they would cover the construction fees of the repair. The other option was for the county to hire another consultant to come in and take a look at the problem and see what his recommendations would be. We spoke to Steve Weintraub, from Butler, Fehrman and Seifert and he estimated that his expenses to come down and look at the beam and make recommendations would be about \$1,500.

President Borries: Okay. Do you want to continue or do you need a decision at this point?

John Stoll: At this point, my recommendation would be to go ahead and just have the county hire the firm of Janssen and Spaans to design a repair as long as we can get Hydro Conduit to put it in writing that they're going to cover the construction cost and that they would guarantee the construction as well. They said that verbally to this point, and --

Commissioner Mourdock: Are they saying that, John, that they're going to back up the beam that's being repaired or are they, in fact, going to stand behind all the other beams?

John Stoll: This was just in regard to the beam that would be repaired. There's really not been any discussion focused on any of the other beams.

Commissioner Mourdock: Okay, but it is the supplier that we're talking about. The same company that supplied all the beams?

John Stoll: Right.

Commissioner Mourdock: Has there been any more discussions based on the inspection as to what has caused the problem. Is it a wear failure, was it an installation problem, was it a damaged, poor quality control?

John Stoll: From the pictures from the original construction back when the beams were originally set, the mortar or grout or whatever is smeared on the cracked area, it's obvious it was cracked from the start. I don't know how big that crack was, but as far as anybody saying that they knew the beam was cracked, nobody has admitted to that if they did know it. The manufacturer says it wasn't damaged when it left his facility and the contractor said it was not dropped when it was being set. It was not noticed by any inspectors on the job, so as far as anybody owning up to the fact that who put the patch on the beam or anything like that, we can't pin that down.

Commissioner Mourdock: Who was inspecting the job? Did we hire somebody to do that?

John Stoll: No, that was done by the County Engineer's Office.

Commissioner Mourdock: It was all done in-house?

John Stoll: Right. One thing I've been trying to put together is a time table of what's going on out there. This is not complete, I'm still going through the construction records, but this might give you an idea of some of the events that have happened out there. I'm still going through our daily construction reports that were prepared by some of the inspectors that were out on the job, so there are other items that I would still need to add to finish that out, but that is a brief update on what has taken place out there.

President Borries: Other questions?

Commissioner Mourdock: I guess this is too simple for me to fathom here. What is the name of the company, again? Conduit?

John Stoll: Hydro Conduit.

Commissioner Mourdock: Hydro Conduit is saying, for \$10,000, they will repair it. That would include both the inspection and the repair, and they're saying if we cover the design portion of what they're going to do, they're actually going to pay for the repair. Is that right?

John Stoll: Right.

Commissioner Mourdock: And all that would be within \$10,000?

John Stoll: That was the estimate that Leo Spaans gave Valerie or Tim in my office. I don't remember which one spoke to him, but his estimate, I think he charges \$95 an hour and his estimate was roughly \$10,000 to complete the design. What Hydro Conduit proposed would be that we would cover that, and then they would cover the actual construction cost.

Commissioner Tuley: Which has been estimated to be what? Do you know?

John Stoll: I don't have an estimate on that as of yet.

Commissioner Tuley: That's option A, then, option B is to pay someone \$1,500 to come down here and try to determine when it was cracked.

John Stoll: I don't know that they can even do that.

Commissioner Tuley: That's what I'm saying. I don't know that they can do that. So after spending \$1,500, we might not know any more than what we've got.

John Stoll: Right, he may come in and give the same recommendation that Mr. Spaans has given us.

Commissioner Tuley: May end up in court trying to find out who's responsible, be it the manufacturer or the installer or the county through it's own inspector...

Commissioner Mourdock: They'd certainly point the finger that way.

Commissioner Tuley: Well, I'm sure they would. If I'm them, I'm not going to blame myself, I'm going to blame somebody else. How come you didn't catch it when you --

Commissioner Mourdock: But you're saying \$10,000, and I don't want to be too trite, but \$10,000 and the problem goes away?

John Stoll: Hopefully, as long as the repair does give us the same life span on that beam as the rest of the beams that aren't damaged. That's what they're saying, that the repair would last as long as the beams without the cracks and that the manufacturer of the beam would guarantee the repairs.

Commissioner Mourdock: The only serious potential problem I have with that is just what they would do with the rest of the beams. I don't want them to fix this problem once, and then if we find out the other beams, and I have no reason to think the other beams are going to have the problem, but if they're going to stand behind one, which in a sense they're doing here for \$10,000, I'd like to see that carried to the other beams that they've supplied.

Commissioner Tuley: In writing that it would take care of this one and that would also extend should there be any other --

Commissioner Mourdock: Failure of this kind? Is that reasonable?

Commissioner Tuley: It's going to be a long time before we're going to find somebody that's going to stand up and say they're responsible for it.

Commissioner Mourdock: That is true.

Commissioner Tuley: Yeah, I know. On the surface, it seems like the most logical approach is to put that in writing and extend it to the other beams and --

Commissioner Mourdock: I'm hesitant to put it into the form of a motion and vote on it unless I have a piece of paper in front of them saying the fact that they will stand behind it. If they do that, then I would be willing to put that in a motion and vote for it.

Commissioner Tuley: I don't want to do it without anything in writing, that's for sure.

John Stoll: I could work on getting that taken care of by next week's meeting and I could run it past Alan to make sure it covers the county sufficiently.

President Borries: Well.

Commissioner Tuley: We could be money and time ahead.

President Borries: I'll just be real clear on that particular point. I believe that if there are any problems, that they, obviously, have been identified and it looks to me, through perhaps some faulty supply. I do not believe that this county should have to pay for that. I believe that they must guarantee the materials that were placed in that bridge. They have to and it has to be in writing.

John Stoll: So a guarantee for all existing beams, plus the repair.

President Borries: Absolutely. John, there have been some other recent reports and I say this a bit with regret, but in your review and professional opinion here, what do you see with the rest of the bridge based on a recent report that was done?

John Stoll: There has been some settlement in the approaches. The county has gone out there and pumped some grout underneath those approach slabs already. It probably needs to be done again. The joint between the asphalt and the concrete approach slab has

separated. It needs to be resealed, but as far as anything that would threaten the structure itself, there aren't any problems, it's just the beam is really the main problem. The only structural problem.

President Borries: Any comments or questions?

Commissioner Mourdock: The settling that you're seeing, is it simply from compaction? I mean, didn't get good density before the pavement was laid?

John Stoll: I'm assuming that high moisture content that was in the soil probably didn't help that any. It has been settling as a result of that improper compaction, but --

Commissioner Mourdock: Were we doing the inspections at that point, too, on the dirt as well as the structure?

John Stoll: The entire job was inspected by the county.

Commissioner Tuley: If I'm following, the report you're talking about is the one that was in the paper?

President Borries: Yes.

Commissioner Tuley: In your opinion as an engineer, there's not a structural problem with the bridge in those things you just noted.

John Stoll: No, just the beam.

President Borries: Well, I say that with regret because in all due respect to our friends in the media, perhaps, maybe, the campaigns, or again, I regret that this has become a political issue because it's my understanding that two County Council people took pictures, pictures were given to a reporter and then instead of them contacting you, then the reporter contacted you. Am I correct about that? The reporter showed you the pictures?

John Stoll: Right, I was contacted by the --

President Borries: So, apparently the County Council people were doing this. Let me just say that, you know, this was before your watch. This was done back in the early 90's. I think I remember a bit about being a minority at that particular point, that there was at that time, I think those Council people could have had very close rapport, I would hope that they could with me, but certainly close rapport with what all was going on. But I, frankly, felt that they had placed the engineer who was not a full-time engineer at the time and the County Highway Department in an impossible position. There had been a total, some kind of a reorganization out there. The engineer was put in charge of the Garage as well as having to do all the engineer duties. That engineer was not a full-time person. I didn't think it would work and I'm not finger-pointing at this time, but I am saying that in some cases, based on some of the people who, perhaps were doing some of the inspection, there could have been a problem simply because, again, of some of the confusion that took place at that particular time. In 1993, I insisted we take the special steps to, for one thing, hire you, and I'm very glad that we did that. We have a full-time person who I think has done an outstanding job, we have a full-time person as your assistant who is a Rose Hulman graduate with honors and a perfect grade point average who is also an engineer and a third engineer. We probably wouldn't have, in this county, you'd have to go mighty far to find three full-time engineers. Frankly, I regret that this has been overblown and now, somehow, turns into a political issue without some kind of other engineering reports. This bridge was inspected. This bridge has a problem that has been identified. If there are further problems on this bridge, they should have been brought to your attention as the full-time

professional engineer and perhaps, at that point, you know, certainly aired out in this particular meeting. But what's the point, here? Why were the pictures given to a reporter before they were given to you? I think that's regretful. That kind of posturing, if it's to create doubts about that bridge, there were probably some doubts about the reorganization that I had, I had a lot of doubts at that particular time. That's why we took steps to change that. In the inspection process, there's certainly going to be full-time people under your direct authority at all times, so that you know exactly what's going on. I think we've done that. I regret that, you know, if there is some supply problems out there and these people put in some inferior things, we need to get that guarantee and I would certainly order you and want you to do that. But to turn this thing into some kind of an innuendo here and some kind of issue that occurred before your watch, certainly, and on theirs, seems to be pointing the finger in the wrong direction, if there's a finger to be pointed at this time. So, I say, let's get on with repairs on this or whatever it is, but I don't think we, as a county, are liable on these repairs and I believe that we would have our legal backup that would certainly be able to say that we are going to look very closely at that entire situation in terms of those beams. But, you know, this was the same kind of innuendo that we were hearing at the Green that all of a sudden the Green Center was structurally insufficient. Then I find out there's no other new engineering report, but rather, some individuals who might have been in the hearing aid business felt that the stairs shook when they're rattling up the stairs. Now we're either in the engineering business here or we're in the innuendo business and that's unfortunate to me that we have to get to this point. We have a heck of a lot of construction in a county that we ought to be proud of and I think that we need to focus in on what the problem is and get this done. But I can't quite understand the whole sequence if you didn't get the pictures before the reporter did and what the problem was there. I wasn't aware that we were trying to hide the bridge out there or anything was going on at that point. Again, it's been up a while. So, I just feel that I needed to say that to clear the air because I have some concerns about where we were headed with that article and what certain residents and what the readers might imply out of that, because we shouldn't be finger-pointing, let's -- I think you've identified, you've given your professional opinion, this bridge is always going to be inspected every two years, if I'm correct, by professional engineers, people who are trained in that particular thing. They are professionals. Again, John, I appreciate your work. I regret that you get caught in the cross fire in that kind of situation.

Commissioner Mourdock: Well, if part of that volley was fired at me because of a comment there simply as far as who was inspecting it and how we were doing it, let me add, also, that it was well before my watch. Until you said it, I didn't know if it was before John's watch or not, and to be quite honest, I really don't care. I was simply asking the questions from the point of view that if we're going to make the argument that someone else ought to be paying for those repairs, which I would like to make 100%, then I want to understand what fingers they're going to point back at us and try to get away from those costs.

President Borries: Those comments weren't directed at you.

Commissioner Mourdock: Okay.

President Borries: I think that, you know, I've been around a while. Doesn't it seem a little strange to you that the pictures were given to a reporter first, before the engineer?

Commissioner Mourdock: I've heard the comment about pictures. I haven't seen any pictures, to be quite truthful. I haven't even seen the newspaper article, but then I --

President Borries: Doesn't it seem a little strange, I mean, the people have the right to know if there's a problem, but again, wouldn't we want to contact our engineer and other engineers before we -- I just wonder where we're headed with all this.

Commissioner Mourdock: I don't know the answer to that question.

President Borries: I don't either, and that's why I raised the issue.

Commissioner Tuley: Based on who was quoted in the article, it wasn't directed at you.

Commissioner Mourdock: Okay, well.

Commissioner Tuley: It was those other engineers --

President Borries: And I'm sorry you had to sit through that, but you know, I have been around, I was aware of the changes that were taking place at that point. I did not approve of them and frankly felt that the engineer at that time was put in an impossible position. He couldn't do both jobs and do it effectively, simply because and certainly from the highway standpoint, he didn't have anybody in charge there. It just really posed a lot of problems.

Commissioner Mourdock: Clearly, had it been done differently, and hindsight is always 20/20, if things had been done differently on whosever's watch it was, we would have a neck in our hands at this point, and our grasp would be a little firmer than it might be now.

President Borries: Well, the players, some of them have changed and I'm not sure of the one neck we'll ever be able to get. I have a theory about the neck, but that's just a theory.

Commissioner Tuley: But now, let's bring this all back. What did we agree to do?

President Borries: It's my understanding that the supplier is going to guarantee in writing that the rest of the beams are going to be sound and are guaranteed. That he guarantees his repair and that they are going to make the repair. Is that what we've --

Commissioner Mourdock: And we would pay for the inspection?

John Stoll: Right, we would pay the --

Commissioner Tuley: Which we would actually act on that once we see that in writing. But when you started talking about that other thing, I wasn't sure where you were going. I agree, I don't think the county should and if I could reach in that drawer and pull out a paper that said they were notified on this date that this was a defective beam, I would reach across the river or wherever we got the beam.

Alan Kissinger: Am I correct that the county would be expected to pay the engineering cost for designing the repair and am I --

John Stoll: Right, and his inspection of the construction of that repair.

Alan Kissinger: And am I correct in assuming that we will chose the engineering firm that does the design?

John Stoll: The person we contacted was Leo Spaans who already has inspected it.

Commissioner Mourdock: He would do the engineering or his company would do the engineering? It would all be done in-house by the people who supplied the beam, is that right? That's what I

understood.

John Stoll: Pardon?

Commissioner Mourdock: The inspection has been made by Mr. Spaan, who is Hydro Conduit --

John Stoll: No, he's with his own consulting firm in Indianapolis, the consultants name is Janssen & Spaans.

Commissioner Mourdock: Okay.

President Borries: Let me say this, too, would it clear the air, you have said that there's some settling, Commissioner Mourdock, we've had this discussion, we're going to make these minor adjustments, do we need to have an inspection and go through an entire situation again, lay this to rest, especially since these opinions were rendered not by engineers, but again --

Commissioner Tuley: Let me cut you off. You're right, they weren't made by engineers no more than I could go out there and inspect that bridge and tell you what's wrong with it, they can't, either.

Commissioner Mourdock: But John said, did you not, that there has been some settling?

Commissioner Tuley: Not in the structure, in the approaches.

Commissioner Mourdock: That's right, but when you just said look at the whole thing, I thought you meant everything, approaches, the bridge, everything.

President Borries: Right. Right.

Commissioner Tuley: I thought we did between the person that went out there and told us what was wrong and what you've done.

John Stoll: Right, what identified the problem originally was the bi-annual bridge inspection and if you'd like, I could contact them to see if they would be willing to come back and do a more thorough investigation of the whole structure once we get the repair done.

President Borries: Why don't we?

John Stoll: They may charge an additional, I think it was like a couple of hundred dollars per bridge when we had bridges, so there may be a small fee associated with it.

President Borries: That's fine.

Commissioner Tuley: The problem that we have today was discovered by this annual bridge inspection?

John Stoll: Right.

Commissioner Tuley: They would have checked all the beams and all that stuff at that time, correct?

John Stoll: Right.

President Borries: But if we're going to get into innuendo, here, let's focus, again, on the bridge.

Commissioner Mourdock: So again, to come full cycle on this, where we are --

Commissioner Tuley: Do you understand why you're confused?

Commissioner Mourdock: I don't understand this for sure until I read it in the paper tomorrow, and I will read this article.

President Borries: Read the other one.

Commissioner Mourdock: I'll have to find it.

Commissioner Tuley: We've got more engineer's on staff than anybody!

Commissioner Mourdock: You're going to be talking to Conduit to see if they will find into this thing under the terms that we spoke of a moment ago which is, and as they propose them at this point, which is, we would pay the engineering work, they would pay for the repair.

John Stoll: Right.

Commissioner Mourdock: You'll come back to us, so I guess we're taking it under advisement under this condition, you'll come back to us next week to see if, in fact, they will do that and in addition to that, stand behind the --

John Stoll: The remainder of the beams.

Commissioner Mourdock: Okay, I'll add one other thing to it. Since we've gotten one bid for the \$1,500 for the inspection, why don't you suggest to them that that's certainly their construction side or the repair side ought to cost more than the engineering side.

John Stoll: It should.

Commissioner Mourdock: Okay. Why don't we say we'll cover the design side up to \$1,500, which is what the inspection would have cost us. Worst of all worlds is they come back and say we had a \$1 repair cost, you guys are out \$9,999 for engineering work. Let's set the limit on the engineering work.

John Stoll: So rather than us pay \$10,000, we'd pay up to \$1,500, then they would cover the balance of that?

Commissioner Mourdock: I asked before and maybe I misunderstood the answer, I said, does the \$10,000 include the engineering work and the repair work.

John Stoll: No, it includes the engineering work and the inspection of the construction of the repair.

Commissioner Mourdock: I understood before that included the repair.

John Stoll: No, sorry I didn't clarify that. It's only for the engineer to be on site during the repair --

President Borries: Who is going to pay for the repair?

John Stoll: Hydro Conduit.

Commissioner Tuley: So ten grand is our cost for the engineering?

Commissioner Mourdock: Yeah, up to ten grand.

John Stoll: Right.

Commissioner Mourdock: I would like to see you negotiate vigorously and come back to us and see what you can report back as far as what they would accept with that with all these contentious comments you've heard from the three of us, present it to them and

see that we can get the best deal we can possibly get on the engineering side of things.

Commissioner Tuley: I agree. Rick?

President Borries: I agree.

Commissioner Mourdock: Got anything else you're just dying to talk about, John?

John Stoll: These are all minor relative to that. The next item I've got is the administrative settlement claim for the Ohio Street bridge right-of-way. It's for \$39,300. This is what we've been negotiating with Mulzer's for over a year now and it's all finally been worked out. Our final cost, like I said is the \$39,300. The original appraisals were for \$162,000 if I remember right. I didn't get that paperwork until Friday, so I didn't get a chance to get on the consent agenda, but I'd like to recommend that the right-of-way dedication, right-of-way easement be accepted and a claim be signed.

Commissioner Mourdock: So moved.

President Borries: We need a second on right-of-way for Ohio Street bridge for Mulzers --

Commissioner Tuley: Second.

President Borries: So ordered.

Commissioner Tuley: Sorry.

John Stoll: Next, I'd like to recommend that we accept 294 linear feet of Welton Drive, 932 feet of Farrington Drive and 168 feet of Bramblewood Lane in Covington Heights subdivision. All of the streets were constructed according to the plans. I recommend that we go ahead and accept the streets.

President Borries: Motion?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Borries: So ordered.

John Stoll: Also, I've got a request for an acceptance of 136 feet of 15-inch concrete pipe and 135 feet of 18-inch concrete pipe. I'd like to recommend that be accepted contingent upon the county receiving the \$2 a linear foot fee.

Commissioner Mourdock: Where is that?

John Stoll: That's also in Covington Heights subdivision.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Borries: So ordered.

John Stoll: The final item I've got is a lease agreement for us to keep our office in the old courthouse. Alan probably needs to review this. It's gone up to about 15 pages more than it used to be.

President Borries: I hope it didn't go up 15 times!

John Stoll: No, our rent is the same.

President Borries: The rent is the same?

Commissioner Tuley: With all that paperwork?

Alan Kissinger: Did they hire a new lawyer?

John Stoll: That's what Faye told me. That's all I've got unless you've got any questions.

President Borries: Any further questions of John?

John Stoll: Thanks.

President Borries: Thank you, John.

Commissioner Tuley: Where were you in 1991, John?

President Borries: Not with the county.

RE: BILL MORPHEW - COUNTY HIGHWAY

Bill Morphey: Good evening.

President Borries: Good evening, Bill. Bill's record shows work done from November 24, 1995 through Thursday, November 30, 1995 by the Vanderburgh County Highway Department and Vanderburgh County Bridge Crew. It shows one holiday and the other days work being done in all parts of the county. Any questions of Bill at this time?

President Borries: Bill, I had one item that I wrote in my calendar here where a person contacted me to say that she has some concerns about trees that may be on our county right-of-way along Felstead Road. Apparently, some large trees may be over the road. I said if it's a big job, we might have to review that and see what we can afford to do, but I did want to pass that along to see if we could refer that matter over to you to do some inspections.

Bill Morphey: I've looked at that.

President Borries: Some got knocked down apparently during the June 8 storm last year, but there's still others that are pretty...

Bill Morphey: The trees themselves are off the right-of-way, but they do come onto the right-of-way and hang over the road. They don't have a bucket truck. We don't have any way of reaching it. We would have to get a contractor come out and take a look at the ones that are in bad shape, I guess, to get them down. Just cut the part that's over the right-of-way.

President Borries: Yeah, that's it. I'd hate for you to, you know, if you could look at an estimate, but if we could come up with something, I told her we would look into it.

Bill Morphey: Yes, sir. I'll do that.

President Borries: Thank you.

Commissioner Mourdock: One I asked you to look at, Bill. I've had several comments on Green River Road south of I-164 clear down to where it connects to whatever that road is that runs east and west down there, or at least parallel to the river, whatever direction that is. I've had several comments about the asphalt down there, and if you would, take a look at it. I'm not making my -- south of the levee -- it was paved a few years back and it's used for commercial traffic.

Bill Morphey: We paved part of that this year from where Green River Road ends, we were heading east which is Old Green River Road

to Lenn Road. We paved that section but we didn't go the other direction toward the Fickas farm. It's probably in very bad shape.

Commissioner Mourdock: Just take a look at it and give us a report if you would.

Bill Morpew: Yes, sir.

RE: SUNNY TITZER FOR CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

President Borries: Mrs. Mayo, as I said, was ill today. Mrs. Titzer, she didn't leave anything or you didn't talk with her?

Sunny Titzer: No.

RE: ALAN KISSINGER - COUNTY ATTORNEY

Alan Kissinger: I have a matter that I hope to be very brief on. There's been a request made by a member of the Vanderburgh County Sheriff's Department, Lt. David Ludwig. As the Commissioners all know, we have accepted and instituted here in the county the deferred compensation program. The county participates in that program to the extent that it makes the deductions for the employees and then as I understand it, the county also sends the payroll and the payments to PEBSCO, with whom we invest this money and the problem that has been incurred is that there is approximately a four-day delay from the time that the payroll is actually made until the investment is actually credited to the employee's account. So, each pay period, the employee is losing approximately four days on their investment. I have talked with Lynn Ellis from Purchasing, also talked with Ms. Suzanne Crouch in the Auditor's Office, and it was suggested that a wire transfer be implemented in order to accomplish this on a more timely basis, but a wire transfer is going to be very expensive to the county. It was suggested, and I think Ms. Crouch and the Treasurer's Office had both indicated they would be willing to make arrangements for overnight mailing of this list to Ohio, which would give us only a one-day delay instead of a four-day delay. The only thing that we need to do, then we are going to have postage costs. What we need to do is to authorize the Auditor to expend the funds for the postage costs and advise her where these postage cost funds would come from.

Commissioner Mourdock: These postings are simply names and amounts?

Alan Kissinger: We actually send the money.

Commissioner Mourdock: It's the actual fund? Okay. Could it not be done through the wonders of E-mail?

Alan Kissinger: I don't think that it can be done, at least it cannot be done in a fashion that is acceptable in the banking business as a transfer of funds. I don't think that E-mail is an accepted transfer of funds as far as banking business is concerned.

Commissioner Mourdock: I would think, and I'm just speculating here, I would think whatever local bank it is we're dealing with, if they did it here then it would be bank to bank, it would be accepted. But that's just my...

Alan Kissinger: And I think if we were dealing with a local, we might get more cooperation.

Commissioner Mourdock: Yeah.

Alan Kissinger: Yeah, if they sent it, it would be a wire transfer and they (inaudible)

Commissioner Tuley: There is a postage account, why could we not take it out of the postage account?

Alan Kissinger: Exactly. It can be if the Commissioners are willing to authorize that. But the Auditor cannot incur that expense without the Commissioner's approval.

President Borries: What do we want to do?

Commissioner Tuley: What is it, about \$15 a week?

Suzanne Crouch: Pat, I think you're talking about \$8 each time, so that would be twice a month.

Commissioner Tuley: Oh, \$8 every other week?

Suzanne Crouch: Yes. You know, interestingly, the gentleman is worried about list income on his investment, but interest rates in this type market can go down as well as up, and I believe these are mutual funds that he has his money invested in.

Alan Kissinger: When Lt. Ludwig reacted, he had lost money. He had not considered the other end of it, I believe. Although he has to understand that I would personally advise him that it could work to his detriment under certain circumstances.

Commissioner Mourdock: People get real bullish with a 5200 point stock market.

President Borries: Do we want to authorize that money? What's your feeling.

Commissioner Mourdock: Suzanne, I'm looking to you for a recommendation here. Is this what we should do or not?

Commissioner Tuley: Basically, it boils down to, is it a benefit to those employees (inaudible) deferred comp. We can either agree that we want to do it or we don't want to do it. That's what it boils down to.

President Borries: And I think they have to understand the risk. That's right. If it's going the other way, they're going to know it just as soon as they are if it's going...

Alan Kissinger: Exactly.

Commissioner Tuley: I didn't mean to cut you off, Suzanne if you have a different perspective or viewpoint. Somebody in your office, I assume, would have to take this report and put it in an envelope and get it upstairs.

Alan Kissinger: Well, they still do that. It's just that it is sent by a different method and it takes longer to arrive.

Commissioner Mourdock: They're doing exactly the same, just sticking it in a different envelope.

Alan Kissinger: Just sending it overnight.

Commissioner Mourdock: I'll move the authorization of funds to allow for the overnight delivery of the account statements.

Commissioner Tuley: I'll second.

President Borries: So ordered.

Alan Kissinger: I have nothing further to report.

President Borries: Thank you, sir.

RE: CONSENT ITEMS

President Borries: We have consent items and they consist of the employment changes that are in our packet and certain travel requests.

Commissioner Tuley: Move that they be approved.

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

President Borries: So ordered.

Commissioner Tuley: I had already moved, you just needed to second it.

Commissioner Mourdock: Oh, I'm sorry.

President Borries: Board of Review reappointments, oh, they're part of the consent items. So they'll continue to serve.

RE: SCHEDULED MEETINGS

President Borries: There is a scheduled meetings attached.

RE: OLD BUSINESS

President Borries: Old business? Locust Creek?

Commissioner Mourdock: Regarding the Locust Creek, I've gone over that and I have the list here. I would move, pursuant to the letter received by Mr. Wilhite in December of 1992, that the U.S. Department of Interior Geological Survey be used for the Locust Creek monitoring in...well, pursuant to the agreement between the county and BFI.

Commissioner Tuley: Makes sense to me to have them to do it. They don't have ties to anybody. I'll second.

President Borries: So ordered.

RE: NEW BUSINESS

President Borries: New business?

Commissioner Mourdock: Any reports yet on the Auditorium Committee?

President Borries: Next week.

Commissioner Mourdock: Next week they will be? Good, very good.

President Borries: What all about, I think you and Suzanne Crouch, our Auditor, attended part of the county...any reports at all on the session?

Suzanne Crouch: It ranked right up there with road school.

Commissioner Tuley: Oh, you had that much fun, huh?

President Borries: It looked like there were some interesting topics on there.

Suzanne Crouch: It did.

Commissioner Mourdock: It did look that way. There were a couple of interesting ones. The one that certainly I was interested in was Welfare to Work and I came away convinced that, as we speculated, we're well ahead of most counties in the way we've gone

after that. One of the other topics which was of most particular interest and I got a great deal out of it to be honest, it's slipped my mind what it was. What was one of them on the agenda?

Commissioner Tuley: It was real interesting, it just wasn't lasting.

Commissioner Mourdock: No, it wasn't on sexual harassment.

President Borries: Well think about it because one of the things on that Welfare to Work as you mentioned it, is Gary Heck has called me. For some reason, we're missing a communication. Now, suddenly, we're supposed to call the meeting? So I guess we need to set a date. We have to call some kind of regional meeting before December 31. I'm looking at Sunny Titzer on that because I think, some how, he's waiting on us to call the meeting.

Commissioner Mourdock: I think what he's asking, simply, is for us to provide the facility to do it here. I think, obviously, we don't have any formal power or obligation over the other counties in the district that's drawn up, so I think he's just looking for us to formalize an invitation.

President Borries: Okay. May we do so? Just go ahead and invite them and we need to pick a date, but that ought to be Gary's call, Sunny.

Commissioner Mourdock: Right.

Sunny Titzer: I told him that.

President Borries: Yeah. I don't know, he left word on my voice mail, I can't quite figure out if I missed something as to what we were supposed to do on that, but --

Sunny Titzer: That's what I thought.

President Borries: The last time we discussed it there was some concern or hesitation, they didn't know if any of the other counties wanted to come here or if we were going to have it somewhere else and who was going to contact them. You know, frankly, I guess it is just easier to say we'll do it and you know, if they don't want to come, that's up to them. Let's, at this point, say that we have consensus here that we'll host the meeting and Gary just needs to call it for the regional (inaudible) here.

Commissioner Mourdock: The other two issues, one was economic development from the county's which, again, I felt we were very up on, and given the many comments that were being made, since that was the day Toyota was formally making its announcement, got a lot of attention for that. The other point that was talked about a lot that I found of interest was the prevailing wage discussion as far as how that would come into being. With the new councils that are appointed, there are times when the Commissioners might actually be appointing three of the five people on one of the wage determination committees.

President Borries: Particularly if it's a Commissioner project.

Commissioner Mourdock: Right, yeah, it's a Commissioner project where we're the owner and we're designating someone representing the taxpayer and then we're on it anyway.

President Borries: Yeah, I do think that, for the record, we should certainly acknowledge the great day for our region of the Toyota announcement this past week and certainly will give added impetus to this economic development push as we will be meeting and discussing ways in which our whole area can cooperate. So, it's truly a great day.

Commissioner Mourdock: Have you heard anything more from Roger or any of those folks from Gibson County?

President Borries: No, I haven't. I'm not sure they've landed yet. But I've not, I hope we can move on that quickly.

Commissioner Mourdock: Have you seen anything from them formally as far as what Gibson County's part of that package is? All I've seen is the little bit in the paper, so I'm curious to see --

President Borries: No. Maybe we can get that. It's a good point. Perhaps call and see if it's public information, I'm sure it is.

Commissioner Tuley: I thought the president said that, that he had. That all the other counties had been notified.

President Borries: I think some other states had, but I'm not sure about other --

Commissioner Tuley: Okay.

President Borries: We have some items to sign. I like the outside of your business, that Uncle Sam.

Commissioner Mourdock: Well, I came up with that idea at the last minute and it worked out real well, although not as well as I'd hoped. We wanted it to be there when the motorcade went by, all the employees were going to be out there standing and cheering with their Koester jackets on, then we found out the key people were flying in by helicopter. So that kind of scotched that one. And then I, being at the Commissioners' meeting that day wasn't there and one of the guys thought this was a great time to bring out his Richard Nixon mask and we were going to use a photo with all the people standing there, also, and put that with our materials for marketing and every one of the photos they had taken, there's this guy with his U.S. Flag T-shirt and his Richard Nixon mask in front of the crowd doing this. It just didn't work the way it was supposed to.

President Borries: Well, it was certainly a great day. I had one little comment there, but I've forgotten it, so it certainly couldn't have been very significant, and the hour is getting late, here. Oh man, what was it? I don't know, I'll think of it later, I guess. Any other business, then, at this point?

Commissioner Tuley: Move to adjourn.

Commissioner Mourdock: Second.

President Borries: So ordered.

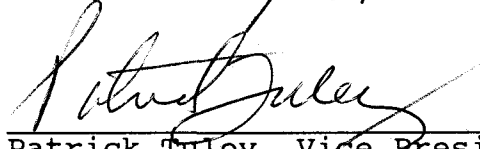
Meeting adjourned at 7:30 p.m.

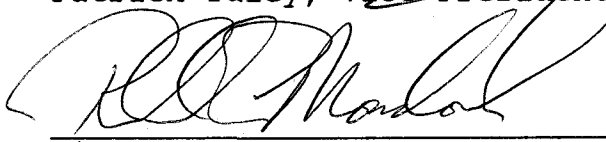
THOSE IN ATTENDANCE

Richard J. Borries
Patrick Tuley
Richard E. Mourdock
Alan Kissinger
Suzanne Crouch
Teri Lukeman
Sunny Titzer
Mike Robling
Eric Dodd
Walter Koch
Louis Carl
Lynn Ellis
Bill Morphew
John Stoll

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**


Richard J. Borries, President


Patrick Tuley, Vice President


Richard E. Mourdock, Member

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS

DECEMBER 11, 1995

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The Vanderburgh County Board of Commissioners met in session at 5:34 p.m. on Monday, December 11, 1995 in the Commissioners' Hearing Room.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Borries: Good evening, everyone. I would like to welcome you to the December 11 meeting of the Vanderburgh County Commission. We should have an agenda available for you near the door. Let me introduce our staff with us this evening. To my far right is Mrs. Cindy Mayo, who serves as Superintendent of County Buildings and also as the Commissioners' Office Manager. County Attorney is Mr. Alan Kissinger. To my immediate right is County Commissioner Pat Tuley. I'm County Commissioner Rick Borries. To my immediate left is County Commissioner Richard Mourdock. Our Chief Deputy Auditor this evening is Mr. Bill Fluty, Jr. Our Recording Secretary is Mrs. Teri Lukeman. Would you join us, please, for the Pledge of Allegiance?

RE: ACTION ITEMS

President Borries: May I have approval of the minutes from our last meeting which was held on December 4, 1995?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered. Okay, again we did refer to that agenda available near the door. Are there any persons or individuals that want to address the commission that do not find his or her item on the agenda at this time? We will have department head reports following these items.

RE: ROLLAND ECKELS - STATUS REPORT FROM THE AUDITORIUM TASK FORCE

President Borries: I would like to ask the Chairman, of a well, an ongoing committee. He has chaired several committees for us and does an outstanding job in all that he does. Mr. Rolland Eckels is with us this evening to give us a status report from a committee that has been working at and looking at, various alternatives regarding the Vanderburgh County Auditorium and convention needs. We know that he has looked at many alternatives on a very complex issue. I want to welcome him this evening. Rolland, if you are ready, we would like to hear your remarks at this time.

Rolland Eckels: Thank you, Rick. You say ongoing, I hope that this is the end.

President Borries: Yeah, me too.

Commissioner Mourdock: You mean he didn't tell you?

Rolland Eckels: This committee was comprised of Gary Bruton, representing the Executive Inn; Pete Helfrich, representing the Convention and Visitors Bureau; and Larry Aiken, representing Aiken Enterprises. Aztar was originally asked to participate and have a representative, but because of the press of getting their boat launched and in business, they were unable to participate. I would like to summarize the written report which I have given you. In 1994, a citizen's committee of approximately 35 people studied the Vanderburgh County Auditorium complex and submitted a recommendation for improvements in the amount of 5.5 million dollars. The recommendation implicit in it was the understanding that this was not the ideal renovation of the Auditorium, but it was based on what might be doable at that time. There was no funding available to do Auditorium renovations. Beginning in early 1995, well actually, beginning late in 1994, there was a movement here in Evansville to get Food and Beverage Tax extended to renovate the Auditorium and the Gold Room. That effort was successful and the Legislature this past winter of 1995 did approve the extension of the Food and Beverage Tax for the purpose of

redoing the Auditorium and Gold Room. There has been a computer run to determine what this tax would generate. I will say this up front, in the next twelve years, assuming that we have a two year construction period and ten years beyond that, estimate that this will generate about forty-six million dollars. An editorial in the Evansville Courier on November 28 said this, among other things, "Evansville Regional Airport looks impressively far sighted today with Toyota Motor Corporation about to announce plans for a nearby truck plant" and I hope that same philosophy will prevail in looking at the job ahead of us because our area is growing. The Census Bureau, in my opinion, is all wet. All we have to do is drive around the Evansville area and you see tremendous home building, commercial construction and we are picking up retail and other types of jobs, and now, very happily, we are getting some new industrial jobs. The committee, in the letter received from Commissioner Borries dated October 10, was instructed to consider the following items: the floor space needed for convention purposes, additional parking requirements, improvements needed in the Auditorium, improvements in the Gold Room, suggestions concerning multiple use rooms, which, in the report, we refer to later on as break out rooms; all other items that should be included and how conventions might be retained during the period of renovation. I will address the convention center first. I will preface my remarks here by saying the recommendations on the convention space come primarily from the Convention and Visitors Bureau. It is based on what they perceive to be the need for an ongoing and growing convention business and admittedly, it is the ideal. It is recommended that a two-tier convention center be built at the eastern edge and be connected to the Auditorium. This would extend out over that Green space out to Ninth street. The larger rooms be surrounded by break out rooms and the break out rooms and the larger rooms, the large meeting rooms be designed in such a way that they can be subdivided. It is the committees' belief that one hundred fifty thousand to one hundred sixty thousand square feet should be put into a quality building. Currently, we are out of the convention business in large measure because of the closure of the Green Convention Center. It should be noted that the Executive Inn, the Marriott, the Ramada and other hotels are hosting small conventions. We were all asked to review parking needs. We have two options that we are recommending for parking. One, that a parking garage be built at the intersection of Ninth Street and Walnut Street. This would necessitate negotiating with the Building Authority to obtain permission to utilize that space in some way. It is further recommended that the garage consist of three hundred fifty to four hundred and fifty parking spaces and that it be an elevated garage with an overpass connecting it to the convention center. Thus, the surface parking would, in large measure, be preserved. Option B would be that the Commissioners purchase the Green Convention Center, perhaps use it during the interim while the convention is being built, and then raze it and construct a parking garage there. On the Auditorium improvements, we all know about the improvements needed in the Auditorium. Among those are sound systems, stage curtains, better lighting, better ingress and egress, loading dock improvements, more restrooms, seat renovations, roof repairs, carpeting, stage floor renovation and those are just for starters. We recommend those and we recommend, additionally, that the Auditorium be expanded to seat a minimum of twenty five hundred patrons. Currently, with folding chairs placed behind the seats of the lower seating section, the Auditorium will seat approximately twenty-one hundred people. The additional four hundred fifty to five hundred fifty seats will make the Auditorium more profitable and will enable theater and music promoters to bring a broader variety of offerings to our community. It should be noted here, too, that we are not recommending that the Auditorium roof be raised and another balcony be put in. We have been advised that double balconies seem to inhibit attendance. The Gold Room also needs a number of modifications and those were addressed in the earlier report that we gave you. The Gold Room, too, needs new air conditioning and

heating. The kitchen needs expansion and renovation, lobby rehabilitation. Restrooms need to be expanded and updated and so on. However, if a convention center is built, the importance of the Gold Room is diminished, though it will still remain a factor for small meetings. Multi-purpose rooms, we recommend a minimum of ten multi-purpose rooms for the convention hall. These rooms should be built so they can be expanded or contracted as the need arises. It is critical that sufficient exterior parking and storage space be allocated for tractors and delivery vehicles. Currently, when a rig unloads at the Auditorium, it will project out into Walnut Street creating traffic delays and hazards. The committee recommends that there be allocated loading and unloading space, dock space available, which will simultaneously accommodate two rigs unloading or loading off of the street. Additionally, there should be provided relatively secure storage for the rigs after they are unloaded, currently, we do not have that. On the construction schedule, it is critical that when construction is started, that it be done on an expedited or accelerated basis. A standard forty hour, one shift work week can not be tolerated. It is imperative that construction be done on an expedited basis. It is further recommended that the construction of the Auditorium be done from May 15 until October 1. This is the lightest use time of the Auditorium, and if construction would be done in that four and a half to five month period, minimal disruption of events scheduled normally would occur. Last, we were asked how can conventions be retained during the period of renovation. We have no panacea for that. That is an unfortunate condition that is going to exist. There will be some of, some expanded use of the coliseum, churches, high school auditoriums and other public facilities may be used. Again, we would suggest that you rethink the issue of using the Green Center during this interim period. We were asked to design a request for qualifications for an architect, well we are not qualified to do that, but we do know that we have a number of good architects in our community who know our community, who know our entertainment patterns and so on. So we recommend that posthaste the Commissioners begin studying our recommendation and start talking to architects. I should tell you that the cost option on option A, with the garage being built on the Building Authority property, is estimated at twenty-nine thousand, five hundred. That is with a very large convention hall. Option B, if you were to build a garage on the Green Convention Center, it is estimated that it would cost thirty-one million, four hundred eighty dollars. You may want to know where we got these costs estimates and that is a fair question. We got them from the firm of Shoulders, I never can get the names of law firms and architectural firms quite right, Veazey, Parrott and Shoulders, we relied on them for costs estimates. There is a contingent from the committee here this evening; Pete Helfrich, Convention and Visitors Bureau; Al Granoff and Gary Bruton from the Executive Inn. If you would like to ask me or them questions, why please do so. Or maybe one of them have something they would like to add.

President Borries: Thank you so much. Yes, we would like to have you available. If there are other persons that wish to speak at this time, we would be very interested in hearing your comments.

Alvin Granoff: Mr. Chairman and members of the committee, as you might guess my corporate life is at stake here in Evansville across the street.

President Borries: Al, you are a very eloquent person, why don't you introduce yourself, though.

Alvin Granoff: Sorry. Al or Alvin, for those who know me dearly, Granoff. It is like ran off with a G in front of it. Which is what I hope I don't do from Evansville. We went across the street and bought the Executive. What hasn't shaken since that time, is my faith in the growth in the dynamics of Evansville itself. I think that the people of Evansville are desirous of economic

development. It has been clear since we made our purchase, I didn't even know, and I didn't base my purchase on Toyota. If I had done all of my homework appropriately, I probably would have known more, but I didn't. But, I think that is an example of the dynamics happening in this part of the country and in this city. Where I am worried is that, although, there is a panacea hint, and I think that things will go well here and I think that for a million reasons frankly, it is a good clean city with a lot of good people in a time where people are getting frustrated with the major metropolitan areas in the United States and there is all the gain ahead. The problem for us, quite frankly, and I support, of course, all of the committee recommendations that I voted for and appreciate the work of our chairman, what we are worried about is the next couple of years. What I have a hard time telling anyone from anywhere in the country, and I do have a hard time explaining that yes, there is an existing convention facility across the street, yes, it is closed down, yes, I think it can be certifiable for use, and yes, we do get a lot of phone calls for immediately wanting to use the facility. But, somehow it is not being taken, or at least until the committee worked, I don't know what happened there. But I, let me say that we support the program of development of a new convention facility and who knows how far that will go. I will never forget, every expansion we do in Dallas, seems to be by the time they are done, it needs to be expanded again. It never seems to end. Once you get popular for a convention facility, it is so good for business for the city, and so healthy, and is such a clean and wonderful industry that nobody ever resents their tax dollars being used to expand for convention business because that is something that they can really see and benefit from. It is so beneficial, but let me say my big fear is that we will do this terrific development of a new center but it won't be, no matter what hope we have, what feelings we have, we know it ain't going to be built in six months, it's not going to be built in nine months. Architectural plans, I don't think that architect would have developed this massive plan just on specs that we can lay it out tomorrow. It will take months for the architect to do his work appropriately. It will take a bidding process, a construction process for a fast private industry, it would be hard to complete the project in a year after the architectural plans were done. Or maybe a little less, but it is just not going to happen for two years, no matter how much we hope it will, no matter how much we think it should, how much we demand it be, it won't! For two years and maybe three, we really, you can't take a city, you just can not, you certainly, and say that there are not conventions, but they're here in a few years. Because, and that is the other thing, and we are getting, and here is where I guess I have Pete a little bit, it is not really a complaint, it's just a misunderstanding. When people talk conventions, you mean various and sundry things. Big conventions are booked two and three years out. Big national conventions can be booked three, four to five years out that bring in more people than Evansville would be able to house, given all of our hotels. Some of the big state-wide and other things happen a couple of years out, as many as three. They are the minority of conventions; they are not all the conventions. In fact, we had people walk into our office two weeks ago from the coal miners, the oil people. They wanted to look at having their convention here in 1997. Well, that is about eighteen months out and that is a big convention and that is eighteen months out. We are hoping, we sent them across the street to talk to Pete a little bit, and we have talked to them and we are still talking to them, and hope that we can bring them here. But, there are many, many conventions, people, many more will want to meet because of the casino and my great frustration is that I am sitting there with five hundred rooms, which by this summer, will be very nice rooms with a beautiful new lobby, whether or not other hotels think I can get the job done for the amount I am spending. I tell you right now here, gentlemen, that it will be nice. If I spend money more wisely than some of the competitors, then more power to me. I am certainly not going to be dictated by my competitors as to how much

money I can spend. But at any rate, we do spend wisely, and if I tell you another thing, the interesting thing is that the hotels may compete with government as to who can waste the most money on a project, as I have seen this business. One thing, I think, in my hotel, after twelve years in government, makes it a little unlike government, I don't mean government here, I mean government in Texas. At any rate --

Commissioner Mourdock: They do everything big in Texas.

Al Granoff: We get so many, we are getting calls here, and when I spoke to other, and I have documented this and I should have and I will, but there are numerous conventions that are six months out, eight, nine months out, twelve months out, fifteen months out. Last week we got a call from Mead Johnson, and they are calling, a wonderful local company, an important part of this economy, an important taxpayer in this county. They are asking, they are wanting to use the Green Center for two thousand people to bring them in. Now it's not really that much, for three days in January and three days in February. This is next month and the month after, and I am begging Tom Green who says that it is closed and doesn't want to pay the utilities, doesn't want to deal with it, wants to sell it for storage or, you know, something, can't keep taking care of the building. Please, please, they will only have fifty room nights, fifty people staying overnight, but it is still fifty people a night for three nights for us, but it is not just about us. It is about downtown Evansville. Two thousand people are going to be down here spending money, and they are going to be having dinner, and they are going to be going out and walking past the shops and shopping, they are going to be going over to the florist and buying flowers. It is, and that is not next month, six months away, nine months away, twelve months away. We are getting a lot of calls and we are getting a lot more now. When I spoke with other people in this industry, when I spoke with the Fort Wayne Convention Center, which is a smaller one, the majority of their folks, fifty percent are less than eighteen months. Dallas says when they book, of course they are huge -- a million, two million square feet, I don't know, but there, they will look in the next six months and see what is vacant and then sell those. Conventions are not only national conventions, they are large groups of people that come from out of town that congregate in a large facility and stay in hotels and eat in restaurants. It is so frustrating, quite frankly, for me to be here with a convention hotel, and a convention center across the street, and people calling and I can't book them! It is just wild. I will do the booking and Pete, they will do booking, too, but we'll be glad to do booking, too. I will bring on a few more salesmen, just give me a facility. If we wait two or three more years before we have any conventions, do you think, when these people are calling, we are going to get the one that books three years? The first two years that we open, we will be dead. The early years of the boat being in the water, when there is the most interest in coming here, we won't have any way to accommodate people. So I don't know what the answer is. So, believe me, if I could push a button and in six months have a beautiful new convention center across the street and blow up the Green Center, I would do it. You know, and I will pay to take Bob Green's name off of it. It is, if it is going to take any more than nine to twelve months from this minute, we won't go bankrupt, but we will be having a hard time and it is not just us. You are retarding the growth from downtown Evansville to a tremendous degree if we don't get an immediate use of some convention facility. I don't have the cure as to exactly how to have that done, and it is not my job to do that. I know that the committee had two recommendations and I know that there is going to be, and as I understand it, later this week, you will know exactly how much money that you have in the Food and Beverage Tax. It makes a difference, quite frankly, if you have forty-six million dollars finally or if you have twenty million dollars finally. I would just hope that in the process that the County Council, and

they are not here but a few are here, and the County Commissioners will keep in mind that no matter how wonderful it is three years from now, that if we kill the convention business in the next twenty-four to forty-eight, thirty-six months, it will be hard to recover. Having been closed for a few months this past year, we can get over it. We can book right away and we can get things going real quick. I know that the Council is interested, and I spoke with some folks about getting things advertised quickly to start booking conventions, and we will be right there with them to try to help promote that. With Aztar, quite frankly, I think that they will take part. I think we need to invite them into advertising programs and they are quite cooperative. I think that it would be wonderful here. I am pleading with you, as I said, I came down here last week and stayed through the weekend for this one this glorious moment to be on my knees to the public officials of Evansville, Council and Commissioners, and say that we can save the convention business that we just, if there are two options and one of them allows us to continue in business for two to three years, and it can be done through appropriate funding, which obviously, it has to be whatever that funding is. Or as opposed to waiting two to three years, and one is a couple of million dollars more than the other, plus we own more land. I sure hope that you, the public, decide to go with that one. If there are issues as to what funds can be spent where, as I understand that there are, I hope they can be resolved. Clearly, they are an issue no matter what. I hope that they can be resolved to the benefit of downtown Evansville. The laws can be interpreted in many ways and I hope that they can be interpreted in a way that benefits downtown. Thank you very much for your time and I appreciate your patience. The guideline was two hours and I turned out to be two hours but, you know, thank you very much.

President Borries: Thank you, Alvin. Some persons or other people who wish to speak at this time?

Phil Hoy: My name is Phil Hoy and am currently the President of the County Council. At the present time, it is not my belief that the County Council has the money to administrate the Green Center. We certainly do not have the money to renovate it and administrate it. We have said this before, the administrative costs per year factor out to about sixteen to seventeen thousand dollars per event. The Green, in its prime, was only rented in the large spaces twenty-seven times a year. So if you divide administrative costs of four hundred and fifty grand by that, you can see what you have. I realize that plan has been somewhat set aside, but we have to look at the money available, and the money that is designated Food and Beverage Tax is designated for the facility that we now own. Further, the projections that you have heard on the income may well be accurate projections, but I don't think that you can get a firm to give you bonding on those kinds of projections that are not based on the solid figures that we presently have. That is my understanding of how things are bonded. The next thing that I would like to say is that someone, somewhere is currently renting the Green Center. Groups are using the Green Center, and my recommendation, and I will speak only for myself, is that some sort of agreement be negotiated between the Executive Inn and the Green Center for renting that facility as is until we complete this project and let that run its course. As I understand it, the Green family, by selling the hotel complex and garage and a couple of other pieces of property over there, has received enough money to pay the bank off. I know that they have paid their county taxes, I think that it is an established fact, and that means that they still own this building, and at least they could have some income off of it so that they could at least pay their taxes and do some upkeep on it. That would be my preference financially as a Councilmember. I am not going to say much about the boat because I know that my voice is a minority vote, and every time I stand up and question how much money is going to come in off this boat, everybody puts my clerical collar on me and thinks that I am only

coming on as a Protestant minister. I am a Protestant minister, but I also grew up in business and I run a rather large charity, five million to six million dollar a year charity. I think that I know how to handle some money and I have been on gambling boats in other cities, and I can tell you that when those folks come in from other cities, very often they ride a bus in, get on the boat, they gamble and as soon as the trip is over, they get back on a bus and go home. Now some conventioners may want to come here because there is a gambling boat. But I think, you know, the experience with the boat is still a questionable kind of thing in terms of projecting the number of people that are going to come into Evansville and stay. That is my feeling about the boat. I think that it will be something of a shot in the arm financially for a few years, but I don't know that it's going to reestablish a convention business which we have enjoyed for a long time without having a gambling boat here. My third remark has to do with a parking garage. It would seem to me that if this project is as alive as we think it is, we, as county officials, should approach the city of Evansville to assist with a parking garage. In the city of Owensboro, the citizens have built a seventeen million dollar facility, and across the street, the city of Owensboro has built a parking garage. It is a cooperative effort. In terms of parking, the question has been raised, well, what if the Executive Inn parking garage is full of conventioners, where are people going to park? Well, I would assume that if it is full of conventioners they are going to park in that garage. I have noticed that at night and on weekends when most productions are scheduled at the Auditorium and Convention Center, you will not find the employees at the Civic Center parking there. There are a lot of parking spaces available. Coupled with that, the city is looking at renovating the Victory and putting a learning center at the Sonntag, or Civic Center Hotel, or whatever name it is being called these days. It is my estimation that project will not fly without a parking garage. It seems to me that in terms of parking garages, that ought to be at least a cooperative effort, and Lord knows, the city has more tax income than we have. We have committed ourselves as a Council to a renovation. I realize that we do not have completed architectural plans, but I have seen some preliminary plans that the architectural firm that was mentioned, they have produced some preliminary plans, as well as another architect in town has. We have excellent architects. We have two firms that I think would work together, and what I would like to see, and I would never pretend to speak for the other members of the Council, is that, yes, we get cracking on this, and get moving on it, and let's get the job done. But I am not in favor, still not in favor, of buying the Green Center or renting it.

President Borries: Thank you, Phil.

Bettye Lou Jerrel: My name is Bettye Lou Jerrel and I am a member of the County Council. I would like to thank the members of the committee and Rolland in his role as Chair. My comments are really for the record, dealing with the financial status of the law as it exists now. I am referring to Chapter 20 of the Vanderburgh County Food and Beverage Tax, Sections 6-9-20-8.5 and 6-9-20-8.7. The first one concerns the Auditorium Fund and it says, if the tax imposed under section three of this chapter is continued to finance improvements to the County Auditorium, the County Treasurer shall establish an Auditorium Fund. Section 8.7 says financing of county auditorium bond leases, actions to contest validity, the County may issue bonds or enter into leases or incur other obligations to

- 1) pay any costs associated with the financing, construction, renovation, improvement and equipping of a county auditorium, or this just continues, refund bonds. These are bond issues. Now financing, in legal terms, I think that Mr. Kissinger will agree, refers to providing capital. We passed a continuing resolution on September 6 of this year to authorize under Section 3, the whereas is that we authorize financing that construction, the renovation improvement and equipping of the Vanderburgh County Auditorium. I

believe that language is clear, and if there is a disagreement as to what it says, then I think it is time to discuss that in a public meeting. I think it is clear that we don't know. Mr. Helfrich indicated to me that the forty-six million came from his projecting an increase of six percent a year and that it is my understanding that bond council has estimated that we will probably have bonding capacity for about twenty-five million maybe twenty-six million. So I would say to you, quickly determine who your architect is going to be and proceed as quickly as possible, in such a way as keeping within this law. It was one year ago this week that we held our meetings and were involved in the writing of the legislation. I was involved in the authoring of the legislation. So, I would just say that if there is going to be something different than what this says, then we need to put that in a public meeting. I would like to thank all of those that have worked hard on all of this. I think all of us wish Mr. Granoff well, and all of the other hoteliers in the city. We want to provide a very fine facility and I think that we are about ready to do that, and I commend the Commissioners for their future action, and I hope that it will be prompt. Thank you.

President Borries: Thank you, Bettye Lou. Other persons who wish to speak at this time? Well, thank you all. You have some very thoughtful remarks and suggestions. Maybe we can hear from our Board at this time. Richard, Commissioner Mourdock?

Commissioner Mourdock: I think the, I was going to say most pertinent things, but that means that some of that was less than pertinent, so let me start over. All of those are very pertinent arguments. Two of them that stand out to me are Alvin Granoff's comments about we need to get something going, because no matter how quickly we say it can be done, you are right, it is always going to take longer. We wish that it could be done faster, but there is always going to be a delay. The second point is that, Bettye Lou and Phil Hoy commented about this, it is quite simply the time to go forward and I am somewhat disappointed that the committee did not go ahead with the recommendation as far as trying to pull together prequalification information for architects. I, personally, wasn't looking for that, to me, that you would be selecting the architect. That was not my point of the language in that letter. But that is what we need to do now. I have passed a note to John Stoll a few minutes ago that he might want to address at this point, but I think it would be very appropriate of this Board, as a result of this meeting, to run some solicitations for prequalification statements to be sent to the County so that we can begin to find out which architect has the best plan that can implement the very well thought out recommendations of the committee that we just heard. John, you can comment if you feel it is necessary. I put John on the spot. He didn't know it was coming until a moment ago.

President Borries: He is used to it.

Commissioner Mourdock: That's true.

John Stoll: I didn't hear the presentation as to what the recommendations were, but I would think that working with that, and drafting an RFP that I have seen in the past, that we could prepare something like that in my office.

President Borries: Commissioner Tuley?

tape change

Commissioner Tuley: Okay, first off to Rolland and his committee, I appreciate your time and your efforts that you put into this. You're right, it seems like you have been involved in these studies, studies, studies, studies for as long as I have been sitting up here and this is my third year. I appreciate your

commitment to the community and to this project. I agree a lot with what Richard said in that we need to get moving. But, I think it sounds like we are not real sure as to how much money is available or what our bonding capacity is, and I don't know how far we can go until that is determined with some kind of hard figures. Once, we know that, we take this information that was provided and we take the Council, their input, our own input, and then we come up with a plan. All of those things given, I think that Mr. Granoff is very much on target when we say that six months is ideal, but I don't know if it is realistic. But, we do need to get moving on the things that we can. I think that the first thing, and I don't know how we establish exactly how much money is available in the bonding capacity, but I think that has to be the very first thing. We have to know exactly how much money we have to play with and make the decision. All of those other factors taken into consideration based on, we have heard different figures on what money is available, and what money is not available, and what it can be used for. We need to nail that down and go from there.

Commissioner Mourdock: Let me respond to just part of that, Pat. Are you suggesting that even in getting the prequalification materials --

Commissioner Tuley: No, go ahead and do that. Go ahead and do that and have that in place. Once we know, then we can act a hundred percent and go for that right away.

Commissioner Mourdock: No matter how we do this, I think we are always going to have a chicken and an egg, and we have this much money if we want this plan, and we are going to keep balancing the two against each other. We, you're right, we obviously have to know how much it is going to cost us here.

Commissioner Tuley: We can't go on the far end or the low end. Somewhere in the middle, that money is there and we will know what that is.

President Borries: Well, I have been ready to move forward for a long time. I have been tired of posturing on this. It has been real clear to me what we needed to do. I want to certainly commend Rolland Eckels for his outstanding leadership. He has always been there when I think the folks of this county have needed someone who really doesn't bring an agenda, any turf to an issue. I have always found Rolland as a person I can admire and who certainly has the best interests of this community in mind. So, I always want to commend you for your objective, sincere approach to a lot of difficult problems. At the same time, I feel that I want to apologize to Alvin Granoff, because it is always welcome to Evansville, and you get hit on the head again. We talk about working together in this community, but we really don't want to do it in this case. We talk about something that is right across the street that can be used. We talk about all kinds of innuendo that it's structurally unsound and we have the architect that says it isn't. We talk about that it is ugly but, you know, I think that somehow or another failed to get either some deep-seated negative mistrust of the prior owners of that facility or what. But it is unfortunate that we simply can't reach a consensus to move forward on this. Now, I have reacted to everybody's suggestion, from street corner engineers to everybody else, in order to get this thing back on track and I have always said that if it is going to be Evansville, and we are going to get a new facility, we want something that we can be proud of and is not going to be a piece of schlock and not something that we will have to turn around and scratch our heads five years later and say, oh no, now we have really made a mistake. Now, all of the sudden, we are suddenly hearing that we want to do something about architects, but all of the sudden, we really didn't know what we wanted to do with this. Bettye Lou and I have worked together for Auditorium renovations

and worked together well, as well as we have done in many situations. But we respectfully disagree on the aspect of the Green Center. I think that it is bad urban planning regardless of what we talk about here tonight, if we don't use it somewhere in the mix. We still haven't come to grips with what we are going to do with conventions in a city that ought to be on the move right now. It has a lot of exciting developments going on and I think that it is really clear that, regardless of whatever kinds of things that we can read in there, that I can also get a legal opinion that says if it is an improvement to the Auditorium. Parking is an improvement, additions are improvements, and it is also, I believe, in any court of law that we can decide exactly what that means as to whether or not that could also include the purchase of the Green Center to use it on an interim basis. So now it comes back to the prior owner, and it is always someone else's agenda and, Alvin, again, I want to apologize for, frankly, I think that you have exercised good faith and you have put up your money and have come to this town in search of what I would see as a reception, and what we would say as open arms, and I am sorry that you haven't gotten the Toyota treatment, frankly, in some cases. It's sad. Because I think that this downtown can revive if we put an anchor over here. What the City of Evansville is going to do with on the Learning Center and other things, I have long ago since quit worrying about that. I don't lose much sleep on that. I know that on my watch, in terms of what we can do with the Auditorium and also what we can do with expanding the convention business in this community, ought to get done right away. I have always felt that way and it ought to be with the Green Center being as an important part. It's bad urban planning, if nothing else, to have the thing sitting there just as you say. I would imagine people in Fort Worth, Texas would say, you mean you got a convention center across the street and nobody is using it? It is just not good business sense, it's just not good sense. So, here we are, and as far as I am concerned as soon as we get the numbers, I am ready to move forward. We will get our architect pre-requirements going, and let's get our architects on board, and I think that there are, indeed, I would agree that there are outstanding architects here and throughout this whole process I hope that it has been healthy for at least the community to see that somehow, someday we want a convention center in this community that is not going to be, probably, a typical Evansville situation where, frankly, I guess we were spoiled years ago, where we had a guy who wanted to get in here and run it all by himself. That is probably not the norm as we have found out, and have given statistic after statistic after statistic that every major metropolitan area has a publicly owned community center and a convention center. You see them in Washington, D.C., you see them in Dallas, Texas, you see them in Detroit, Michigan, you see them everywhere and that has not been our experience here. Maybe that has also been a problem as to why we haven't been able to move forward on this, but I will assure you, from my perspective, that I would like nothing better than a top of the line facility magically tomorrow. I also hear in tempered remarks from my colleagues that, and I also know, too, that in terms of construction, things just don't happen that quickly. We will get there and we are going to get that quality convention center. I am convinced of that and I think I hear everybody talking about it, and that they are going to spend the money to do it. A far cry, by the way, from St. Louis, Missouri and a county that just spent two hundred and seventy million dollars to get the St. Louis Rams, who probably play there, at the max, eight games a year. This thing is literally within spitting distance of Busch Stadium which is just about eight blocks down the road. Makes no matter, or the city of Indianapolis that just decided once and for all that it is going to use its Food and Beverage Tax and they are going to have a quality convention center, and they are going to have a revenue stream, and they keep adding on to it and enhancing their downtown, and doing what has to be done. That is what should happen here and it has been real clear to me all the way around. So, if we want to pick architects

tonight, we can do it. If we want to move forward tonight, we'll do it. I am ready and I know that Mr. Granoff is ready, because he has a nut to crack over there, and has put a sizable investment into this community. I think that members of this community, many of them are going to agree with what I say on this whole issue. We still, in the interim, have to have a convention center, why not use the Green Center? Why do we now have to posture and look at the previous owner all of sudden, and say that it is his problem and it's his fault. Poor urban planning, in my opinion. Well, I thank all of you for your thoughtful comments. I think that next week, if you are all willing, then John can move forward. Let's get our prequalifications ready to go and get our architect selected and let's get the facts and the figures and the money going and we will move forward on this as quickly as we can. Again, to Rolland, thank you so much, again, for your leadership, your commitment to this community. To Alvin Granoff, again, I still hope that you are going to get this Toyota community. I welcome you here, or the Toyota treatment, I will call it. I welcome you here. I know that, and I don't think that you would be sitting in this room this evening if you weren't committed to making a better hotel and a better facility over there, regardless of what the naysayers seem to always say at this point. Thank you for coming and sharing your thoughts, too. Thanks to all of you.

Commissioner Mourdock: As a final order of business to this particular issue, I would move that we direct the County Engineer to prepare a prequalification packet subject to our including the recommendations of the convention, auditorium convention committee and have that sent out as soon as possible so that we can begin to get responses in no later than fourteen days.

Commissioner Tuley: I don't think that I heard all of your motion, but I think that I heard enough that I will second.

President Borries: So ordered.

RE: MARTHA LEISTIKOW - IT NETWORK

President Borries: Is Martha Leistikow here this evening? Martha is with the IT network and we have had several different times that she has requested to be on the agenda, is she here this evening?

Cindy Mayo: She called earlier today to confirm that she was on the agenda. So I don't know if she has had problems traveling, she is from Indianapolis. I, I don't know what has happened but she did plan on attending even early this morning, yet.

Commissioner Tuley: Before we go on, can I make a comment? I felt like I was like in your classroom again and I just got my butt chewed out for flunking a pop quiz.

President Borries: Oh, Martha is here. Good evening and welcome.

Martha Leistikow: Thank you.

President Borries: You are on ma'am. We are glad to have you here.

Martha Leistikow: I represent IT Network.

President Borries: Would you give your name, please?

Martha Leistikow: My name is Martha Leistikow and I am with IT Network. I handle interactive that is found in the front of your phone directory, the Ameritech phone book. We work with Bell companies around the country, Ameritech, Bell South, and so on, and we put in information that is available to the consumers in any given market. For example, we work here with Welborn Hospital, Deaconess, St. Mary's and a number of other entities. We work with

METS and they deliver information to the community through our service. We have put together an informational page in several of our markets around the country that gives information to the consumers about specific county topics, city topics, things that are of interest to people and would make it necessary for them to call specific offices. In Indianapolis, for example, I work with Marion County Health Department, and you will see examples of what they are doing in the Indianapolis area. They deliver information about specific health topics, environmental topics, where to take children for immunization shots and things like that. So basically, what we have to offer is a way to get information out to your community here through an interactive information system. It is a free local call to the consumers in Evansville and there are a series of four digit codes that people could select to receive the information that they are seeking. So if they are looking for information on removal of tree stumps in their yard, or if they are looking for information on specific health care topics that relate to public health issues, they could access this information from this type of service. We work with organizations, and we work with municipalities and utilities and, again, county offices around the country and help them develop this information that is important to them. I have put several examples in there of what we call custom information pages. One is for the Marion County Health Department in Indianapolis. One is for the city of Little Rock, Arkansas and information about recycling, police, fire, topics like that. There is another couple of pages of the Clerk of Courts in the Florida area, there is one for (inaudible) county and another Clerk of Courts. These specific pages answer questions that people are frequently calling about in those areas. What to do if you have received a traffic ticket, particularly the Clerk of Courts page. How to obtain child support, what to do about alimony and that type of thing. What we are offering is an opportunity to possibly work with your commission in developing an informational page that would be of interest to the citizens of the Evansville area. The new book has just come out and is just being distributed right now so we are working pretty much a year in advance on the next directory. I am just trying to ascertain what kind of level of interest there would be in putting this type of a service together for you. The other pieces that are in there are what we call cross promotion. A brochure that can be distributed at various locations around the city, around the Civic Center and other city and county offices. You will see what we call counts in there that tell us the number of people calling these particular topics and accessing this information. It is measurable and is trackable and we provide these to you on a monthly basis. I have put together a complete package for you and a sample of what our new section will look like in the next directory. I just wanted to get some feedback from you as to how we might pursue this if it is something that the Commission might be interested in.

President Borries: Okay.

Commissioner Mourdock: You did that very well, because when you walked to the microphone, I had no idea that this is what it was about, but now I think I totally understand it. I compliment you. It's not often that happens when someone gets behind that podium. I don't know that I have any particular questions here other than general costs. What type of costs are we looking for? What I presume that we would do would be to list the different --

Commissioner Tuley: Last page.

Martha Leistikow: Last page, exactly.

Commissioner Tuley: That is what I was looking for. If it doesn't cost individuals, it has to cost somebody.

Martha Leistikow: Right, exactly. It is a free service to the consumer. There is a cost for the sponsoring organizations. It

can be spread out and a lot of organizations I work with, it can be spread out among the various departments. METS is a new sponsor with us this year, and the reason that they wanted to put this type of information into play is to tell people about specific bus routes, and they have recently had rate increases, and to try to do some positive public relations as far as that goes. It is an annual fee, and what we do is work with you and help you develop what areas that you feel are of most interest to the, I call them consumers, but to the public. Some times it is a matter of working with your communications or whoever is taking incoming calls and ascertaining what areas people are most frequently calling about. If it is the Sheriff's department, what people are interested in, if it is the Fire department, if it is the WIC office, or what have you. We can maybe provide a little guidance as to what areas are frequently called in other markets around the country and maybe help you as far as that goes. It is a way to help reduce calls and possibly free up people who answer those calls to do other things.

Commissioner Mourdock: Just looking at several of these, for instance, along with the Clerk of Courts, it seems to me it would be very pertinent for us to make sure some of the other departments of county government can access what you provide here because some of these may be decisions that they would make out of their budgets more than what we would recommend.

Martha Leistikow: I would be happy to make a presentation to a larger group, or possibly sit down, sometimes a brainstorming session of people throwing out ideas as to what they feel are the most important areas in their particular department. What kind of things that you would want to achieve by utilizing this type of a system. It has worked very effectively, I think that there are letters in there from several other organizations that we work with and their success with the program. The Clerk of Courts is a relatively new program and we've worked with them for about six to seven months now and they have had tremendous success with our program.

Commissioner Tuley: On the scripts. Do you write the scripts? Do we write it? Do we write it collectively?

Martha Leistikow: We can write it collectively. You are the experts in that particular area. We would ascertain what areas are most important to you. We provide guidelines for writing them, we want to keep them within a reasonable amount of time and I could provide you samples from other organizations as well.

Commissioner Tuley: That is all included in the investment?

Martha Leistikow: Exactly. All of that, my office is based in Dallas and we do all of the production work for you. We record all of the messages and we update it for you. We can provide you with special four digit codes, that we call portables so if you have information that needs to be updated on a weekly basis. Let's say that they are public health issues and flu season is here, and where to get your kids immunized, or there is an outbreak of a specific disease. That is information that is very pertinent and relevant right now. Those are areas that you can update more regularly. We can make updates for you on a monthly basis. We can provide you with samples of other cross promotion measures. I know that Clerk of Courts has included in their traffic tickets. When they give out traffic tickets, they utilize our systems phone number and specific four digit codes on what to do if you get a traffic ticket. What are your options and that type of thing. It can be really incorporated into a lot of different areas.

President Borries: Even the Hoosier Lottery.

Commissioner Mourdock: I have a question, how do I throw my money away?

President Borries: You use the scratch off.

Commissioner Tuley: Bill, you guys, and Cindy you were there and I have been there in the past, do you see the need for something in general terms? Maybe something like this for the Auditor's Office, being one of the first offices that they find in the phone book, do you get a lot of phone calls from people asking questions that are not pertinent whatsoever to the Auditor's office and you find yourself directing calls? Or Cindy, through the Commissioners' Office, because, for some reason, everybody thinks that we have power over everybody, so they call the Commissioners' Office.

Chief Deputy Auditor Bill Fluty, Jr: Our calls are screened by downstairs and most of ours are on exemptions and are with other offices.

Commissioner Tuley: So, when you say that they are screened downstairs, are you saying through the switchboard?

Chief Deputy Auditor Bill Fluty, Jr: Yes, and they direct a lot of the information to where it goes.

Commissioner Tuley: What about you, what do you think?

Cindy Mayo: We get calls for everyone.

Commissioner Tuley: That doesn't surprise me.

Martha Leistikow: What we might be able to do is put together a program that would be appropriate and answer areas that people are most frequently calling about. There is a feature at the end of the call where the caller, if they have additional questions, can be directly connected. So categorically, all of the traffic tickets could go to one specific area. If you have public health issues, they could go to the Health Department and so on. I have spoken with a couple of offices that have expressed interest but they suggested that this is where they should start and kind of filter out from there.

Commissioner Mourdock: Did I understand you correctly that monthly, you provide a printout on how these calls are coming in?

Martha Leistikow: Right. We can fit about sixty-five to seventy topics on the page and it will tell us what areas people are calling for, if they are being directly connected, and where they are going. Are they going to your switchboard? Those are kind of logistical things that we can decide. Every month you receive this. If you are using cross promotion, and I think that even the Clerk of Courts mentioned in their brochure how they use these numbers in other areas, and traffic tickets, and whatnot. Their calls have increased.

Commissioner Mourdock: Six months from now, you will be doing this as a home page.

Martha Leistikow: We are actually doing some work right now with Microsoft Network and America On Line. So, it is very possible that in the future, that we can offer you some on-line services as well. We have been doing this for about eight years now and have been very successful. With the organizations that we work with, this is a great way to help reduce incoming calls and possibly save some money on higher additional personnel by letting those calls be filtered through this type of system.

President Borries: What is the will here of the group? We need a consensus of some kind, some direction.

Commissioner Mourdock: I would suggest that perhaps we have Cindy converse with some of the other department heads and see what their

interests would be and see if, in fact, this would be something that they would be interested in pursuing as the budget provides for.

Cindy Mayo: So the feeling is that you would want this to come out of that department's budget?

Commissioner Mourdock: That would be my first thought.

Cindy Mayo: I believe, Martha, didn't you say that you did speak with the Health Department?

Martha Leistikow: I have spoken with the Health Department and he has been very interested for a couple of years.

Cindy Mayo: I think that would be one of the big ones that would certainly get a lot of use out of it.

President Borries: There are others who have incentive funds and those kinds of things and they may be interested as well. Maybe.

Commissioner Mourdock: The one, I am not even going to slow down, I am just going to keep going, the one with the Clerk of Courts listed here was an excellent example of the typical types of questions that I can imagine people having...

Commissioner Tuley: Right.

Commissioner Mourdock: And I can see where it would save time.

Commissioner Tuley: I am not sure that we couldn't collect. Maybe the Health Department and some of those offices with the Incentive Funds may want to have their own, and maybe the County Commissioners, the County Auditor, and the County Treasurer may go in collectively on one page.

Commissioner Mourdock: Right.

Commissioner Tuley: Depending on the size and scope of the office, I can't see the Treasurer needing a whole page. But I could see them wanting to be involved somehow.

President Borries: Sure, in terms of tax dates and those kinds of things..

Commissioner Tuley: A way of making payments.

President Borries: Payments.

Commissioner Mourdock: Who do I talk to about my assessment?

Commissioner Tuley: That is exactly right.

Commissioner Mourdock: I can see that there is a place for this.

Commissioner Tuley: Well, I think that it is worth exploring at the very least.

President Borries: If you had the time to kind of network with Cindy here, we can certainly arrange for you to talk with our office holders and at least those that would be interested. It sounds as if the Health Department and perhaps the Clerk, perhaps the Prosecutor. The rest of us may not be able to fill a full page, but certainly, as Pat points out, we could collaborate to kind of get a county page that contains a lot of vital, practical kinds of information. Would you be able to?

Martha Leistikow: Oh, sure. I will give you direction, too, as we introduce new pages from other municipalities and county offices,

we will provide that information to you and, hopefully, you will be able to utilize that.

President Borries: I think that the communication would be real helpful and Mrs. Mayo would be very helpful in arranging for you to talk with some of the other offices. We hope that if they would give that consideration, perhaps they might be able to share the cost from their budget. That is always a concern for us.

Martha Leistikow: Well, thank you all for your time, and if you have any questions, I will leave some business cards with Cindy, and we will take it from there.

President Borries: Thank you for your presentation. Lynn Ellis from Purchasing.

RE: LYNN ELLIS - PURCHASING

Lynn Ellis: Earlier, the county received bids for an imaging system for the Clerk's office and those bids were subsequently rejected. We have a request to authorize release of a new request this time for informal bids. The request is to open bids in Purchasing this Friday, and make an award recommendation on the 18, one week from tonight. If the Commissioners so approve this, the three bidders that submitted a bid the first time were advised today that we were bringing this item tonight and they would have just a short period of time to get this bid together and get it back in. On the agenda request were possible solutions. The recommendation is to solicit informal bids based on the revised specifications which are as generic as we can possibly make them. The specifications include options for the different size jukeboxes and the other items that are included in the system, so that we can get the size and the options that the Clerk's office deems necessary to fulfill their needs.

President Borries: Okay.

Lynn Ellis: Joe is here from Data Services, too.

Commissioner Mourdock: Alan, if I don't ask the question, the second or third place bidder will. Could you define what informal bid is?

Alan Kissinger: It is a bid that you don't go through the formal bid procedures. Therefore, you can do away with the requirement, as we are in this case, of a bid bond having to be posted. Also, it is not necessary that the bids be opened by permission of the County Commissioners at an open meeting. It is more along the line of a quote. It is less than, the law has changed recently, we used to be able to do that on articles or items less than seventy-five thousand dollars or twenty-five thousand dollars. That amount has now gone up to seventy-five thousand dollars and they anticipate that this bid will not go over seventy-five thousand dollars, seventy-five thousand dollars of products or line of products, within a year's period of time.

Lynn Ellis: Correct.

Alan Kissinger: Basically, it is just as it indicates. It is a less formal procedure than is required for a purchase in excess of seventy-five thousand dollars.

Lynn Ellis: The statute requires legal advertising if you do a formal bid. This bid would not have the legal advertisements. The statute indicates that you must advertise two times, one week apart, and the second ad must precede the bid opening by a minimum of ten days. Because this is not anticipated to exceed the seventy-five thousand, we are asking that those requirements be waived. This request is being made by the Clerk's desire to get

this system going since they have been trying for so long. The last time we were unsuccessful at getting good bids, so they would like to get this going and ordered and in place as soon as possible. The three bidders are familiar with the system. They have all seen the previous set of specifications so they are familiar with the county's needs.

Commissioner Tuley: So your recommendation is Option 4, as well as Joe's recommendation, that this is the way that we should go on this?

Lynn Ellis: Yes, sir. That includes the Clerk's recommendation, too.

Commissioner Tuley: The Clerk's recommendations as well.

President Borries: Any comments or questions? Motion?

Commissioner Mourdock: I will move that we authorize the release of requests for informal bids for the new imaging system for the Clerk of Courts so that bids can be opened on December 15, 1995 at 12:00 noon.

Commissioner Tuley: Second.

President Borries: So ordered.

Lynn Ellis: Thank you.

President Borries: Thank you, Lynn. John Stoll, County Engineer.

RE: JOHN STOLL - COUNTY ENGINEER

John Stoll: These are the plans for Eagle Valley Subdivision. This is the portion of the subdivision that will be put in up off, adjacent to the golf course, up on Petersburg Road. We have reviewed the plans in my office and everything has been designed according to county standards and recommend that the plans be approved.

Commissioner Mourdock: Just so we're clear, and more specifically, so that I am clear, you are making that recommendation based solely on the roads, curbs...

John Stoll: Right and the drainage facilities and things of that nature as far as the pipes within right-of-way draining the streets and things like that.

Commissioner Mourdock: Drainage facilities, not the drainage plan?

John Stoll: Right.

Commissioner Tuley: It has preliminary drainage approval but hasn't been visited for the final. It went before Area Plan on Wednesday night, but I forgot the outcome. It was a long meeting and I don't remember all of the specifics.

President Borries: Area Plan and Drainage Board.

John Stoll: The plans show lugs on all of the streets, all sections of the streets with grades over five percent. The sidewalks are not right on the back of the curb. There is a separation between sidewalk and curb. I'm not sure what else I can tell you right off of the top of my head about the plans.

Commissioner Tuley: But you said they meet county standards and recommend approval?

John Stoll: Yes.

President Borries: Motion?

Commissioner Mourdock: I will move acceptance of the street and road plans for the Eagle Valley Subdivision.

Commissioner Tuley: Second.

President Borries: So ordered.

John Stoll: If you could just sign the cover page for those plans, a mylar was not available and we just keep one signed copy in our files over in my office.

tape change

John Stoll: Next I have form 96 for contract number 95-10-03 the culvert replacement for out on Strueh Hendricks Road. I would like to recommend that it be awarded to Southwest Engineering in the amount of \$42,866.30. They were the low bidder on the project.

President Borries: Motion?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

John Stoll: The next item that I have is a letter that was submitted by Hydro Conduit and a draft of an agreement that I have prepared between the county and Janssen & Spaan Engineering. The agreement between Janssen & Spaan and the county is for an amount not to exceed \$10,000 and it spells out the hourly rates that they would charge us for different classifications for their employees. It calls for them to provide design and construction inspection services, and the letter from Hydro Conduit says that they would perform their repairs as directed by engineers in my office. I didn't know if this letter would suffice from Hydro Conduit. The agreement that I drafted has been reviewed by Janssen & Spaan, they felt that would cover everything that we are looking for, and have realistic time frames as far as notice to proceed and things like that.

Commissioner Mourdock: You have given us a cover page, John, but you have made reference to more than what's on this page. Is this a multiple page?

John Stoll: (comments made away from the microphone)

Commissioner Mourdock: Alan, I trust that you have seen this agreement?

Alan Kissinger: I have.

Commissioner Mourdock: Alan, you have seen the letter from Hydro Conduit as well?

Alan Kissinger: Yes.

Commissioner Mourdock: I guess what I am looking for as I read this, this is from Hydro Conduit and they are saying they understand that we, the Commissioners, have made a decision to hire Janssen & Spaan to design and supervise repairs to the cracked beam. We have manufactured thousands of the same type beam over a thirty-year period. This is the first and only beam to display a crack of this nature. Hydro Conduit guarantees that the beams were manufactured in accordance with the contract plans and specs by United Consulting and accepted by the contractor, County Engineer,

and inspectors. Based upon the above facts, it is not anticipated that there would be any additional problems of this nature on this overpass. Although it is questionable and speculative as to what may have caused the cracks, in order to expedite the use of the overpass, we want to be a good corporate citizen and are willing to perform these repairs under the direction and supervision of your engineer. I don't read the words in there, and are they implied that they are going to do them at their costs?

John Stoll: That is what I gather from it, but you are right, it doesn't explicitly say that all costs will be covered by...

Commissioner Mourdock: We are hiring Janssen and Spaan under this agreement to do the work, I'm sorry, to do the inspection and make sure the work is done fully, but I guess this letter gives me a little bit of a queazy factor. I think that is what they are trying to say, but there seems to be a lot of wiggle room here that I am not comfortable with.

President Borries: Well, wiggle room is very appropriate because they are not going to wiggle out of paying for this, as far as I am concerned. I appreciate it, John, by the way, on your time line with the Tekoppel project here. I am noticing here that the beams were set May 13 and 15 of 1992, do we have any records when any of the engineers or anyone who was inspecting accepted the beams? Are there any records that you have been able to glean out of this?

John Stoll: We have some daily construction reports that basically say that the beams were set, but nothing as far as any detailed descriptions of what conditions the beams were in, things like that. It would be general things like, beams looked okay or things of that nature.

Commissioner Mourdock: Were their bonds posted with you, the construction material for the construction work?

John Stoll: The bond, the performance bond expired two years from the date of final payment, which would have been last December.

Commissioner Mourdock: So we released them?

John Stoll: Right.

Commissioner Mourdock: Who posted that bond?

John Stoll: Blankenberger Brothers.

Commissioner Mourdock: Okay, for the construction itself?

John Stoll: Right.

Commissioner Mourdock: Well I guess if Mr. Owen Barnett, who signed this letter, would clearly, obviously and irrefragably qualify what he is saying here, that yeah, we are going to pay for this, that is what I am looking for. Rick, I totally agree, again, I understand because, well, for a lot of reasons, it is important that we have the company, Janssen and Spaan, who is involved with this, I don't mind paying the monies involved there, and I see it as a necessity. But I also see it as a necessity that these people, especially since this is the first and only beam that has developed this crack, or this type of crack in their thirty-five years of experience. It seems to me they are saying they do good work and want to be good corporate citizens and I just want to make sure that they go along with that.

John Stoll: So you want to have the final, basically the final paragraph revised to just say that they, under no uncertain terms, that all costs will be covered.

Commissioner Mourdock: And in all fairness, that may be what they mean.

John Stoll: I think that is their intent, but like you said,...

Commissioner Mourdock: It doesn't say that. I have dealt with too many attorneys. He let that one go...no, he didn't.

Alan Kissinger: It has to be done. You have to get their total commitment on that as far as payment is concerned. Because I don't think, by this letter, they intend to avoid paying for it because that has been the discussion which was the basis of their discussion that spurred this last. But, they have to be committed in writing that they are going to cover all of the costs for the repairs. I assume that they intend to do that because they certainly understand that we couldn't authorize them to do the repairs without bidding it, if they weren't going to cover it.

Commissioner Tuley: There's a lot of discussion going back, while you guys were talking, you may have covered this, but I was reading last week's minutes and there is a lot of discussion last week about the rest of the beams.

Commissioner Mourdock: About them standing behind the rest of the beams?

Commissioner Tuley: I don't see that in this letter.

Commissioner Mourdock: Good point.

Commissioner Tuley: They make a reference to this specific beam.

Alan Kissinger: They have merely guaranteed the manufacturing process, they have not guaranteed the future performance of the beams.

Commissioner Tuley: We spent a rather lengthy discussion last week discussing that thing.

Alan Kissinger: John, was there a guarantee that accompanied the beams before they were installed or do you know?

John Stoll: That I don't know.

Alan Kissinger: I am assuming that they would stand behind that if there was, but I can't really blame them from not issuing a new guarantee at this point without being able to document what has happened to the bridge over a period of time. If I were advising them, I would advise them not to guarantee them at this point without a total inspection, a really thorough total inspection.

Commissioner Mourdock: Their folks have seen it, though.

Alan Kissinger: Well, they have seen the cracks of course, but I don't know if they have seen all of the other beams.

John Stoll: I think they have gone over it about like everybody else that has looked at it. They have just looked at it from down on the ground and there are no other cracks visible. But as far as a detailed inspection by a bridge inspector, I doubt that it has been done.

President Borries: Is this Janssen and Spaan able to do that?

John Stoll: An inspection?

President Borries: Aren't they recognized as somewhat an expert in this area?

John Stoll: Right.

President Borries: The other question that just begs an answer here is, if this is the first and only beam to have displayed a crack of this nature, why? They have announced a fact here but haven't given us a reason. It just seems obvious here that they should have explained or at least given us some kind of explanation if this is the first and only beam.

John Stoll: Whenever Leo Spaan was out there...

President Borries: This is an awfully, man, an awfully ambitious statement unless they have inspected every beam in every bridge where they have ever installed one. Man, oh man.

Commissioner Tuley: That is why I don't think it should be a problem to guarantee other beams.

President Borries: Well, I agree. I just feel that they need to do that and give us a reason why this thing has failed or potentially could fail.

John Stoll: What Leo Spaan said about why that beam failed was that some of the prestressing strands in the beam had slipped for whatever reason. He said that it could have happened for a dozen different reasons. He wasn't around when the bridge was being built so it would just be speculation on his part as to which one of those dozen reasons could have caused the beam to crack. He wouldn't commit to an exact cause as to why those prestressing strands had slipped, but he said that he felt that was the reason why the cracks occurred.

Alan Kissinger: I don't think, quite frankly, that as I said, in consideration of the fact that the beams have been in place for three years, I doubt very seriously that, and I am assuming that they will seek insurance for this type of guarantee, I doubt very seriously if they could get that kind of insurance for that kind of guarantee.

Commissioner Mourdock: Are you saying that in hindsight, you mean? Or from this point forward?

Alan Kissinger: Yes. No, from this point forward because of the fact that anyone who goes in and looks at this is going to say, wait a minute, we don't know. Those beams have been out of our custody for a period of three years, and we don't know how they have been used, and we can only assume that they have been properly installed, etc., etc.

Commissioner Tuley: So you don't think, I guess what I am hearing from you is that you don't think that they will ever be able to guarantee the rest of the beams?

Alan Kissinger: I don't think that they will unless that guarantee is extremely qualified and limited. They are, in effect, guaranteeing the beams were manufactured in accordance with the contract plans and specifications. Now, I am assuming that means that if, as a matter of fact, there is later a determination made that a beam that has failed was not manufactured in accordance with the contract plans and specifications, that this would be a guarantee to replace that beam. But just to say open ended that yes, we will guarantee the future performance of all of those beams, we may be asking for something that is really an unreasonable demand at this point.

Commissioner Tuley: John, you have been out there then, could you, and this was brought about by the bi-annual inspection?

John Stoll: Right.

Commissioner Tuley: So, there was no other notation of any other apparent cracks or problems with any of the other beams?

John Stoll: No. We haven't gotten the final inspection report back as of yet. But, the letter we got from United just addressed cracks in that one beam, so I am assuming if they would have seen something else, they would have pointed that out as well.

Commissioner Mourdock: Could we do this? Could we have Alan give them a call and state our concerns: number one, that this letter doesn't go as far, or at least is not as specific, as what we expected it to be, although they may have intended to say more than we are reading into it. Also, discuss with them what they feel would be an acceptable warranty, if you will, on the rest of those beams. Again, taking into consideration everything that you just said, but (inaudible) statements apply. If we do not move something the mass of a space shuttle across that bridge weighing six hundred tons or whatever, then that bridge certainly ought to be there.

President Borries: Exactly what will Spaan's role in this be?

John Stoll: He will design the repair method and develop, prepare the specifications for that repair. So, he'll basically give us a set of plans and specifications for the repair which, at this point, I believe, will involve an epoxy injection of the cracks and adding some post tension steel cables along the outside of the beam.

President Borries: What will be his feeling as to the length of the longevity of that beam once it is repaired?

John Stoll: He has told me that it will last as long as any other beam up there on that bridge and the...I don't know..

Alan Kissinger: As long as any other beam is supposed to last.

John Stoll: Right, is supposed to last.

President Borries: But, how long will the beams last? Who is really going to give us a recommendation? I mean, approximately. I am not going to talk about a day, time and everything else. But, I mean...

Commissioner Tuley: What is the suggested life of those?

President Borries: Yes.

Commissioner Mourdock: Right.

John Stoll: Right off of the top of my head, I don't know what the original estimate would have been. I would have guessed fifty, up to fifty. Sometimes, I mean, I could go back to the inspection report and probably get a good idea of how long some of the concrete beam bridges have been in place and see what their anticipated remaining life span is. I don't know right off the top of my head what a brand new beam should last.

President Borries: Well, do you think Mr. Spaan might have an idea? If he is going to guarantee that this one is going to last as long as the other ones, why don't we just simply ask him how long these other beams are going to last, in his rough estimate.

John Stoll: We could do that, but it will, basically, that will be another inspection that we would have to pay for.

Commissioner Mourdock: Isn't that something, John, that would have been in the original spec for the bridge? That this bridge has a design life of some period of time?

John Stoll: I don't know. I have not seen the original specs on that bridge.

Alan Kissinger: I would assume that United Consulting has, probably has the specs.

John Stoll: Right. I can find that out.

Commissioner Mourdock: One other question. I am assuming, and address this please, Janssen and Spaan is totally third party as far as Hydro Conduit is concerned?

John Stoll: Right, they are a separate engineering firm.

President Borries: Well, to move forward, what do you want to do?

Commissioner Tuley: I think with his recommendation that we have him call them and just see if (inaudible) if we are going to get it changed to our satisfaction within reason. Have him come back next week and say that is the best you are going to get and, as your legal counsel, I think you ought to sign it and go forward.

Commissioner Mourdock: I think we need to act on this other.

President Borries: This?

Commissioner Mourdock: Yes, this Janssen and Spaan agreement.

President Borries: Okay. Let's, can I have a motion then to refer the letter for clarification to the county attorney for a report in one week?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Borries: So ordered. Motion on the agreement that John has submitted in relation to the consulting engineer?

Commissioner Mourdock: I move that we accept the agreement with Janssen and Spaans for the Tekoppel Bridge inspection and design.

Commissioner Tuley: Second.

President Borries: So ordered.

John Stoll: The only item that I've got is the Speed Limit Ordinance is up for second reading this evening.

President Borries: Speed ordinance? Well, we are not doing what Montana has done, I don't guess? Shoot till you win, huh? This ordinance is for second reading this evening, then?

John Stoll: Yes.

President Borries: May I have approval on second reading of amending Chapter 72, Schedule 1 of the Code of Ordinances of Vanderburgh County?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered. One more reading and we will have it approved.

John Stoll: That is all I have unless you have any other questions.

President Borries: Any questions for John?

Commissioner Tuley: Not at this point.

John Stoll: Thanks.

President Borries: Thanks, John.

RE: BILL MORPHEW - COUNTY HIGHWAY

President Borries: Bill Morphey, County Highway.

Commissioner Tuley: Have you gotten any rest since Friday?

Bill Morphey: Excuse me?

Commissioner Tuley: Have you got any rest since Friday?

Bill Morphey: Not a lot.

Commissioner Mourdock: We find that four letter word here for the first time.

President Borries: Bill has submitted from the Vanderburgh County Highway, a record indicating from Friday, December 1 through Thursday, December 7, work done by the Highway Department and also the Bridge Crew. And, again, shows work done in all parts of the county. Questions of Bill at this time?

Commissioner Mourdock: (inaudible)

Commissioner Tuley: I have a comment more than anything else. I told Bill that I worked Saturday morning for a couple of hours and my boss, who normally doesn't have many kind things to say about government at any level, was very complimentary of the highway crews. He left work Friday at 4:30 p.m. figuring that it would be difficult for him to get home and he lives on Old Boonville High...or Boonville New Harmony Road, and said it was the best road to travel. Once he got on it, it was cleared by the time he got home. So, you guys apparently did a pretty good job. I did not get one single phone call from anybody complaining about when we were going to get there, or if we were going to get there. So, hats off to you and the crews.

Bill Morphey: Thank you, thank you.

Commissioner Mourdock: I had one call but it wasn't a county accepted road so he was in good shape there.

President Borries: Outstanding job. You, I guess, stayed on Friday?

Bill Morphey: We worked until approximately 1:30 Friday night, and we went back in at 5:00 Saturday morning, and we worked until 7:30 p.m., and went back in at 5:00 again Sunday morning. I took off at 11:00 and the rest of the crews worked until 3:30 p.m. We had to keep going back over the same routes again and again because the temperature got down so cold that we had a lot of blowing and drifting snow. About 9:00 Sunday morning I found a car in the middle of the road, Armstrong Road, in a three foot drift. There was no one in it. But, we had a lot of blowing and drifting snow. That road had just been plowed several hours before. They are all in good shape now.

President Borries: Hopefully, we will get some warmer weather and nothing like Buffalo, New York had. Nice job.

Bill Morphey: Thank you.

President Borries: Please, again, let all of the crews know that they did an outstanding job.

Bill Morpew: I will certainly do that.

President Borries: Appreciate it. Thank you, Bill.

Bill Morpew: Thank you.

RE: ALAN KISSINGER - COUNTY ATTORNEY

President Borries: Alan Kissinger, County Attorney.

Alan Kissinger: I have, we have received from Waggoner, Irwin, Scheele & Associates, our personnel associates, a proposed ordinance which is the Federal Motor Carrier Safety Regulations Safety Sensitive Positions Drug and Alcohol Policy and Procedures for adoption by the Vanderburgh County Board of Commissioners. It outlines the various federal regulations for people who operate county equipment of various types, people who hold Commercial Driver Licenses, drug testing, types of testing, etc. I think each of the Commissioners have a copy of that. It sets out various prohibited behavior, when testing will occur, pre-employment testing, post accident testing, etc. In general, it covers the entire federal policy and there must have been several people working on this thing for a long time because that thing is, well, I am certainly glad that Waggoner, Irwin and Scheele put something together for us, because this would have taken literally weeks to go through and determine. This has, it has been recommended because it is a federal requirement that we consider adopting this policy before the end of the calendar year, 1995. So, I recommend to the Commissioners that the County Auditor be requested to advertise this policy in its form that is provided by Waggoner, Irwin and Scheele and that the Commissioners vote on this ordinance, and as to whether or not it will be adopted as a county standard at the December 26 meeting.

Commissioner Mourdock: I just have one question, Alan. I just got it this evening so I haven't read it, but one thing is kind of glaring on page 14 and page 10. Obviously, whoever put this together has some questions as far as what was intended.

Alan Kissinger: Yes.

Commissioner Mourdock: I think that before we do much as far as a vote to incorporate this into the record, we need to draw some answers to those questions.

Alan Kissinger: Yes, I will certainly consult with, I assume Kent Irwin, as to whether or not he has those questions answered or whether I can assist him in answering.

Commissioner Mourdock: Obviously, I'd hate to put that out to the county employees with that form to it.

Alan Kissinger: Yes, that is right. We should change the form there some way. I will ask them to provide us with what, I guess, is now becoming commonly known as a clean copy. I would also advise the County Auditor that this will be required to be advertised at two different times, once ten days before and once three days before the meeting on the 26th, so we haven't left you with a lot of time, Bill, is what I am saying.

Commissioner Mourdock: On page 13, they have a similar question area there that needs to be resolved.

Alan Kissinger: Commissioners? Yes.

Commissioner Mourdock: Well, more than that whoever put the

question marks by paragraphs (inaudible)

Alan Kissinger: Yes, there are some other changes that will have to be made. As I said, I will talk with Waggoner, Irwin and Scheele. Also, as a note to the Auditor, I would not recommend that the entire policy be advertised, basically, the title and indicate that the actual text of the policy is available for inspection in the office of the Vanderburgh County Auditor and the Vanderburgh County Commissioners.

President Borries: May I have a motion to advertise?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Borries: So ordered.

Alan Kissinger: Also, on the same topic, I have the Drug Free Workplace Act audit program, State Board of Accounts. Briefly, it indicates that all grantees receiving grants including cooperative agreements from any federal agency must certify that they will provide a drug free workplace, or in the case the grantee was an individual, blah, blah, blah. More federal stuff for us to comply with. As far as this Drug Free Workplace Act is concerned, I will prepare this in either ordinance or resolution form and I would assume that since it is going to be county-wide, it would have to be an ordinance, for advertising. I will not put the same time restraints on the County Auditor for this. This, I am assuming, they want adopted before the end of the year, also. It can not be done, however, I don't think they will come in retroactively and take any of our federal grants if we get it done two weeks after the first of the year. I am just advising the Commissioners at this point. This is different than the safety sensitive positions. This is a policy for all county personnel. So, hopefully, at next week's meeting I will be presenting this for consideration by the Commissioners for advertising.

Commissioner Mourdock: On that general subject, Alan, with the drug free workplace, I know that there are some things that deal with this, too. How are we listed as to who handles the cost for drug testing? Is it a department by department basis, or?

Alan Kissinger: It is not on department. Basically, right now it is county-wide and we have in our union agreement some provision for these things, and I know that the Sheriff has a very specific provision, but, once again, they are safety sensitive positions over there. We are not funded for this type of drug testing. We don't have any funding for drug testing on a large scale basis. But, unlike the Federal Motor Carrier Safety Regulations Safety Sensitive Positions Drug and Alcohol Policy and Procedures, the Drug Free Workplace Act will not require periodic testing. It will be on a for cause basis as far as testing is concerned.

Commissioner Mourdock: The other thought that comes to mind, and really, this goes a little bit down to your bailiwick as our County Attorney, but in looking through this, it talks about training supervisors and things like that, and I was just wondering how we are going to do that. It may not be something that we need to address at this moment, but there are some costs associated with this.

Alan Kissinger: Are you talking about the Federal Motor Carrier thing?

Commissioner Mourdock: Right.

Alan Kissinger: There is going to have to be significant compliance activity in reference to this. So, if you would like to

write across it in big red letters "unfunded mandate" it certainly fits the bill.

Commissioner Tuley: We are going to have to do some appropriations, then.

Commissioner Mourdock: Yeah. But it just caught my eye as I was going through here that supervisors will be given at least eight hours training for this and one hour for that, and those kinds of things. It is easy for someone to write and not fund it. But we get stuck with it.

Alan Kissinger: This thing came sliding in within the past, well, I guess that everyone is getting notice of it within the past few weeks, literally, so it is the same old deal. They are saying, here is the money, now do this. But we won't pay you to do this, we'll just give you the money for something else.

Commissioner Mourdock: The real cost is that if you don't do this, and if you don't train somebody, and they make a judgement and then we end up getting sued by...

Alan Kissinger: Yes, and I think adopting the ordinance will show the first step in a good faith effort to comply. I have nothing further to report at this time.

President Borries: Thank you, Alan.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

President Borries: Mrs. Cindy Mayo, Superintendent of County Buildings.

Cindy Mayo: I have nothing to report.

President Borries: Okay, thank you.

RE: CONSENT ITEMS

President Borries: We have consent items for approval at this time.

Commissioner Tuley: I will move for the approval of the consent items as submitted.

Commissioner Mourdock: Second.

President Borries: So ordered.

RE: SCHEDULED MEETINGS

President Borries: We have a list of scheduled meetings for this week and what is left for 1995, also, Attached to this.

RE: OLD BUSINESS

President Borries: Any old business at this time?

Commissioner Tuley: I don't have any.

Commissioner Mourdock: I have no old business.

RE: NEW BUSINESS

President Borries: Any new business at this time?

Commissioner Tuley: Back to old business. Are we working on a December meeting for the joint counties?

Commissioner Mourdock: We are trying. I have put a couple of messages in to the folks in Gibson, but I have not gotten a return phone call yet. So...

President Borries: I think that there is also a Regional Welfare to Work Committee meeting.

Commissioner Mourdock: We have a meeting on Wednesday and the date is sometime after that (inaudible)

Commissioner Tuley: I am sorry that I skipped over old business, but the month is getting short and this time of year is pretty difficult to put a meeting together with that many people. I have no new business.

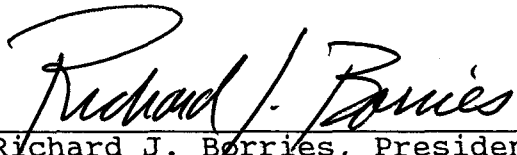
President Borries: Any other business? Okay, if there is no further business this evening, we are adjourned.

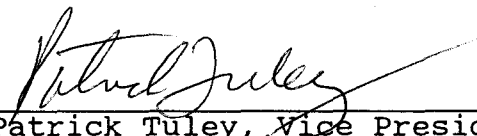
Meeting adjourned at 7:25 p.m.

THOSE IN ATTENDANCE

Richard J. Borries
Patrick Tuley
Richard E. Mourdock
Alan Kissinger
Bill Fluty, Jr.
Cindy Mayo
Teri Lukeman
Bill Morphew
John Stoll
Rolland Eckels
Alvin Granoff
Phil Hoy
Bettye Lou Jerrel
Martha Leistokow
Lynn Ellis
Members of the media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**


Richard J. Borries, President


Patrick Tuley, Vice President


Richard E. Mourdock, Member

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS

DECEMBER 18, 1995

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The Vanderburgh County Board of Commissioners met in session at 5:40 p.m. on Monday, December 18, 1995 in the Commissioners' Hearing Room.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Borries: Good evening, everyone. I would like to welcome you to the December 18 meeting of the Vanderburgh County Commission and I would like to call it to order at this time and introduce our staff. She is now out of her chair but she is walking behind me here, Mrs. Cindy Mayo, who serves as Superintendent of County Buildings and the Office Manager for the Commissioners'. Our County Attorney is Mr. Alan Kissinger. To my immediate right is County Commissioner Pat Tuley. I'm County Commissioner Rick Borries. To my immediate left is County Commissioner Richard Mourdock. Our County Auditor is Suzanne Crouch. Our Recording Secretary this evening is Mrs. B.J. Farrell. Would you join us, please, for the Pledge of Allegiance?

RE: ACTION ITEMS

President Borries: We have an agenda printed for your information and at this time we are going to go forward on that. Do we have any persons or individuals that wish to address this Board this evening who do not see his or her item on the agenda. Would you want to come forward here and state your name and address for the record?

Bill Schmitt: I am Bill Schmitt and I live on the westside.

President Borries: Bill Schmitt?

Bill Schmitt: Bill Schmitt, double "t". I represent Tina's Dancers Dance Academy. I don't know if it will do any good but I have a complaint about the Vanderburgh Auditorium. At the end of our recital last year, as we have done in the previous ten years, we give them a date of May 17 and 18 to put down for us for this year. We were watching the TV three or four weeks ago and low and behold the dates of the 17 and 18 came up for another show at the Vanderburgh Auditorium. We called and talked to Sandy. Sandy said, it was either Sandy or Laura, now don't hold me to it. They said that they would have to check into it, straighten things out and call us back. This was done, they called us back and they said that our name was second instead of first. Now, the show that they brought in here, I don't see how it could have been a year ago that they had made the date, since it wasn't there when we asked for it the first time at the completion of our show in 1995. We called again later and we said that I should talk to somebody else. So I called the Commission and asked them what I could do and they said that I should try to talk to the Commission here and make a complaint and to also call, what's the gentleman's name, Andy Davidson. This we did and he was very cooperative now as far as trying to straighten things out but we have got other dates that we have other things and the dates that he gave us in the middle of June, when kids are already out of school and in April when we can't do it then because we are still having classes. So, like I said, I don't know what to do. It is putting us in a big bind and I feel like they kind of stepped on us by pushing us out of the way and letting this other outfit take our dates. Now, they might have something that they want to say if they are represented here, I don't know.

President Borries: I am not sure that we have them here this evening. Well, Mr. Schmitt, I am sorry you may not be finished.

Bill Schmitt: Well, he told me, Andy told me that they don't sent he contracts out until six to eight weeks before, maybe ten weeks. Well, if that is the case then he hasn't even sent the contracts out to this other company yet, so how can he have them down?

(inaudible)

Commissioner Mourdock: Ma'am, our sound system is very poor, if you could come to the mike?

Bill Schmitt: That is my wife. But, the last time that we got a contract sent to us was in March and we can't understand why we would be pushed back and somebody else takes our place.

President Borries: Well, I on behalf of the Board, apologize for it. I can't give you a good reason tonight. I know that this Broadway series that is promoted is one of three or four performances and how far in advanced they are booked, it could have been last year. I know that they have, as I say three or four that they will put together in some kind of package and this is I think the last and that will be it.

Bill Schmitt: Mr. Borries, I saw the books last year when we told her and there was no name on it. I can't prove that.

President Borries: Right. Well, we certainly will look into this, Bill. Is there any way in which there are any alternatives that you could use, if we are able to..? Again, I don't want to negotiate here because I haven't really had a chance to talk with the Commissioners about this.

Bill Schmitt: I understand.

President Borries: Nothing gets done on one person, so you have to continually build a consensus so we have to contact the Auditorium. We will try in some case to accommodate you and see if there is something that we can do. I don't know now if it possible now for them to move the date of the Les Miserable, and I am not suggesting that they do that so at this point we are just going to have to...

Bill Schmitt: Well, see the reason why is that they sold more tickets than they have days for so they moved it up to accommodate.

President Borries: I see.

Bill Schmitt: I just think that it is kind of dirty.

President Borries: Well, it is certainly not anything that we endorse insofar as accommodating people who have been users of the Auditorium and who feel that they have a valid reason for continuing to do so.

Bill Schmitt: Especially when they put my name down.

President Borries: Well, we will look at this and see if there is. We will certainly refer this and get a written reply from the Auditorium management.

Bill Schmitt: He gave us several dates but they conflict with everything else. You have Dance Masters that you have to take care of in Chicago and that is in the month of June and there is so many.

President Borries: There is nothing in May, that's what they told us.

Bill Schmitt: Isn't that what they said.

President Borries: See, we knew that we could get you up here.

Joyce Schmitt: If I didn't have a cold I would help him out more. I have a piece of paper where he had given me, Andy called me this afternoon and he gave it to me. He called me this afternoon and we talked it over and then he called again right before we came up here. He has given me the 19 and 20 of April, the 1 and 2 of May, and those are out. Because I told him, I wasn't being mean, but

we order costumes in January and we can't get them for 8 to 10 weeks. We have a reason for having the 18. I think I can remember them and then he gave me the 14 and 15 of June. That may be the only thing but I have got to get with my, I have to get with Gina, we do this type of thing, but we don't do this type.

Bill Schmitt: She goes to Dance Masters in June and that is the bad part about it.

Joyce Schmitt: They 21 and 22 of June, the 28 and 29 is too late. So, he said, he is trying but it has really, you know. Sandy said that if we, maybe if I call the principal at Reitz High School that she could work something out. But the schools doesn't, they won't let you do anything, but maybe they would. She said that maybe she would help us. Now, I don't know and this was just here. We felt, we have been there for ten years and..

Bill Schmitt: I feel that since they are rooting us out that they should find us a place.

President Borries: Well, again...

Joyce Schmitt: They have been nice about it as far as that goes. I told Andy, that you have caught me at the wrong time because I have a cold and I don't feel good, so I was sorry that I talked to him like I did.

President Borries: Well, I am sorry that you had to come up here and we will take whatever steps we can here to accommodate you so if you could give us week to look at any..

Joyce Schmitt: We have a week to tell them whether we want the 14 and 15.

President Borries: But there is nothing else in May?

Joyce Schmitt: No, because that would take our whole month of classes if we would go the 1 and 2 May. See, we teach up until the middle of May. That would take the whole classes.

President Borries: What happens immediately right after that. Say, the following week. They didn't have anything open?

Joyce Schmitt: No, they don't have anything open from then on. She told me that we weren't the only ones having problems but the rest of them are still having their programs. There is one a week after us, the week after that and the week after that. There is three weeks right after us that theirs is okay.

President Borries: Now, you are on a Friday. Do you go all day Friday and all day Saturday?

Joyce Schmitt: No, Friday evening and Saturday evening. We have a lot of little ones.

President Borries: She is saying the 24 and 25 were not open? May?

Joyce Schmitt: No, our studio and another studio, we they are all studios, one right after us. We start the whole thing off on May 18. Then the rest of them go until the 7, is there a 7 and 8 on a Friday and Saturday?

President Borries: Yes, 7 and 8 on a Friday and Saturday. There is a 31 and 1.

Joyce Schmitt: She told me a couple of weeks ago that we might be able to have that date but then she wrote this letter to me and I called her back and that date was gone.

Commissioner Tuley: Let us look into it.

Joyce Schmitt: Okay.

President Borries: We are going to look into it. Sorry to have you come up here tonight and sorry that this has happened to you.

Joyce Schmitt: Thank you for listening. It doesn't sound like a big problem to a lot of people, but it is to us.

President Borries: Every problem is big, particularly when you put your livelihood into this. So, we will get you a reply. We do have a phone, do we have an address that you could write down for us?

Joyce Schmitt: I have already done that.

President Borries: Oh, you have already done it. Okay, great. As long as everything is current on there we can get back to you. Thank you again.

Joyce Schmitt: Thank you.

Commissioner Tuley: Good to see you again, Bill.

President Borries: I have not approved the minutes. I have crossed them off. I am always eager to approve those minutes but somehow I, in my haste here to move forward, I am going to listen to Commissioner Mourdock to make this motion, here.

Commissioner Mourdock: I move that approve the minutes of December 11, 1985.

Commissioner Tuley: Second.

President Borries: So ordered. Are there any other persons who wish to speak at this time?

Randy Brown: My name is Randy Brown. I am the Business Manager for the Plumbers and Steamfitters in Evansville. I am here tonight to represent those people along with myself as a taxpayer. I am here tonight to hopefully get some answers. The Azteca Project which came before this Commission, I believe up to eighteen months ago. There was an agreement to evidently bring Azteca in, there was some tax abatements, there was I believe some TIF's involved which amounted to about 2.6 to 2.7 million dollars worth of money as an incentive to get Azteca to locate here. I was really hesitant to come before the Commissioners tonight, because I really hate to put anybody on the spot. I guess you get into the situation when you get put on the spot you kind of, you have to come up with some answers to your people and that is what I am here for - to try and get some answers. I would like to find out if there has been an agreement made with Azteca to allow the firm to come into this area to use the tax incentives that we give them to allow them to bring Mexican workers in here, being paid under Mexican labor law. Apparently not following the U.S. Labor Law, which anything over forty hours, as we all know should be paid at overtime rate. We talked to these people and they are in here working, they wouldn't tell us the salary that they are working, but that doesn't matter if they work five days, six days, seven days a week; eight hours, ten hours or twelve hours a day, their pay is the same. It really, if I seem emotional over this issue, it is because I am. It is absolutely ridiculous to expect the residents of this county to pay extra money or subsidize Azteca or any other company to come in here. It is bad enough when they use out of state workers but when they ARE using people from Mexico, it is ridiculous. I would like to know tonight if there is anybody here that can give me an answer. Was there an agreement to allow Azteca to come in and use their own workers to install any of the

equipment, piping, any other part of the process out there at that plant?

Commissioner Mourdock: Not having been here eighteen months ago, and that sounds like a cheap way out, and I don't mean to say it that way, but as far as what happens...

Randy Brown: No, in fairness to you, Mr. Mourdock, you were not here when that agreement was made.

Commissioner Tuley: I was president, I think they came in here Randy, but I don't remember any negotiations that we either agreed to or agreed not to allow, to be honest with you. I would have to go back and get with the DMD people that we worked closely with that did most of the negotiating. I don't remember specifically ever agreeing to that. To tell them that they could do that or not do that. We tried to strive to get them to use local people, union people. Was there something spelled out specifically? I can't answer that, I don't know. We have been slow at getting responses from them. I know that Rick has been in contact with them and has been out there, and has been in contact with Vision 2000 as well.

President Borries: I don't know of any agreement, Randy, that allowed foreign nationals or Mexicans or whoever to work other than, and I am not satisfied with the information that I got from Azteca. I have talked with this gentleman twice on the phone to ask him information about this matter. I have talked with your attorney, and I have talked with, who else, there is one other individual that I have talked with out there on site. What I was able to find out and what they faxed me was some kind of report that indicated the number of local firms, union and non union that they had used. They had some percentages like one hundred percent or whatever. What I have not been able to find out is what exactly this percentage is that this foreman is going by or this construction manager. He says that the agreement allowed for either 90% or 95% had to be local labor.

Randy Brown: Who's agreement was that?

President Borries: Azteca.

Randy Brown: Who was the agreement with?

President Borries: Well, I would think that it's probably, I guess a part of the conditions to get funding. Now, this is what he is telling me, but I haven't seen this. What he also said then was that there were certain patented processes that these people apparently were hired through the corporation. I don't know, trade secrets, whatever these patented processes were. Something within their production thing. I think was quoted in the media accurately saying that after talking with you did not feel that these were anything that local labor could not do.

Randy Brown: That is correct.

President Borries: But I am not a plumber or pipefitter so I can't tell you for sure. He was also concerned that someone was looking at his plans and said that they had done so without his authorization and that what he had said was that if there were certain patented processes in this, something like that, they had brought these people up to use some of this. But the 90% to 95% figure was what he told me on the phone is what they had used insofar as local (inaudible)

Randy Brown: Well, it is hard for me to dispute that because I don't have the access to those records..

President Borries: It is hard for me to dispute too.

Randy Brown: I have been out on the job site several times and seeing the amount of work that they are doing themselves and seeing the amount of vessels and transfer piping and pumps and everything else that they are setting it is hard for me to believe that they are only putting in five percent, but even if it is only five percent I will give them the benefit of the doubt. That is still no excuse to bring in, as far as I am concerned. If they have a patent on anything, they must evidently have a patent on the process to bring in Mexican labor and exploit Mexican lower labor to bring it in here to displace our workers.

President Borries: It is your understanding that these are not U.S. Citizens?

Randy Brown: According to their own people, that told us, they are not U.S. Citizens. My concern is after looking into it, week after week after week and trying to get something done is that by the time we get anything finished this job is going to be over with. They are putting the heart of this system in with their own people. They can come back and say they are hiring "x" number of people. This is not a union verses non union issue as far as I am concerned, this is out of country labor verses local labor, whether it is union or non union. If it is union verses non union issue that is for us to handle, but this is a completely different issue. I would appreciate further investigation and getting back with me and letting me know what you have found out.

Commissioner Mourdock: Do you currently have any members working out there at all?

Randy Brown: We do have members working on the part that they can't do because to have, to be able to install the plumbing you have to have an Indiana state plumbing license to do that and those people obviously wouldn't have that. We are getting reading to put some (inaudible) pipe and you have to have a license to do that, so those types of things. It appears to me that they are using us for the things that they can't do themselves.

President Borries: How many would you estimate are out there? You say that you do not believe that they are American Citizen's?

Randy Brown: Well, from what they are telling me, no they are not American Citizen's.

President Borries: Who is telling you?

Randy Brown: Workers themselves.

President Borries: Workers on the job?

Randy Brown: Yes.

President Borries: I would certainly think that if they are not U.S. Citizen's..

Randy Brown: Apparently, from their own words, they have some type of an agreement. Azteca has some type of agreement to bring those people in. We asked them if they had a work permit and they say no they didn't.

Commissioner Mourdock: I don't know what the situation is with the labor law in that sense and I am not about to try to get into that area that I admittedly know nothing about but Jack McNeely and I were talking about this today and I think that there is clearly a lesson here for the future which is more important than the present as far as where we go with incentives in the future. With all of the excitement about Toyota, the one thing that we can all agree on is that there will be other businesses coming into this area from the outside for whatever that means. That is certainly the

question of using local folks and again I don't look at it as a union, non-union issue, but it is certainly a valid concern to carry with us into the next one of these.

President Borries: I appreciate you coming up and we will try to get more information from them. Again, do you have any idea of the number of laborers that you think?

Randy Brown: Well, while we were out there they spoke of eight to ten and from what I gather in the last week or two they have added to that. I can't tell you what the number is in this point in time, I haven't been out there for about ten days.

President Borries: In your opinion, what is the skill level of what they are doing?

Randy Brown: The skill level is hard, in as far as the pipe that they put in and the equipment that they set, it's hard to tell by looking because you have to shoot that in with an instrument and the welds. You have to x-ray the welds to make sure that the welds are one hundred percent so it appears on the outside like it is good work and I won't sit here and deny that. But, it is hard to tell that just by looking. I am sure that if someone would come in, the Department of Health, or someone would come in on the process lines and make sure that they meet the specs but overall I have to give them credit. Their work looks like they have had experience at it before.

Commissioner Tuley: Randy, from what you have been able to tell, (inaudible) are they doing work other than your particular trade? Is it just all the general work out there?

Randy Brown: They have set steel. They have set vessels. They have run the lines, so there are several crafts involved there. It wouldn't just be our craft.

President Borries: Okay.

Randy Brown: Thank you.

President Borries: Thank you, Randy.

RE: JOHN STOLL - OPEN BIDS FOR VC 95-10-01 BRIDGE # 320

President Borries: In order for us to move this project along where there might be a recommendation by the end of the meeting for a request from John Stoll to authorize our County Attorney to open bids on VC 95-10-01 Bridge # 320 in Vanderburgh County to open those bids so that they may be examined here and perhaps a recommendation be given before the end of the meeting.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

RE: ALAN KISSINGER - OPEN BIDS VC9601 PRINTING OF 1996 TAX BILLS

President Borries: May we also authorize Alan Kissinger to open bids for VC 9601 for the printing of the 1996 tax bills.

Commissioner Mourdock: As much as I would like to hesitate on printing tax bills, I will so move.

Commissioner Tuley: Well, I will second because I want to get paid.

President Borries: So ordered.

Commissioner Mourdock: It all depends on whose (inaudible)

RE: HARRISON HOWERTON- SAFE HOUSE CONTRACT

President Borries: Harris Howerton will not be here tonight regarding the Safe House contract.

Cindy Mayo: He did come in the office today and asked if you would sign the mowing contract with Oak Hill Cemetery and he did bring that in.

President Borries: There is no change on this. This is a status for landscaping maintenance and we as the administrators here just sign.

Commissioner Mourdock: The rates are the same?

President Borries: The rates are same with no changes whatsoever.

Commissioner Mourdock: I will then move acceptance for the mowing of Oak Hill Cemetery through the Vanderburgh County Community Corrections.

Commissioner Tuley: Second.

President Borries: So ordered.

RE: JOHN STOLL - FINAL READING, ORDINANCE AMENDING CHAPTER 72

President Borries: John Stoll, he is a busy guy here tonight. Final reading on an ordinance amending Chapter 72, which is our ordinance on various speed limits on county roads. We have advertised this and we are ready for a third reading. May I have a motion to approve this on third and final reading?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: I will now ask for a roll call vote since this does change the county ordinances. Commissioner Mourdock, yes. Commissioner Tuley, yes; and I vote yes. The ordinance is adopted.

RE: ALAN KISSINGER -

- 1) FIRST READING, ORDINANCE 32.09 SHERIFF DEPARTMENT,
- 2) FIRST READING, ORDINANCE ADOPTING THE FEDERAL MOTOR CARRIER SAFETY REGS.

President Borries: Alan, we have you on the agenda regarding the first reading on ordinances concerning the Sheriff's Department and also the first reading on ordinances adopting the federal motor carrier safety regulations.

Alan Kissinger: The Federal Motor Carrier Safety Regulations was introduced last week and will be voted on finally on the 26 and the other ordinance, the Sheriff's ordinance was providing health insurance to retired Sheriff's deputies under certain circumstances. That on also will be voted on as final next week.

President Borries: May I have approval then to merely approve these on first reading?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

RE: LYNN ELLIS - AWARD BID FOR IMAGING SYSTEM

President Borries: Lynn Ellis is here to award the imaging system.

Lynn Ellis: Try again.

President Borries: You are persistent, Lynn.

Lynn Ellis: I know it and my husband hates it too. I always win. We received permission last week to rebid the imaging system for the County Clerk's office and you granted that permission for bids to be opened Friday at noon. Bids were opened and we received three bids and you have a bid summary, it is right there, bids were received from Automated Office Solutions, Inc.; CMC Data Management, Incorporated; and Van Ausdall, Incorporated. The bids were tabulated and they were reviewed by the County Clerk's office; Data Services and by Purchasing. All three departments are in agreement that the bid should be awarded to the low bidder, who meets specifications. They are the low and responsive bidder and that is Automated Office Solutions. The bid from, the specifications were redrafted and made as generic as possible and there were options included in the bid for an opportunity to take advantage of additional equipment or more powerful equipment. The bids are being compared at Automated Office Solutions at \$70,290.00; from CMC Data Management at \$70,489.00; and from VanAusdall and Farrar at \$74,864.45. So, they were very competitive and a lot more competitive than the first time that we bid. There was a \$27,000.00 cost difference and now there is only \$4,500.00 cost difference. So, the bids came in real close and we were real pleased with that. The bid was done this time so that we can compare apples to apples so that there wasn't such a variance obviously in the equipment.

Commissioner Mourdock: I have a real sense of deja vu here but Joe Profrazier agrees with the recommendation? Oh, he is back there.

Lynn Ellis: Yes.

Joe Profrazier: I'm back here.

Lynn Ellis: Both Joe and David are here and they can come up and speak if you'd like. They are both in agreement with the recommendation.

President Borries: Okay.

Commissioner Mourdock: So, you are making the recommendation that we accept?

Lynn Ellis: Yes, sir.

Commissioner Mourdock: I move that we accept the bid of Automated Office Solutions for the Imaging System VC-9509-01 in the amount of \$70,290.00.

Commissioner Tuley: Second.

Lynn Ellis: If I could...

President Borries: So ordered.

Lynn Ellis: If I could make one statement. The approval, and I was hoping to do that, I am sorry, before you said so ordered.

President Borries: I can retract my so ordered.

Lynn Ellis: Okay. By ordering or approving this award there will be a potential "sole sourcing" in future as we do in so many bids, when you approve the award, then repair parts and that kind of

things become sole source from the manufacturer..

President Borries: Okay.

Lynn Ellis: This would result in the same kind of thing, if they were to upgrade or additional or replacement parts, either software or hardware would become a sole source from Automated Office Solutions or at least from the manufacturer that originally supplies the items. So, if we were to solicit bids on future hardware or software, they would have to be authorized dealers from those manufacturers that were approved with this bid award.

President Borries: Well, I don't know if that will change our situation or not. Does the, it looks as if to me on most of these things that on the manufacturer you had Fujitsu, Hewlett Packard, Compaque were on all three of them.

Lynn Ellis: Yes, sir. The hope is that the County Clerk's office can deal with one vendor. We have had situations before where there have been, and I probably best to Joe's liking, if you have one more than one vendor supplying hardware and software then they are going to do finger pointing as to that is not the software it is the hardware and no it's not the hardware it's the software.

Joe Profraizer: (inaudible)

Commissioner Mourdock: You need to come to the mike.

Joe Profraizer: Each vendor's typically value added resaler for these, for HP and Fujitsu and Compaque and that is what Lynn is referring to. To go to a vendor and they pull that from the manufacturer so that is what she means by "sole sourcing" from the vendor here.

Lynn Ellis: The vendor awarded the bid.

Joe Profraizer: The vendor awarded the bid.

President Borries: Okay. So...

Joe Profraizer: You had a misunderstand...

President Borries: So where are we headed with this?

Joe Profraizer: System upgrades.

President Borries: You are going to use a whole system. You still think that it will be more cost effective? This "sole sourcing" is included as a part of this bid, or not included as a part of this bid?

Joe Profraizer: I don't think that anything was specified of that nature.

President Borries: Okay.

Commissioner Mourdock: You are informally making the commitment to "sole source" to be compatible with the people that have just received the bid.

Lynn Ellis: Yes.

Joe Profraizer: Pretty much so, yes.

Lynn Ellis: I am sorry that I made that confusing, more so than it should be. It is like I said, if we bought a backhoe and then had to buy replacement parts we would typically go to the vendor that supplied that backhoe.

President Borries: Okay.

Lynn Ellis: Just like we would like to do in this case. But, hopefully that won't be for a long while.

Commissioner Mourdock: I noticed that it has a 75 megahertz processor so that will probably be 130 by the end of the week.

Lynn Ellis: Okay.

President Borries: Is that change, is everybody alright? Okay, then. Lynn, thank you.

Lynn Ellis: Thank you.

RE: JOHN STOLL - COUNTY ENGINEER

Alan Kissinger: If the Commissioners please, John is asking me that if I could go ahead and report these bids so that they can be considered during tonight's meeting.

President Borries: Okay.

Alan Kissinger: Project VC 95-10-01 Replacement of the Wagner Ditch Bridge. Four bidders and the first bidder was Deig Brothers Lumber and Construction Company, Inc. at \$31,702.15; CLR, Inc. for \$66,098.00; Phoenix Construction Company at \$78,948.20; Southwest Engineering, Inc. at \$75,908.00.

President Borries: We have those referred to our engineer and we will look these over and you may give us a recommendation here later?

John Stoll: We will try to.

President Borries: We have already got the bids. Okay.

John Stoll: I have a revised letter from Hydro Conduit concerning the Tekoppel repairs and I have the original signed agreement from the county and Jansen and Spaans Engineering for the design on the cracked beam.

President Borries: Man, I am telling you that is a major statement there.

John Stoll: Jansen and Spaans should be on site sometime this week to go out and begin their design work for the repairs that they are going to get a more accurate mapping of the cracks so that they can start their design and hopefully by the middle of next month be completed.

President Borries: Okay, any questions of John at this point?

Commissioner Mourdock: I understand that we will be sending Hydro Conduit a letter clarifying a response to their response.

Alan Kissinger: I have prepared such a letter and Mr. Stoll has reviewed it and with the Commissioners' approval I will send it out tomorrow by regular mail and I will also fax it to them.

President Borries: Essentially, it clarifies the part that we are particularly concerned about is that they are going to be the good corporate citizen and are willing to furnish the labor, material, and equipment to repair the cracked beam to the Engineers' satisfaction at no cost to the county.

Alan Kissinger: Correct, the only cost that Vanderburgh County will be responsible for is the payment to Janssen and Spaan.

Commissioner Tuley: Do we need a motion then to approve sending the letter?

Commissioner Mourdock: Yeah, I will move the drafting and sending of the letter as just so stated by the County Engineer.

Commissioner Tuley: Second.

President Borries: So ordered.

John Stoll: Next, I have a request for acceptance of Royal in Ryan Commercial Part Subdivision, Section II. This is the section of Royal Avenue that runs between, roughly the American General Building and Vogel Road. That is the last segment of that road so it is now it is continuous between Oak Grove and Lloyd Expressway. It was built according to the approved plans and I recommend that it be acceptance for maintenance.

President Borries: Again, these were Ryan Subdivision. May I have a motion to approve?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

tape change

President Borries: John, want to pick up here?

John Stoll: Yes, I have a change order for Green River Road Bridge # 710. This is the project where we resurfaced the bridge last summer and this is a final change order to close those project out. It results in an increase of \$543.18.

Commissioner Mourdock: Who was that change order to?

John Stoll: J.H. Rudolph.

President Borries: J.H. Rudolph. May I have a motion to approve?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

John Stoll: The other change order that I have is for the concrete repairs in Eastland Estates. This was contracted with Deig Brothers and once the concrete repairs was started there was a little additional work that needed to be done to get the job done right. It is an increase of \$5,189.28 and I recommend that it be approved.

President Borries: I need a motion.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

John Stoll: Next, I have a claim for Baseline Road project that came in to late for the consent agenda. This is to Blankenberger Brothers in the amount of \$35,155.91 and this is the final claim on the project. The only thing remaining will be the retainage and I recommend that it be approved.

President Borries: This is the widening of Baseline and U.S. 41?

John Stoll: Yes.

President Borries: May I have a motion to approve?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

John Stoll: That is all that I have unless you have any questions.

President Borries: Any questions of John?

Commissioner Mourdock: Just one regarding several faxes between us this week, John. I take it the architectural?

John Stoll: Oh. I do have that here somewhere.

Commissioner Mourdock: I guess that no action on our part is required for this but this is just informational then?

John Stoll: Right. This is the final copy for the RFP that went out to the Dodge Reports for the proposals on the architect or engineer for the renovations of the Auditorium.

President Borries: We are still waiting and trying to get information from the financial management firm which in the past had handled the food and beverage tax for the issuance of the airport and hope to have that this week and perhaps have some clear understanding as to what is available in relation to funding. Also, John and I attended a meeting with Alan Kissinger and the developers of the proposed shopping center at the Burkhardt Road/Lloyd Expressway area in the northeast corner. We are very close, I should say, at this point to finalizing an agreement. I think that what remains to be done in order for us to secure engineering services to design that. They must place some money in an escrow account so that we can award a contract, since we don't have that funding available. We have resolved all substantive issues at this point specifically the funding. The developers have put together a funding package which will be borne by them until the TIF area and zone is set it and begins to at that point generate dollars which ease them out of their investment. The bottom line for taxpayers in Vanderburgh County will be that there is no property tax back up on this particular agreement. So, we work through it and it has been a very complex thing. We are very close and they have told us that they have a very aggressive time schedule which may mean that we are all going to have to walk, to be able to walk on water or jump over buildings in a single leap because I am not sure by the fall of 1996 everything can be as in place. But, if we get this escrow agreement finalized then we can move forward in relation to the selection of engineers at that point. Am I correct on that, John?

John Stoll: Right.

President Borries: We are hopeful that there could be some federal funding included in this which has to do with insuring that Vanderburgh County can use this insofar as reducing our concerns about the ozone containment. Which would widen and insure two left turn lanes in all directions and be a pretty comprehensive design. But, we do have some concerns and have voiced these to the developers that if this funding is in place, and we hope that we can get the funding, but federal funding does proceed at a slower rate, sometimes when we work and do projects locally.

John Stoll: Definitely.

President Borries: So, we do have that concern.

John Stoll: It could impact the time schedule.

President Borries: Any other questions of John at this point? Okay. Bill Morpew, County Highway.

RE: BILL MORPHEW, COUNTY HIGHWAY

Bill Morpew: I apologize that I do not have a copy of the weekly progress report.

President Borries: I didn't see it. Okay. Some vacations today, or snow?

Bill Morpew: No, no snow yet.

President Borries: We are going to do a snow dance tonight, though.

Commissioner Mourdock: Well, where were you. We haven't had any snow.

President Borries: We had some but..

Bill Morpew: I was going to tell you that is what the progress report had on it, was Friday, Saturday, Sunday and Monday, snow removal and basically washing trucks. Cleaning the snow removal equipment up and we started crack sealing on some roads in a couple of subdivisions on the southeast side. Capella and Polaris Avenue, we are going to try and get those cracks sealed so that we can pave them come spring time. That is the brunt of that report.

Commissioner Mourdock: Did you get the message today from Sunny regarding a Frances Adler on Mann Road.

Bill Morpew: Yes, I did. I called them back and Mr. Adler was not in and wouldn't be in until late this evening. He is supposed to call me at 6:30 in the morning.

Commissioner Mourdock: Okay, very good.

Bill Morpew: Something about a new home on Mann Road possibly.

Commissioner Mourdock: I don't know. He and I missed calls to and I knew that I wouldn't be able to get him today so I appreciate you looking after that one.

Bill Morpew: I guess that I will find out at 6:30 in the morning.

President Borries: I am trying to think if that is another Mr. Adler, but that is Mr. Adler on Bixler Road, I think, is the one that I have had a lot of conversations with paving that road, which I think we have paved. So, this is probably a different Adler. When we talk about Mann though I do have some concerns about a portion of Mann Road that looked as if when I was out there that might be a portion of that pavement that might be failing along Mann. Are you aware of that?

Bill Morpew: Several spots. That was paved I think about four years ago. It is not very wide and needs to be widened. It needs to be, that asphalt should have been put down thicker than it was. There is a section of it between the new bridge that was just replaced and Bixler Road that we have widened already. We plan on paving that in the spring. How far I can get with the rest of the road, I don't know. It certainly needs it. We would like to widen that road and get that pavement out there sixteen to eighteen feet.

Commissioner Mourdock: That raises a question that goes far beyond

the scope of what this discussion needs to be right now. I am just curious, as the County ever looked at doing paving with warranty work? We keep hearing that there is more and more of that coming through the state, where basically the State is going to give a contractor more latitude in putting the mix down and doing what they need to do but then in exchange the contractor is basically warranting that work for ten to fifteen years. Have you followed that at all or heard much about it?

Bill Morpew: No, I haven't. What I have seen on the, when you pave a rock road you certainly need to have a good base and good drainage. That has been the worst nightmares that I have seen.

Commissioner Mourdock: This is sort of following the idea of privatizing a bit where basically the contractor is responsible for more of it than just paving. He can't come back later and say the base failed and then try to blame it on somebody else. It is just an interesting concept, several states are doing it.

Bill Morpew: I guess that I don't have much of a comment on that except that it would be extremely expensive.

Commissioner Mourdock: Well, you pay more for it but then the people stand behind it. If it breaks in ten years they are back out there fixing it. Well, you pay more for it but the people stand behind it. It is the old story that you get what you pay for if it breaks in ten years then they are back out there fixing it.

Bill Morpew: This is true. But, I guess if it was done right the first time you wouldn't have to worry about it.

Commissioner Mourdock: That's right.

Bill Morpew: No, sir, but I would like to read more about that.

Commissioner Tuley: Before Bill leaves if the other two Commissioners would concur. Bill contacted me about an individual that applied for a job at the County Highway as an assistant mechanic. I was going to make the recommendation a couple of weeks ago. The guy called me and said that he had some things to work out and if we went ahead and filled the job, fine. If not, in a couple of weeks if it hadn't been filled he would still be interested. He has called back and is interested and has been eleven, more than eleven, I guess fifteen years on his current job and the individual's name is James M. Ruffin of 1001 N. Weinbach. He is the guy that when equipment out there fails, that our own guys can't fix we have called in through Construction Machinery Corporation. I would like to recommend his hiring into the Assistant Mechanics job, effective two weeks from tomorrow.

Commissioner Mourdock: So moved.

President Borries: Second.

Commissioner Tuley: So ordered. Do you want to sign the pink slip?

President Borries: You should have probably seconded and I should have so ordered. But, anyway.

Commissioner Mourdock: We can do it again, if you would like.

President Borries: No, sometimes the rhythm gets a little out of whack here.

Commissioner Tuley: Somebody just sign it.

Commissioner Mourdock: I think I so moved and Rick seconded.

President Borries: Yeah, that's.

Commissioner Mourdock: For the record.

Commissioner Tuley: I think that mine was kind of a motion, though, wasn't it?

President Borries: That is what I was saying. So..

Commissioner Mourdock: That is what confused me.

President Borries: So, I think Commissioner Tuley moved, Commissioner Mourdock seconded and I just said so ordered.

Commissioner Mourdock: Well, we all have our tracks on that one and if it doesn't work out.

Commissioner Tuley: If it doesn't work out then we are all in trouble. Bill, could you contact him? I would hate for his boss to read about it in the Courier before he gets a chance to tell him.

Herb Marynell: You don't have to worry about that.

Commissioner Tuley: I don't think that much else has happened tonight so you have to write about something. I am not going to let you get away without writing about something.

President Borries: Those comments were by one of our...

(inaudible)

Commissioner Tuley: I don't read about the (inaudible) I go closer to home than that.

President Borries: Okay.

Bill Morpew: That is all that I have this evening.

President Morpew: Thank you, Bill. Alan Kissinger, County Attorney.

RE: ALAN KISSINGER - COUNTY ATTORNEY

Alan Kissinger: The only matter that I have to report are the bids on VC96-01 the Printing of the Tax Bills. Two bidders, the first bidder, Moore Business Forms and Systems Division bid in the amount of \$22,467.85; second bidder was Standard Register Company and their bid was in the amount of \$17,044.00. Lynn Ellis has requested that the Commissioners take these under advisement until next week's meeting at which time she will make a recommendation.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Borries: So ordered.

Alan Kissinger: I have nothing further to report.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Cindy Mayo: The only item that I have is a certificate that was brought into the office this afternoon for EMA and they would like the President of the Commissioners to sign recognizing the number of hours that she has put in with EMA.

President Borries: Okay.

Cindy Mayo: It is a Ms. Janice Shaw.

President Borries: We are entering this into the record that it would be a certification for EMA.

Cindy Mayo: Rick, you need to sign that.

President Borries: Oh, I need to sign it.

Cindy Mayo: Yes, there is a place for you to sign. That is all that I have.

President Borries: Okay. Do you guys want to forward that on to the Mayor.

County Auditor Suzanne Crouch: Sure.

RE: CONSENT ITEMS

President Borries: Okay, we have the following consent items for approval at this time, including employment changes, attached lists, travel requests, so forth.

Commissioner Tuley: I will move for the approval with one comment. There are several of these travel requests that are for State called meetings and have been requested to be taken out of the Commissioners budget. It is my understanding that if it is a State called meeting it can come out of Unappropriated Funds. Is it in...? It is not coming out of our travel budget.

Cindy Mayo: No, it would come out of Unappropriated Funds not our travel budget.

Commissioner Tuley: Okay, as long as that is understood then that is fine.

Commissioner Mourdock: Second.

President Borries: So ordered.

RE: SCHEDULED MEETINGS

President Borries: Scheduled meeting list attached. Let's go through that a bit insofar as our meetings. We will meet again on, for our last meeting of the year for Tuesday, December 26. If I am correct on that and then will we meet again for the first meeting of the year on Tuesday, January 2?

Cindy Mayo: That is the request that I turned in with Mr. Hinton. That would be your first meeting of the year.

President Borries: I may or may not be in town on the second. I have to attend a wedding out of town and so I am not sure that it makes anything difference as long as we have a quorum present on both of those?

Commissioner Tuley: I plan on being here.

President Borries: Okay, I just wanted to make sure. In January, we have also a series of meetings on Tuesdays, if I am correct, we will also be off, is there a county holiday on Martin Luther King on the 15 and so that will be held on the 16, is that correct?

Cindy Mayo: That is right.

Commissioner Mourdock: So that is..

President Borries: The 15.

Commissioner Mourdock: The 15 is Monday, so then on the 16.

Cindy Mayo: I scheduled you for every Monday except for those holidays.

Commissioner Mourdock: What is this note here? Purdue verses I.U.

President Borries: Well, yeah. I write all of those down in my...

Commissioner Tuley: Important notes.

President Borries: Important notes, that's right. Which I hate that night.

Commissioner Mourdock: Short meeting.

President Borries: A real short meeting. Okay, scheduled meetings, we have covered that.

RE: OLD BUSINESS

President Borries: Any Old Business at this time?

RE: NEW BUSINESS

Commissioner Tuley: I have a name that I would like to recommend to be appointed to the Common Wage Committee. An individual by the name of Jerry Ramsey of 351 Dreier Blvd. A local resident as the Commissioners appointment to that committee.

Commissioner Mourdock: Was that a motion?

Commissioner Tuley: I am sorry, that's a motion.

Commissioner Mourdock: I will second.

President Borries: So ordered.

Commissioner Mourdock: I have one item of new business and this is just kind of following up with the newspaper headline of yesterday morning regarding the voting and ballot situation here in Vanderburgh County. As a member of this Board, I realize that we do not have direct power over the electoral process, the handling of votes, etc. But, also as a County Executive, I think that we have a position of leadership that we need to maintain. I am very disturbed to read that possibly, realizing the number could vary here, but there could be as many as nine hundred votes that were cast for whatever reason were not counted or in the paper's words "can not be accounted for in the City Election". That is approximately three percent of the total votes cast. People who cast votes do that as the sacred privilege of living in a democracy. This country is sending folks to Haiti and Bosnia to make sure that democracy works and we need to make sure that it works at least as well in this country. I realize that I say it is not really our position to say anything but there is going to be a meeting this Wednesday of the Election Board and if they do not move in some way to continue the investigation to see exactly what this situation is, I am prepared to come back next week to address the issue that we in fact ask for further investigation. I am appalled. I want the story clear, I am not pointing fingers at anyone and the question is a legitimate question as to what is happening to the ballots? I think that we would be remiss in our duties if the Election Board doesn't take some action that we should do so.

Commissioner Tuley: I think that you are right in asking the Election Board. That is their responsibility to look into it and if they fail to do so, to police their own house, then maybe we need to step in.

Commissioner Borries: Well, I think that your comments are well taken and as deep as sometimes the cynicism and anger is that we are feeling in this country and the mistrust of many political processes, it is vital that we have a system that supports the integrity of voters. We don't know what the Election Board, nor what has happened. As Commissioners, we do have direct responsibility over the voting equipment and the selection of a system. This is something that again, depending upon the outcome of this Election Board meeting that we may want to look into further. I think that your comments are well taken. It is a concern that we have an hopefully there will be some answers given.

Commissioner Mourdock: Let me just add in making my comments and I know that everything we do can be construed by some to be partisan, it is not in anyway partisan from my point of view. Looking at the way the votes, well let me rephrase that. Looking where the questions have been raised in regards to particular ballots it is the heavily democrat areas of the fourth and sixth wards and I don't care where it is. The fact is we have a hard enough time getting people to vote in this day and raising questions that their votes don't count or aren't counted certainly doesn't help get people to the polls. I don't care where they are or how they vote. I just want them to vote and feel that they are involved in the process and we need to get to the bottom of what is going on.

President Borries: Okay. We will continue this at our next meeting. I do have one item here a notice of a public meeting of the Vanderburgh County Redevelopment Commission. It will be a special meeting at 8:15 a.m. on Thursday, December 21, 1995 in room 307 and that includes a declaratory resolution dedicating the U.S. 41 corridor as an economic development area, essentially it defines this and there is a possibly, but not a big possibility, that should this meeting not, one of the reasons that it had to take place is that some of the legislation either could expire or could be nullified by future court decisions. So, that was one of the reasons for the purpose of this meeting. It does not imply any basic financial decision making at this point, other than a definition of an economic development area. We have approximately fifteen minutes to wait for rezonings...oh, I am sorry..

Commissioner Tuley: We don't want to close out if we are going to try and get a recommendation on that bid that was opened.

Alan Kissinger: They have found some inconsistencies and some math errors in the bids and they have indicated that they would like for the Commissioners to take that under advisement until next week's meeting.

President Borries: Okay, we can do so.


Meeting adjourned at 6:47 p.m.

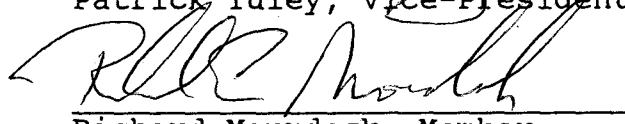
THOSE IN ATTENDANCE

Richard J. Borries
Patrick Tuley
Richard E. Mourdock
Suzanne Crouch
Alan Kissinger
Cindy Mayo
B.J. Farrell
Lynn Ellis
John Stoll
Bill Morpew
Joe Profraizer
Dave Cosby
C.W. Thomas
David Herrenbrach
Lisa Snyder
Laura Rush
Bud Reitmeyer
Joyce & Bill Schmitt
Randy Brown
Kevin Olivey
Others Unidentified
Members of the news media

**VANDERBURGH COUNTY BOARD
OF COMMISSIONERS**


Richard J. Borries, President


Patrick Tuley, Vice-President


Richard Mourdock, Member

VANDERBURGH COUNTY BOARD OF COMMISSIONERS
MEETING OF REZONINGS
DECEMBER 18, 1995

President Borries: We now have fourteen minutes to wait until the Rezonings and they don't promise to be very lengthy since I think two of the petitioners and I want to say this in case there are any people in the audience at this time.

THIRD READINGS:

VC-8-95	JAMES K. NEVILLE	CONTINUED FOR ONE MONTH
VC-9-95	AD CRAFT, INC.	CONTINUED FOR ONE MONTH

It is my understanding that VC-8-95, the petitioner James K. Neville and VC-9-95, petitioner Ad Craft, Inc. have been delayed, postponed for this evening and so they will not be heard and that request has been made.

VC-10-95	MICHAEL MARKET	14200 HIGHWAY 57	AG TO M-2
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The only rezoning that will be heard this evening is petitioner Michael Market. Mr. Market are you in the audience? In fairness I don't think that this is going to be a very controversial item. But, I don't know, do we want to, what is the consensus of the Board? Do you want to proceed here immediately, here, we have thirteen minutes? We normally advertise them for 7:00 p.m., so not to confuse people with the Evansville City Council so that if they are in the wrong spot they can be moved over here and vice versa and we hear rezonings at the same time. What is the feeling of this Board? We could probably post a notice on the outside concerning this.

Commissioner Mourdock: Is this first?

President Borries: No, this is third and final.

Commissioner Tuley: I might just let the Board members know that I was at the Area Plan meeting the night that this was heard and there were not remonstrators at that meeting.

President Borries: There were none.

Commissioner Tuley: There were none. Mr. Market represented himself.

President Borries: So you are here without an attorney? Then come forward immediately. I think that we can get this done in a hurry here. For the record, Mr. Market we will hear your rezoning at this time and we will inform by a petition, a public notice on the boards, Mrs. Mayo, that we have taken action on this. This docket is VC-10-95, Michael Market is the petitioner. The common address is known as 14200 Hwy 57. He has requested a change from Agricultural zone to an M-2. This petition was approved with the Area Plan Commissioner with eight affirmative votes. Mr. Market would you want to speak at this time about your request?

Michael Market: I was just wanting it rezoned to an M-2 rezoning. There was a partial piece of it already zone M-2. Basically...

President Borries: You were continued in December because there was no one that came. So, we are actually hearing this because no one was here at that time. So, you are essentially continuing what you are doing and just extending a previously zoned piece of property. Are there any questions of Mr. Market?

Commissioner Tuley: You are going to have a horse trailer sales from here, is that, does my memory serve me right?

Michael Market: The reason for the rezoning is that maybe we want to later have a feed bag processing with the industries moving in. I buy and sell by-products off of grain and certain feeds and I sell it right now and distribute and I could possibly some day want to bag it and have a bag machine. I believe this would be a little bit more and I just was wanting to do it and have the zoning taken care of now and not later. I may want to do some repair and I may not basically do anything at all. I am just leasing it out right now.

Commissioner Mourdock: Did you raise those other particular issues when you were with the Area Plan Commission? I just want to be sure that those uses would also be covered by this zoning plan.

Commissioner Tuley: I think he did. I know he did about the feed and stuff.

Michael Market: Right, I am in the feed transportation business and this is getting to be. It is a more useful service and as more companies come in and develop certain food types of products and the by-products off of them that is used to go in animal ingredients is coming to about in this time where as twenty years ago there wasn't much by-products used. They are just eliminating the waste basically, that is what is happening to the feed industry.

President Borries: Okay. Is there a motion to approve this rezoning?

Commissioner Tuley: Mr. President, I move for the approval of VC-10-95.

Commissioner Mourdock: I will second.

President Borries: It has been moved and seconded and this does change the zoning codes of Vanderburgh County, so I will call for a roll call vote. Commissioner Mourdock? Yes. Commissioner Tuley? Yes. And I vote yes. Now if we can just find the papers to sign, Mr. Market, you can be on your way. You have been unanimously approved.

Commissioner Tuley: We have two first readings.

Michael Market: Will I get something in the mail?

President Borries: Yes, you will get something from Area Plan.

Michael Market: Thank you.

FIRST READING:

VC-11-95

JOAN SCHNEIDER

**10600 CYNTHIANA ROAD
AG to C-2**

President Borries: These will be first readings which mean that they will be entered into the record tonight and forwarded to the Area Plan Commission and it will meet on the first Monday of the month and that meeting will happen on January 3, 1996. They will then forward it back to this body for the third and final reading which will take place on Tuesday, January 16, 1996. They are VC-11-95, petitioner Joan Schneider and the common address is 10600 Cynthiana Road and the request is AG to C-2. May I have approval to forward to the Area Plan for a review?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

VC-1-96

HARVEST FINANCIAL GROUP

618 N. BURKHARDT RD.

President Borries: The second is VC-1-96, Harvest Financial, a little typo on that one, Group on 618 N. Burkhardt Road, common address, and the request is from AG to CO-2.

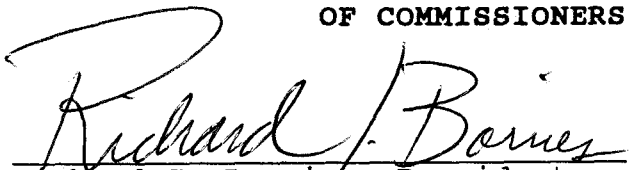
Commissioner Tuley: So moved.

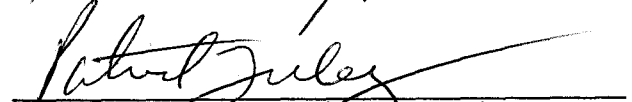
Commissioner Mourdock: Second.

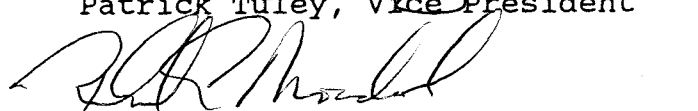
President Borries: So ordered. Those are first readings. Are there any other businesses this evening? Hearing none. We are adjourned.

Meeting adjourned at 6:50 pm.

VANDERBURGH COUNTY BOARD
OF COMMISSIONERS


Richard J. Borries, President


Patrick Tuley, Vice President


Richard E. Mourdock, Member

**MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS**

DECEMBER 26, 1995

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The Vanderburgh County Board of Commissioners met in session at 5:30 p.m. on December 26, 1995 in the Commissioners' Hearing Room.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Borries: Good evening, everyone. I'd like to call the meeting of the Vanderburgh County Commission to order this evening, December 26, 1995. We welcome those who are here this evening. A quick introduction of our personnel this evening: Mrs. Cindy Mayo is the Superintendent of County Buildings and serves as the Commissioners' Office Manager; our County Attorney is Alan Kissinger; County Commissioner Pat Tuley is present; I am present, County Commissioner Rick Borries; to my immediate left, County Commissioner Richard Mourdock is present; our County Auditor this evening is Deputy County Auditor Bill Fluty; our Recording Secretary is Teri Lukeman. Would you join us, please, for the Pledge of Allegiance?

We have an agenda available just inside the door and we will follow that at this time.

RE: ACTION ITEMS

President Borries: First, may I have approval of the minutes from our last meeting which was held on December 18, 1995?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

RE: ART GANN - DOMESTIC & SEXUAL VIOLENCE COMMISSION REPORT

President Borries: We have the distinguished head of the law enforcement department, better known as the Evansville Police Department, from the city of Evansville with us this evening, Chief Art Gann. Wait a minute, Chief. I know you probably don't get told that too often, but I know you will also want to see if there are any persons here in our audience this evening who wish to address the Board. I think most folks here are on some form of business or whatever. Okay. Now, our distinguished Chief of Police, Mr. Art Gann, concerning the Domestic & Sexual Violence Commission Report.

Art Gann: Thank you Commissioner Borries. I'm here tonight with Captain Ellsworth to present the annual report of the Domestic Violence Commission to the County Commissioners. I believe each of you have a copy in your packet this evening. The commission has asked me to just touch base on a few of the recommendations that they have developed over the calendar year of 1995 with regard to the activities that the Commission should become involved in, in 1996. They are on page five and I'll paraphrase a few of those for you.

The commission should continue with specific changes to develop a five year strategic plan for the city and county to focus on prevention to create opportunities for the information exchange and networking of the various professional groups and to develop an administrative budget for the commission activities.

Also, the Commission should have oversight responsibilities for the following:

The first is a program of peer advocacy. When we developed this particular program, we applied for a grant through the Albion Bacon Fellows group and the Evansville Police Department. We have jointly prepared a grant and that grant is under consideration to develop a peer advocacy program for Vanderburgh County and the city of Evansville.

Next is the development of the education opportunities for the community and the professional groups involved. During this year when we were studying our current status, we determined that there needs to be a more coordinated effort in the educational aspects primarily of the five professional groups that deal with domestic violence, those groups being law enforcement; prosecutor and judicial; health care professionals; educational professionals; and church professionals. In fact, the commission is recommending an additional retreat to deal with the specific issues of how best to coordinate the training of the various professional groups so that we have a very comprehensive approach and learn to work together better as a group. Also, there will be some media blitzing involving community-wide awareness and education into the domestic violence issue.

The commission, of course, respectfully requests the opportunity to continue its study and work in determining how to decrease the occasions of domestic and sexual violence in the Evansville area.

We'll be meeting with the Commission as well as County Council, City Council, of course, the Mayor. Captain Ellsworth and myself attended the first one which will be with the County Commission. We hope that you will take a few moments to review the report and offer your continued support for the operation of the commission into 1996.

President Borries: Thank you, Chief. Any questions of Chief Gann at this time?

Commissioner Mourdock: No, I'll just say I know the group met a number of times, there's a lot of information in the report here and I'll certainly find the time to read over it.

Commissioner Tuley: I would agree. You're asking for permission to continue, does that need a formal motion from the Commissioners?

Art Gann: I don't know that it necessarily does at this point, anyway. The Domestic Violence Commission will be in place until the County Commissioners and the Mayor decide it's no longer needed. We're just basically making the annual report and to kind of outline what we have planned for '96 and hope that the Commission will agree that it's necessary and provide its support.

Commissioner Mourdock: Were the members of the commission half appointed by the Mayor and half appointed by this Board?

Art Gann: There are members that are appointed by ordinance and then there are at-large positions appointed by the executive branches of both governments. That's correct.

President Borries: And do the terms vary? I can't recall exactly how...

Art Gann: I believe they do. I believe they're staggered somewhat so that there is always an experienced group there. The ones that are appointed by virtue of the ordinance tend to be office holders and then the at-large components were appointed for staggered lengths, I believe.

President Borries: Well, again, I certainly commend you for your work. It is a proactive approach, I think, to involve law enforcement and a host of other agencies to get a coordinated effort to this serious problem and it is certainly something that we support. You always read with dismay as you look through hurriedly, some of these statistics that indicate the number of

children who are involved and your heart goes out to them because, you know, basically, through no fault of their own, they're involved in some real serious situations. So unless we take steps, which your group is, to address this problem and lessen it, the children involved, if you look at, for example, for YWCA statistics, there's actually more children than women served in this situation. So, your work is important and we support it.

Art Gann: Thank you. The make-up of the commission is in appendix B and they indicate which ones are the County Commission appointees.

President Borries: Okay. Well, we'll certainly, again, take your report under advisement and we certainly support your efforts.

Art Gann: Thank you, appreciate it.

RE: ALAN KISSINGER - COUNTY ATTORNEY

President Borries: Our County Attorney, Alan Kissinger, we have listed him under action items regarding two final readings. First, the Federal Motor Carrier Safety Regulations. These are with regard to any of our drivers who serve the county.

Alan Kissinger: Bill Morpew and I have discussed this and I believe that Bill and I are in agreement that it is County Garage employees, totally, at the present time who will be involved in this testing. Bill, I think, is also going to talk to you later. He has taken the initiative to start looking into the pricing for this testing that must take place periodically. I think, to his credit, he has checked with several different sources for this service and has found one that is going to be the least expensive for us and probably the most convenient. The questions that were contained in the original draft, or those sections of it that contained question marks, those question marks have been removed and what the Commissioners will sign tonight, assuming that you vote to adopt this ordinance, will be what we will call a "clean copy". If it should occur that, for some reason, in practice we find that there is something about this that we cannot comply with or is cumbersome to comply with, if we can amend it and still maintain our compliance with the law, then we can always do that at a later date. Obviously, I think the Commissioners are aware that this is required to be passed in the year 1995 so that it is effective in the year 1996 if we are to be in compliance with the federal guidelines in reference to this. As I said before, this, to a certain degree, does constitute an unfunded mandate, however, as with most of them, we are going to be required to comply with it or we're going to lose some consideration as far as federal funds are concerned.

Commissioner Mourdock: I guess, Alan, if you would just clarify then, you said the sections with the questions have been removed. At least the copy that I have in tonight's packet, I'm not sure that all of the questionable areas are removed, but at least these that I see are still there as they were before.

Alan Kissinger: Right, well, I have what I was referring to as the "clean copy" fresh in my hand here, and those question marks have been removed. We do have some extra copies, as well.

Commissioner Mourdock: And just for the record, the questions that are in here, largely, are not so much a written question as it is just clarifying...I think this was written in such a way or the questions were done in such a way to make sure that it corresponded with the overall employee personnel policy.

Alan Kissinger: Yes.

President Borries: So the 26th, here, is the clean copy.

Commissioner Mourdock: So this is what you want us to vote on?

Alan Kissinger: Yeah. And we have appended a signature page after page fifteen as it was originally prepared. As I say, we may find, in practice, that some section of this is so cumbersome or unreasonable in practice that we need to amend it, and if we can do so and still maintain compliance with the federal requirements, then we certainly have the option of amending it at a later date.

Commissioner Mourdock: And again, the federal requirements are specific to the DOT license, or the CDL?

Alan Kissinger: Yes.

Commissioner Mourdock: And we have no other county employees other than those in the Highway Department that are CDL licensed drivers?

Bill Morpew: None that I am aware of.

Commissioner Mourdock: That wasn't necessarily a question for you, Bill, I know that's not your area outside the Garage, but I can't think where there would be any others.

Alan Kissinger: There was a question about some employees at Burdette, but my understanding is that the biggest equipment that they ever drive out there is perhaps a pickup truck and we think, at the present time, we've looked everywhere else, that we are confined. The only other place that I could think of is I know that they do have drivers in Community Corrections, but I don't know that those drivers are required...I know that they are required to have the Chauffeur's License, but I don't know that they're required to have the CDL, so probably County Garage is the only department affected.

Commissioner Mourdock: I didn't realize, I thought the CDL kind of replaced the Chauffeur's License. Both licenses still exist?

Alan Kissinger: Indiana still has a Chauffeur's License, but as far as the federal requirements are concerned, the feds don't recognize a Chauffeur's License outside the state, so...

Commissioner Mourdock: Okay.

Commissioner Tuley: Were you going to say something?

Bill Morpew: I was just going to clarify that. There still is a Chauffeur's License and there is still a Public Passenger Chauffeur's License. A Commercial Driver's License is for vehicles over 26,001 pounds, or anyone that operates a vehicle or a truck with air brakes, or a truck that pulls another truck with a gross weight of 26,001 pounds, has to have a CDL.

President Borries: Okay, what's the feeling on this amended copy? Are we ready to take action?

Commissioner Mourdock: I'll move acceptance of the...as labeled here, the December 26, 1995 Vanderburgh County Federal Motor Carrier Safety Regulations/Safety Sensitive Positions Drug & Alcohol Policy & Procedures.

Commissioner Tuley: I'll second.

President Borries: I will say so ordered. They are approved.

Commissioner Tuley: I know it's a lot of pages, but shouldn't the employees who hold those licenses be given a copy of this?

President Borries: Yes.

Alan Kissinger: Bill Morpew is the department head affected, so he has a copy...did you get a copy of this, Bill?

Bill Morpew: No.

Alan Kissinger: Alright, I'll give you a copy of the new one. You can post it if anyone needs a copy, the union people, or whoever needs a copy.

Commissioner Mourdock: Oh, that's right. That is an ordinance, we need to do a roll call.

President Borries: Is that an ordinance?

Alan Kissinger: It is.

President Borries: Oh, I didn't see it advertised as an ordinance, so I apologize for that. It is an ordinance and so I do want to call for a roll call vote at this time. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Borries: Commissioner Tuley?

Commissioner Tuley: Yes.

President Borries: And I vote yes. The ordinance is approved.

Commissioner Mourdock: Put a silver star by Teri Lukeman's name tonight for catching that.

President Borries: The next is final reading of Ordinance 32.09 Health Insurance - Sheriff.

Alan Kissinger: We have discussed this previously. This ordinance has been amended at least one time in the past. This is the ordinance that provides county health insurance to retired sworn sheriff's deputies and it also sets out all of the qualifications for those deputies to receive this insurance. We have had one question in reference to this, one applicant for dependents. The applicant himself, the retired person, was no longer eligible and thought that his dependents would be eligible. It was clearly not the intent of the Commissioners or anyone else in the county that that be true. This new ordinance that has been prepared, this amended ordinance, addresses that and we hope it spells out very clearly when dependents are eligible for this insurance. Also, there was a question in reference to the wording of the previous ordinance as it applied to people, their retirement dates and their age at retirement. There was a gray area there that was open to interpretation. Luckily, and, of course, skilled legal work on my part, we got a good interpretation on the one lawsuit that we had, but this clarifies that so that question is not going to arise in the future, either. We have also, at the request of our insurance agent, it used to be that the person wanting this insurance or applying for this insurance or reserving the right for this insurance could make application within ninety days after retirement or after other things had occurred. Our insurance agent said that makes it particularly difficult if there is a gap in coverage under those circumstances, so we have put in a requirement that the applicant make the application thirty days in advance of these certain conditions taking place. That satisfies the insurance agent; he feels that it will satisfy the various health insurance providers. I recommend that the Commissioners give favorable consideration to the amendment of this ordinance.

President Borries: May I have a motion to approve this ordinance?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: I'll call for a roll call vote at this time.
Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Borries: Commissioner Tuley?

Commissioner Tuley: Yes.

President Borries: And I vote yes. The ordinance is approved.

RE: INSTALL FBN/CBN POINTS

President Borries: I don't see him here, but the next item that I have here has to do with the Surveyor regarding installing the --

Cindy Mayo: Linda Freeman was down today, she was not going to be able to attend tonight, but she said that the letter, she felt, was self-explanatory. It would be paid out of the Corner Perpetuation Fund and Purdue would like to have that back as soon as possible, but she could attend next week if you did have any questions that you wanted to ask.

President Borries: Okay.

Commissioner Mourdock: Which fund did you say, Cindy?

Cindy Mayo: The Corner Perpetuation.

Commissioner Mourdock: The Corner, c-o-r-n-e-r?

President Borries: Yes. They are required, the Surveyor is, one of the duties, maybe the duty, that the Surveyor is required to do is to set a certain number of section corners every year. I think it's ten percent and there is a Corner Perpetuation Fund that helps them perpetuate setting those corners. That's what they do. Let me read this letter here. Anything that comes from Purdue is pretty technical anyway. I probably ought to have Commissioner Mourdock read these. But this one comes from the Office of the State Geodetic Advisor. That's g-e-o-d-e-t-i-c. Having had two daughters go to Purdue, I always know, too, there's a lot of technical stuff that comes out of Purdue. This is addressed to the Surveyor and it says:

"Dear Mr. Brenner:

The Indiana State Legislature recently enacted legislation establishing the Office of the State Geodetic Advisor (OSGA). The office will operate under the auspices of HERPICC --"

that's the Highway Extension Research Project for Indiana Counties and Cities,

"and will be responsible for a number of surveying related tasks. Of those tasks, the most immediate is the implementation of the Indiana Federal Base Network/Cooperative Base Network, formerly known as the HARN. As such, we are soliciting your continued support for an FBN/CBN station in your county."

It goes on here. Man, I'll tell you. There's so many different hyphenated things. So, it goes on to say that they are asking for the support of this State Geodetic Advisor and, as I think our office person has pointed out, I think we're not out any money on this, so if you support the OSGA, the State Geodetic Advisor, we can sign this and we're okay. That's the best I can do here

without having to read this whole thing.

Commissioner Mourdock: This is what we used to call a benchmark. All these are stations that future GPS work will be tied to and I did find here where they're saying the cost to establish one CBN is approximately \$3,000. So it looks like, for the record, there's going to be about \$9,000 expended from the Corner Fund --

President Borries: Corner Perpetuation Fund.

Commissioner Mourdock: Yes, to do that. Having discovered that bit of information, I will move establishment of three FBN/CBN points through the County Surveyor's Office as requested.

Commissioner Tuley: Second.

President Borries: So ordered.

Commissioner Mourdock: Federal Base Network/Cooperative Base Network.

President Borries: Now this says Patrick Tuley, President of the Vanderburgh County Commissioners so they may know something I don't know here, yet, but anyway, if it's okay, can we agree here, since I have to sign this, this evening, I'll change the name here. Is that okay with you?

Commissioner Tuley: I've got no problem. You're the President.

President Borries: Next year it'll probably have my name on here, again. But anyway, we're going to change this a bit and then we'll sign it and we're on our way here with using some money from the Corner Perpetuation Fund.

RE: EAP AGREEMENT FOR 1996

President Borries: We also need to take action on signing the EAP report which is the employee assistance report through the Southwest Indiana Mental Health Center. What we do is refer employees who are having problems in a variety of areas, upon our request, or if they voluntarily seek request to the Southwest Indiana Mental Health Center, and I believe that this is the same amount that it was last year. The sum is \$4,500, and that takes care of approximately 750 employees X \$6.00 a session. So it certainly seems reasonable to me.

Commissioner Mourdock: Is that a fee paid, then, if the sessions are, in fact, used?

President Borries: It is a fee paid if the sessions are used. I think that is a base fee and they take care of all of our referrals during that time.

Commissioner Mourdock: But if we have no referrals, it does not cost us anything, then?

Alan Kissinger: It's like a retainer contract.

Commissioner Mourdock: If we have more than 750 employees X \$6.00, do we pay more?

Alan Kissinger: I think that, basically, if we were to have a rash of referrals this year, they'd probably come to us next year asking to increase it. That's what I do with all my clients, anyway.

Commissioner Mourdock: Sure you do.

President Borries: May I have approval of this agreement?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Commissioner Mourdock: I guess we have to offer an EAP anyway, so --

Alan Kissinger: Yes. We are required to (inaudible)

President Borries: Our department head reports at this time, John Stoll is on vacation. Our Assistant County Engineer is Mr. Tim Spurling and he is here this evening on Mr. Stoll's behalf.

RE: TIM SPURLING - ASSISTANT COUNTY ENGINEER

Tim Spurling: I have a couple change orders for you tonight. The first one is on project #VC9503-03. That's Green River Road bridge #710 and this is the same change order that you guys signed last week, I believe, and there was a math error on it. The new, corrected amount is \$1,143.18. That's an increase --

President Borries: Which way did it go, our way or their way, Tim?

Tim Spurling: I believe --

Commissioner Mourdock: Against us.

Tim Spurling: It read \$543.18 last time, there was a \$600.00 error.

Commissioner Mourdock: Who was the vendor on that, Tim?

Tim Spurling: J. H. Rudolph.

President Borries: May I have a motion to approve this change order?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Tim Spurling: The second one was on project #VC9503-01, that's Baseline Road improvements for the Azteca project. This results in an increase of \$16,758.96.

Commissioner Mourdock: Same question, who was the vendor?

Tim Spurling: Blankenberger.

President Borries: May I have approval?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Borries: So ordered.

Tim Spurling: Next, I have a request for a sidewalk waiver for Malibu Park Subdivision Section IV. It's just an extension in Malibu Park Subdivision and there are no other sidewalks in that subdivision. I recommend that it be approved.

Commissioner Mourdock: Did we not vote just a couple of weeks ago on another Malibu Park? I guess --

President Borries: No, Malibu Park is right by the airport, I think that's an existing subdivision.

Commissioner Tuley: Was it Rosalee approved, or --

Unidentified: Preliminary drainage approval.

Commissioner Mourdock: Okay, thank you.

President Borries: May I have a motion?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Tim Spurling: Next I have road plans for Eagle Crossing Subdivision. You approved these plans two weeks ago and you just signed a blueprint copy, so basically, all I'm asking for is for you to sign this vellum.

President Borries: Okay.

Commissioner Mourdock: Since we approved it then, do we need tonight's date on it, or the date it was approved?

Commissioner Tuley: Just sign it, don't we?

President Borries: I haven't seen the Drainage Board agenda, this doesn't have anything to do with --

Tim Spurling: This will be on the Drainage Board agenda tonight.

Commissioner Tuley: Tonight? He brought in blueprints, all he's asking for now is to go ahead and sign the actual plans.

President Borries: Have we seen the roadway? This doesn't in any way indicate what I have expressed concern in the future in terms of roadway plans, does it? Okay. What I'm referring to is that there's a rather...

Commissioner Tuley: Rick, before you sign that, Tim, you weren't here that night, it was two weeks ago. I don't think it got to that part. Is this the total for the total thing, or just a particular section?

Tim Spurling: It's the whole...

President Borries: The subdivision is okay because...I think we would be okay here. What I am referring to is that I have some serious concerns and at this point, until someone is able to persuade me differently, I have a concern on a portion of this subdivision that may cross, or I should say go underneath Petersburg Road, but I wouldn't think this, at this time, this doesn't affect it.

Commissioner Tuley: The golf course is on the other side --

President Borries: Well, no, the golf, five are on this side.

Commissioner Tuley: But the plans are within the subdivision?

President Borries: Yes.

Commissioner Tuley: And we already approved it, I think now it's just basically...

Commissioner Mourdock: Yeah, we had the long discussion about the

drainage pond and how that was going to be tied in to the overall plan.

President Borries: Yes. But I do have a matter I do want to read in here in the Drainage portion this evening. Okay, may I have approval of Eagle Crossing Subdivision, the roadway plans?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Tim Spurling: If you guys could just hold onto those for the Drainage Board meeting because that will be coming up later. Last, project VC9510-01 Replacement of bridge #320 on County Line Road over Dennis Wagner ditch. There have been some questions arise concerning the responsibility and responsiveness of the low bidder. I'd like to take that under advisement for another week to look into those.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Tim Spurling: That's all I have.

President Borries: Okay, thank you, Tim.

RE: BILL MORPHEW - COUNTY HIGHWAY

President Borries: These work reports are from Friday, December 8 through Thursday, December 14th and then Friday, December the 15th through Thursday, December 21, 1995. These reports indicate work done in all parts of the county. This work was done by the Vanderburgh County Highway Department and also the Vanderburgh County Bridge Crew. Bill, you dodged a bullet, no one is doing a snow dance right now, although it's very cold. Again, I want to compliment your crews on the last go around. They were out there and certainly did a great job on the last snow removal. I have one daughter who is currently visiting relatives, her in-laws in Harbor Springs, Michigan, and reported to me last night that they had about three feet of snow up there. But, she said they move it out of the way. I said they'd have to, they'd have to move it somewhere, three feet of snow, I'll tell you that. Any items for Bill this evening?

Commissioner Tuley: No.

President Borries: Bill, any items for us?

Bill Morphey: Yes, sir. With what Mr. Kissinger was talking about earlier, pricing for the drug & alcohol testing, I have pricing from three different companies here: one is from Indiana Testing, Incorporated, they're out of Indianapolis; Midwest Toxicology Service, they are also an Indianapolis firm; and the MEC Center, which is local. The price structure for all three of them are fairly close, MEC Center being the lowest. They are also the ones that do the drug and alcohol screening for the Vanderburgh School Corporation. The drug tests are \$45 per, alcohol is at \$18. Midwest Toxicology is \$55 and \$20. Indiana Testing is \$45 and \$25. Fifty percent of the people on drug testing and twenty-five on alcohol, along with six supervisors, comes to a total of \$1,305 for MEC Center for the year, \$1,565 for Midwest Toxicology and \$1,410 for Indiana Testing.

President Borries: And they all provide similar services, then,

according to your review?

Bill Morphey: They're exactly the same. From my understanding, there are only about fifteen labs in the entire country and there happens to be two of them in the state of Indiana, but both of them are up north. There's one in South Bend and the other one is...I forgot where they told me. I guess we're fortunate having two in the state of Indiana. All three of these companies actually have this testing done at the same place.

President Borries: Okay, may I have, if this is the low bid, may I have approval then, to --

Commissioner Mourdock: Just one question before we do it that way, normally when we do the bids, and I'm not finding fault with anything you did, Bill, at all. I'm just wondering, does Lynn Ellis normally, does that not fall under her purview, I would think the city and county probably have other, the police department, whatever that gets drug tested, I'm wondering if there's a better deal volume-wise --

Alan Kissinger: I don't know, there may be a better deal volume-wise and if you want to look into that, that would certainly be appropriate, however, this is considered to be a professional service, and therefore, you do not have to go through the bid process.

Cindy Mayo: The Sheriff's Department does currently go through MEC for theirs.

Commissioner Mourdock: The same fee as what they quoted Bill?

Cindy Mayo: Yes.

President Borries: Are you okay with it? May I have approval then of Mr. Morphey's request to take the low provider in this case?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered.

Bill Morphey: That's all I have.

President Borries: Thank you, Bill.

TAPE CHANGE

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Cindy Mayo: These were delivered this afternoon. I'll just hand these out to you, these are just for you to look at.

President Borries: What she has done is a proposal regarding the civilian jailers at the Vanderburgh County Jail for our review, which we obviously will do and take under advisement at this time.

Cindy Mayo: That's all I have.

President Borries: Okay.

RE: CONSENT ITEMS

President Borries: Consent items, we have employment changes, travel requests, and one reappointment on a board. I'd like to add one item to that agenda. We have received a handwritten note from one employee wishing to terminate his employment with Vanderburgh County as of February 9, 1996. We don't know if that's going to be

a firm date, but that's the latest that this person would be employed, so we're going to enter that into the record at this time. Mr. Waldroup currently serves as a representative to the Alcoholic Beverage Board in Vanderburgh County and his appointment would be for one year, actually Jack Waldroup, Jr., a resident of Vanderburgh County, is his official name. Any other items at this time?

Commissioner Mourdock: With the addition of the resignation that you added to the consent items, I will move approval of the consent items.

Commissioner Tuley: Second.

President Borries: So ordered. There will be a Drainage Board meeting to follow immediately here if we can get Mr. Jeffers down and to wish everyone a Happy New Year by also saying that I will be out of town next week attending my nephew's wedding in Douglas, Wyoming and I simply can't get back, and so for our first meeting in January, which would actually be on a Tuesday, so if the rest of the Board would agree, we would have our reorganization of the Board and our first official meeting on Monday, January 8, 1996 if you all agree with that. No meeting next week, then.

Commissioner Mourdock: Sure, I'll agree. Do you need that as a motion?

President Borries: Yes.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Borries: So ordered. So that will be, again, our first meeting will be on Monday, January 8, 1996.

RE: OLD BUSINESS

President Borries: Is there any old business at this time?

Commissioner Mourdock: One other meeting just to mention. The Regional Welfare to Work group, which is to say the representatives from each of the several counties that are involved with that will be meeting tomorrow at 4:30 at the PIC over on Weinbach. I'm planning on attending and certainly if either of you would like to attend, you'd be welcome.

President Borries: Okay, and that's 4:30 tomorrow?

Commissioner Mourdock: Right.

President Borries: On other old business, we do not have at this time any definitive information or actual figures where we are working with our bond council and the bond advisors who had previously worked on the Food & Beverage bonds, we hope to have that information finalized to some extent by January 8. It will determine the length of the years of bond which was set by the State Legislature at ten years, is certainly going to enter into any decision that we're going to be able to recommend as we secure professional services for this proposal and I would also ask the Commissioners to consider that if we are not able to come up with the desired numbers, that perhaps there are other agencies who are most definitely involved in visitor and convention business, specifically the Visitor and Convention Bureau, who may want to participate in this effort and, again, by January 8, we should definitely know that. If this Board wishes to invite them to attend the meeting where we can give that information to them and not only ask for their help, but frankly, say that this is your mission, maybe we can do that on January 8.

Commissioner Mourdock: Personally, I think that would be fully appropriate and suggest that we have Cindy drop them a letter inviting them to the meeting on the 8th.

President Borries: Okay.

Commissioner Tuley: The Convention & Visitor's Board members, invite them to the January 8 meeting.

Cindy Mayo: Okay.

Commissioner Mourdock: And on that same subject, we will certainly have back from the architectural firms, the due date for them to get pre-qualification information back to us is December 28 which is Thursday, I think. So at least that will give us a little time to sift through that information, but we may have something to discuss that night, too.

President Borries: Also, under old business, we are continuing to work with the developers regarding getting a professional engineering firm service contract set up with developers near the Burkhardt Road/State Road 66 area. We still have some discussion to do concerning an interpretation of exactly how we issue that contract, whether or not the funding has to go through an escrow account and so we are continuing to work on that. I hope we can also have that matter resolved by this time. The developers are now under a very aggressive time line, we are cognizant of this, sensitive of this, but frankly, we have to work through these details. If we can get Attorney Kissinger to perhaps contact their attorneys to resolve this issue, we should be ready to go by January 8.

Alan Kissinger: Hopefully, we'll have an answer to this question by tomorrow, or at the latest, before the end of this week.

President Borries: Okay, great. Any other old business?

Commissioner Mourdock: Yes, just one other item and that's somewhat of an update. You'll recall last week at the meeting we had a discussion regarding the situation with ballots and election issues, if you will. I just want to report to you that I did attend the Election Board meeting. Basically, that boiled down into two subject areas: one, of some alleged vote fraud, if you will, with signatures that appear to be fraudulent. I'm pleased to report, as I'm sure you've already read, that the Election Board did ask the Prosecutor to look into that situation. The remaining question, which is a question revolving around absentee ballots that were received, but cannot be accounted for, the Election Office is working internally to try to resolve that to see if, in fact, the 961 allegedly missing ballots can be accounted for. I'm certainly pleased that they took the first action. I think we certainly will be watching with interest to see what happens with the results of the tallies on those other 961 votes. I know that Dave Cosby is here, he was at the meeting. I don't know if you have anything to add to that as far as description or whatever.

President Borries: I think our Board at the last meeting certainly supported a full investigation into this matter. Voting is indeed, not only a public right, but all too unfortunately, we're seeing with low voting totals, that the public doesn't feel it's a responsibility anymore and that is tragic. So whatever we can do to change that attitude by examining this process or at least, at this point, the Prosecutor examining this process, we support -- I say with a bit of a sigh of relief that at least the voting equipment of which we have direct responsibility for, at this time, appears to have functioned properly and we got timely results.

Commissioner Mourdock: Who knows, it may end up being the scapegoat.

President Borries: Oh, man! Let's hope not. So let's don't hold our breath on that, but at least we're not looking at the equipment here. Any other old business?

RE: NEW BUSINESS

President Borries: One item of new business I neglected to add to the consent agenda is a Notice of Appointment that you need to direct me to sign regarding a form that has to be forwarded to the Department of Veteran's Affairs for the State of Indiana reaffirming that Mr. Mark D. Acker will be the County Service Officer for 1996, at this time. If you direct me to sign this, I will do so.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Borries: So ordered. Is there any other new business at this time? We have all our supporting folks here, I think, for Drainage Board which will follow immediately. On behalf of our Board, we wish everyone a Happy New Year in 1996. At this time, if there's no further business, we will adjourn.


Meeting adjourned at 6:25 p.m.


THOSE IN ATTENDANCE:

Richard J. Borries
Patrick Tuley
Richard E. Mourdock
Alan Kissinger
Bill Fluty
Cindy Mayo
Teri Lukeman
Art Gann
Bill Morphew
Tim Spurling

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**


Richard L. Borries, President


Patrick Tuley, Vice President


Richard E. Mourdock, Member

VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
JANUARY 8, 1996

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VANDERBURGH COUNTY
BOARD OF COMMISSIONERS MEETING
JANUARY 8, 1996

The Vanderburgh County Board of Commissioners met in session this 8th day of January, 1996 in the Commissioners' Hearing Room 307 of the Civic Center Complex at 5:40 p.m.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Borries: Good evening, everyone. Welcome to the Vanderburgh County Commission meeting, our first of the year. I would like to introduce our panel at this time. To my far right is Mrs. Cindy Mayo who serves as the Commissioners' Office Manager and Superintendent of County Buildings; County Attorney, Alan Kissinger; to my immediate right, County Commissioner Pat Tuley; I'm Commissioner Rick Borries; to my left is County Commissioner Richard Mourdock; our County Auditor is Mrs. Suzanne Crouch; our Official Recording Secretary is Mrs. Teri Lukeman. We welcome you and wish you would join us now for the Pledge of Allegiance.

We're going to reorganize the Board this evening, but we'll just go ahead and do it under new business as our agenda is printed and we'll go from there. May I have approval of the minutes from our previous meeting which was held on December 26?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Borries: So ordered. Actually, we do have item C, Installation of new officers. I think we can do this early here. Any group or individuals wishing to address this Commission, we do have some guests with us that we asked to be here. Do you want to go ahead and work through this at this point? We're pleased to have with us this evening the Director of the Evansville Vanderburgh Visitor & Convention Bureau and also the President of the Board, Mr. Joe Vezzoso; the Director is Mr. Pete Helfrich. We've asked them to come because we are, according to some information we have received at this time, faced with the situation, we're going to have a little good news/bad news, because later I'll mention some good news we received about the Auditorium & Convention Center facility. Initial figures that we have received from the public financial management person, this is the person, Dan McClary, who initially ran the numbers and administered the bonds for the airport project, has indicated that because of the particularly tight time frame, the ten-year time frame that the Food & Beverage Tax was set up through the State Legislature this last time, we're faced with a serious problem that certainly is going to affect your mission as well as ours in relation to meeting what we see could be a lack of funds to meet what our latest committee had recommended which was improving the facility, adding on a new exhibition space and that the cost that they were looking at ran roughly 29 to 31 million dollars, or somewhere in between, let's say 30. So we were asking for your assistance and ideas that really looked like that they're going to come down to about three options. We are going to have to look at downsizing this whole new structure. If we do that, it could end up that we have less exhibition space than currently we would have if the Green Center were bring used, or if your board would have some available funds that could be put into the mix that we could run some other numbers to look at, that could be an alternative to see if those monies could be used and worked to get up the figures that this Board recommended. Or another alternative would be to see if we could get an amendment through the legislature that simply extends the tax, not increasing it or changing it in any effect, so that the figure recommended by the advisory committee could be achieved. That would take action through the State Legislature and probably bipartisan support from our local delegation which we've had in the

past, that would be an alternative. Those, I guess, are the three things that we would have to look at, at this point. Insofar as your immediate situation, looking at conventions now, looking at conventions insofar as the near future with much activity going on in this community and certainly a jobless rate that was most encouraging, when I saw the figures there it looks like that there are a lot of people working and a lot of things happening here in the community, I know you all would share the concerns that the convention business, in the short run and over the next couple of months and even in the next couple of years, needs to be addressed. So, I wanted to know if you had any thoughts on that and see if you would be willing to look at your finances, your board, to see if there is some way in which these alternatives could be explored with your board. And Happy New Year to you, Mr. Vezzoso!

Joe Vezzoso: Happy New Year to you, Mr. President Borries, County Commissioners, it's always a pleasure to be here before you. We of the Evansville Convention & Visitor's Bureau, of course, are very supportive of convention business. That's the reason that we're there and that's the reason that there is an Innkeepers Tax that funds our bureau and our activities for the promotion of conventions and tourism to Vanderburgh County. Five years ago when we began the process at the State Legislation level of enacting riverboat gaming laws, the intent of that was to encourage additional conventions to our community. We're at that road, that bill has been passed, the boat is sitting here and people are coming to go onto the boat. The unfortunate thing is, in that time period, we lost the Executive Inn and essentially lost the Green Center. The Green Center now has been off line for a year and a half as a facility that we could sell as a convention facility. Then as the Green family made the decision to downgrade the hotel and close portions of that, we lost the ability to sell that hotel, also. Since that time, as all of you know, Al Granoff has purchased the Executive Inn and did not, at that time, purchase the Green Center. The Green Center, today, sits closed. It has limited our ability to attract large conventions. We have not seen a decrease in the amount of tax collected because we feel that we have seen an increase in the average daily rates which would revert to the tax dollars staying up. We also feel that we have gone after smaller groups and have made up for any large conventions that we would have lost. That does not say that we should forget those groups and just be happy with what we got. I think a community of our size deserves a first-class convention center, a first-class hotel to go along with that convention center, so that we can attract the large state and regional conventions to our community with the assistance of the riverboat. You mentioned our tax, the additional two percent which was added on the Innkeepers Tax in our Tourism and Capital Improvement Fund. Currently, 1.5 or half of that money is dedicated to the pagoda project for a five-year period and then that project will be paid off. We have also funded the Reitz home totally and that account today sits with some dollars in it, but very little dollars. There is 1.5 cents that is not dedicated to anything and currently is being deposited into those accounts. We would be supportive and we would go with County Commissions and the County Council or whoever to the state elected officials in total support of the extension of the Food & Beverage Tax for the completion of the project of the Vanderburgh County Auditorium & Convention Center. We're willing to work with the elected officials in whatever manner, whatever it takes, because we feel that we need a convention facility in our community. We also feel that we need that first-class hotel which we hope will be the result of Al Granoff's purchase of the Executive Inn. Beyond that, I don't know, Mr. President, we do have a cent and a half. That money can be used for the promotion of tourism, capital improvements, it can be transferred to non-profit groups for their expenditures. The bodies wishing to use those funds need to come before our commission and once we have approved it at our level, then we will go with then to the County Council for County Council funding. As you are aware, the County Commissioners came to us

with an application earlier in '95 for the acquisition of the Green Center. At that time, our commission approved that application, but it did not go on to County Council. I know that all of our Commissioners, two of which come from your body, sit ready to look at the problem and it truly is a problem that we would like to see get off of dead center and move forward. We're appointed, there's not much more that we can do and I guess we're waiting on the elected officials to come and say, hey, let's go to the State House, let's get the F & B extended or let's look at your cent and a half, what can we do with it, or where can we go with it? As you are all aware, we do have some money coming in from the riverboat; we get ten cents per person boarding on the boat. We have not received any of those funds yet, it will probably be another sixty days before we get the first check for that. Those funds, currently, are being used, we have budgeted some of those funds in our promotion fund to promote Evansville. I think you all have been privy to our new promotional materials, I hope. If not, I'll see that you get them within the next week.

President Borries: I haven't and I have some people interested in that, so if you could get some --

Joe Vezzoso: Okay, we'll see that you get that. We have some very professional materials out there and I don't think there is a city that can compete with the promotional materials that we're putting out, currently. We do have more people coming to Evansville because of the riverboat. I know from my business at the River House, we have seen an increase in both room occupancy and food business, so the riverboat is doing what it's supposed to do for our community. Unfortunately, they haven't had a very good start off, they had a blizzard the weekend they opened and now we've got another four or five inches on the ground plus some frigid weather. I think as spring comes on, we're even going to see more. But I think it's very important, Mr. President and Commissioners, that we as appointed bodies in the convention business and you all as elected and the County Council as elected officers, try to meet and work something out that is beneficial for our community and puts us back in the convention business in a first-class way. Whether that be the Vanderburgh County Auditorium, which I think is a beautiful project, and would be beautiful for our community or the Green Center, we stand ready to assist you in whatever way you want to go. Any questions from you, we would be more than happy to try to answer.

President Borries: Have you ever considered politics, Joe?

Joe Vezzoso: No, thank you, sir.

President Borries: You did a great job.

Joe Vezzoso: I like being on the appointed body.

President Borries: You really did, you did a great job.

Joe Vezzoso: It's easier to be appointed.

President Borries: Wait a minute, we're not finished.

Commissioner Mourdock: Now is when the politics start. Now the questions, the speeches are the easy part. Your last comment is the most important one, which is, I heard you say, you stand ready to assist us to do what we need to do. I heard you say that the board certainly is willing to work with us if we chose to go to the state legislature to try to extend the Food & Beverage Tax. I guess the fundamental problem I have with that, while we can argue whether it was short-sighted or not to have that be a ten-year deal as opposed to a fifteen or twenty-year deal, it is what it is. It's ten years and right now we're also looking at the short session of the legislature and personally I don't see that that's

going to change.

Joe Vezzoso: In an election year.

Commissioner Mourdock: In an election year, that's right. That being the case, and it also being the case as Rick and Pat and I have all said at various occasions, it's time to move on this convention center and get the thing up and going. I want to see if there is a way that we can use some substantial funding from your group to help jointly fund the bonding so that we can help raise the revenues that we can generate. Rick's comment earlier of 29 to 31 million, quite honestly, none of us know how good that number is at this point. If we find out we have 24 million, I'm quite confident we're going to find a way to use 24 the best we can, if we have 31, we're going to use 31 the best we can. But we need to know what we've got to work with. I've heard you say a cent and a half and I've also heard you say you've already got your ten cents off the riverboat allocated, but I'll be honest, as someone who still considers himself somewhat as a rookie to this whole process of county government, it would seem to me that you all ought to be coming forward with a lot more than that to say, we're in the convention business, that's what we're here for. Let's promote this thing, the most important asset, it would seem to me that you have would be the convention center. I mean, the riverboat is going to take care of itself. I heard them say that, as Pat did during those committee hearings, they're going to do all this advertising, and in that sense it's all gratis for the city and the county because they're going to bring people here regardless of what your organization does. That's their quote, not mine. But I just want to see a real solid commitment. A penny and a half out of the nickel seems to me to be less than it ought to be and certainly the ten cents seems to me it could be well used to help us with this bonding.

Joe Vezzoso: Uh-huh. Well, I don't think it was ever the intent of Aztar to promote our community. Aztar's intent --

Commissioner Mourdock: They said it was.

Joe Vezzoso: Well, you'll have to go to Aztar and talk to them because they haven't done it yet. They're promoting their boat, and as a business person, I can't see that that's wrong. Now if they let you and misled you in your hearings, then you need to talk to Aztar, but they're not promoting Vanderburgh County, they're not promoting Evansville, they're promoting Aztar's casino in Evansville, Indiana. Now if you will pick their brochures up and pick our brochure up, we promote the entire county. We promote Burdette Park, we promote Angel Mounds, we promote -- what else is in there, Pete?

Pete Helfrich: The museum --

Joe Vezzoso: The museum, the Reitz home, we promote all -- Wesselman's Park, we promote all the activities that there is in Vanderburgh County or close surrounding area. Now for us to take all of our promotional money and say, well, Aztar is in town, let's forget our promotion. Take all that money and put it to the Auditorium, I don't think is right and I don't think it would be the right thing for us to do. The F & B, I agree with you. I think the politicians should have not put a time limit, there should not have been a ten-year, cut the tax off, it should have been there and that money should be for the use of this county. That's a personal feeling. You could do the Auditorium and we could still promote it. Now if we take all of our money and dedicate it to the building of the property, but don't have any money to go out and sell conventions, you don't need the building because the conventions won't come. We have a cent and a half. We don't know what we're going to get off the riverboat yet. We know we get ten cents a head, we don't know what that is yet. We have,

conservatively, dedicated some of that money for promotion. We can re-look at that, yes. But is that ten cents -- how far is that going to go? I don't know.

Commissioner Tuley: I agree with Richard in terms of you guys need to be there, and if you're offering a cent and a half, we'll take it.

Joe Vezzoso: I'm not offering, there's six other commissioners on our board that we'd have to talk to, but just our main purpose, Pat, is promotion of tourism, and I think for that reason, we're willing to sit down with the politicians, the elected officials and say, okay, here's what we've got. Let's work together and try to get something done. What that cent and a half would generate over that ten years or whatever the bond issue is that you're trying to do, I don't know.

Commissioner Mourdock: Refresh my memory if you would, Joe. The cent and half out of the five cents, the total five cents is what in budget, yearly? Four hundred thousand? Is that --

Pete Helfrich: Three seventy, the penny and a half will generate about \$375,000 annually.

Commissioner Mourdock: Okay, a penny and a half is \$375,000.

President Borries: Well, Joe, I really appreciate you being here. We do need to move quickly on this to give, I think, some of the good news and why I think that the bond council and the bond advisors, I guess I should say, have been very conservative on this as they must, but that they have to look at past experience. County Auditor Suzanne Crouch has informed us today that in the County Auditorium Fund, there's a balance of \$1,801,669.26. Now it says all interest is reverted back to the Auditorium Fund. If that represents what was put in there just in 1995, that's going to be far more than what I think some of their figures have estimated, and we don't have 1996 with the riverboat and many other restaurants kicking and hopefully, a rejuvenated Executive Inn also beginning to churn in some money here. So this thing, I definitely want to forward this to them because this certainly could indicate that we might be able to, within the time constraints that they have given, do this. My guess is, because again, they have to go on past performance and be conservative on it that it probably won't click, but I have no doubt that the money will be there, particularly in the short run, because again, this is really a big generator here of what we've been able to do. Coupled with that, and I'll just probably just mention this under new business, Casino Aztar today did at a news conference earlier today, give, exactly one month to the date that I guess that they opened, the first of three annual payments of \$250,000 to the Vanderburgh Auditorium project.

Joe Vezzoso: Do you want me to take that and put it in our account and draw interest?

President Borries: No, that goes to the County Auditor's account, so that puts us over two million, plus if we're able to look at what you're able to generate with yours, I think this could be a doable project and we can still get to where we need to be. But again, it is going to take a concerted effort, it's going to take everybody here reaching a consensus on this quickly, even again, looking at the reality of it, some didn't feel that we'd even be able to get the Food & Beverage Tax redirected, but frankly, it happened. It's going to go to a needed project. Maybe we can, again, look at some kind of a modification on it because we're not talking about a tax increase, and if it pays off early, then that's the way it works. But again, that's just one of several options here. The bottom line is I think we want to move forward on this thing. We share your concerns as well, but we want a first-class

thing. That's been my bottom line. I'm not going to get into this Evansville syndrome to say, well, let's just kind of put up the best we can, and this is Evansville, we don't deserve a nice facility. Let's get this thing done. We've got the money to be able to do this that is not going to impact on a lot of other people. I've said this over and over again. So I really think by you being here, you share our commitment, and hopefully, quickly, you can discuss at your meeting. I think we would be happy to come as a board saying that we need your help in this. We want to move forward on this. We think we've got available funding secured but we need to make sure it's all there so we can truly have that first-class facility that we all want.

Commissioner Mourdock: And let me add one thing to that, and if I look like the vulture sitting here looking at your billfold. I guess I don't apologize. I heard you say a penny and a half is \$375,000, that means three cents is \$750,000 a year for the kind of bonding that we need, and Rick just said it and you said it, Joe, we want a first-class facility. I don't want this thing to be poor boy, it just isn't going to do any of us any good. You've got the new revenue coming from the riverboat, granted you don't know what it is, but that penny and a half, plus some of the money from that riverboat, I think, very shortly you need to go over or will otherwise be called to the Council to take a look at your budget to see where all that money is going. I mean, it doesn't satisfy me to hear a penny and a half, we'll give you that, when conceivably you've got coming in off the riverboat, if Aztar's projections are right, a quarter of a million dollars, which means in effect, you're coming out a \$125,000 less than where you were to begin with.

Joe Vezzoso: Again, Rick, we stand -- I mean, we're ready to work. If we see that we can go back and some of that money can be dedicated to other things, I don't think we're standing here saying we're not going to do that --

Commissioner Mourdock: Well that's great. Will you come back in two weeks and tell us?

Commissioner Tuley: Wait a minute, let's move this off center. When is your next board meeting?

Pete Helfrich: The last Thursday of the month.

Commissioner Tuley: Okay, do you mean either the Commissioners as a body, or a letter, or both, to come before you and address that whole board --

Commissioner Mourdock: Our Councilmembers, since this is a fiscal issue.

Joe Vezzoso: I think what needs to happen, and again, we're appointed, we're not elected, I think that the Commissioners and the County Councilmembers need to come to a consensus on, are we going to do Vanderburgh County Auditorium, are we going after that project, or are we going to revisit the Green Center. Which project are we going to do? I think then our commission will look at it different. I mean, if we're going to do the Vanderburgh County Auditorium, that's going to be a first-class facility and we can dedicate all of our money, but if we're going to look at the thing, in the interim look at the Green Center, if you're wanting to use the money for that, then it's another subject. There's two different things on the board. But if we are all talking about Vanderburgh County Auditorium Convention Center, the new project that's out there --

Commissioner Mourdock: I can assure you that message would be conveyed by this committee who is anxious to get this building done and certainly by the members of the County Council or a majority of

the members of the County Council, perhaps unanimously by the County Council. We've talked the Green up and down, poor pun: we've talked until we're blue in the face, it's time to move on. I understand, you're asking for direction and that's fine. If we need to put some people at your meeting, I'll be more than happy to be there and I'm sure some Council folks will be, if you're looking for direction from us.

Joe Vezzoso: We are ready --

Commissioner Mourdock: I ? something to vote right now to help give us some direction.

Joe Vezzoso: And I'll be honest with you, I think some of us could go to the Chamber of Commerce and approach the state politicians and, even though it's a short session and even though it's an election year, I think if it's good for this community, they'll take a look at it and I think someone will amend the current legislation to extend that tax.

President Borries: Well, as you know, I was one that discussed the Green Center very much but I'm not going to tonight. Been there, done that. I guess in order to get where you say, I think that all those groups are going to have to be involved and so I think all of us better move very quickly. We will try to target your last board meeting so that we can get a united front here. Just look, you know, we've talked earlier here about the pride, probably, that Indianapolis feels having the Colts today. The Colts play in the Hoosier Dome. The way the Hoosier Dome and that huge convention center got built in Indianapolis was, literally, the commingling and one unified approach of using their Food & Beverage Tax, their Innkeepers Tax, the Cigarette Tax, everything else right there to make all that happen. What a tremendous facility it's become and what a big source of pride for the city of Indianapolis today. That's what we've got to do. I think we've all got to push this thing together if that's what we want to do. So I'm ready to do it, we're hearing everybody do it so we don't need any naysayers to say otherwise, so hopefully we can do what you say to get this thing done.

Joe Vezzoso: I think our seven commissioners, and they are a bipartisan group from all three elected bodies in this community, stand ready. I mean, we are not opposed to a convention center. We are supportive of a project, all we need to do know is which project we're going to support and which way we're going to go.

Commissioner Tuley: What time, Joe, you guys meet the last Thursday --

Joe Vezzoso: Eight-thirty in the morning; we meet in the morning.

Commissioner Mourdock: What date?

Joe Vezzoso: It's on Thursday, January -- the last, I think it's the last --

Pete Helfrich: It's the last of the month.

President Borries: Twenty-fifth?

Joe Vezzoso: Yeah, 8:30 a.m. Okay, thank you all.

Commissioner Tuley: Thanks, Joe.

President Borries: Thank you.

RE: LYNN ELLIS - PURCHASING

President Borries: Lynn Ellis is here but there are also some

persons here from the Treasurer's Office and I believe one of our local banks regarding awarding the tax bills. Am I correct on that?

Lynn Ellis: Yes, that's correct. I had submitted an agenda item previously. I've been talking with Jayne about this. The recommendation needs to be changed. The recommendation was submitted with the low bidder. They, however, after investigation and some figuring, it's been determined that they are not the low responsive and responsible bidder. Last year we did business with the company and it was determined that their error rate far exceeded that that is allowed by the bank. After many hours of personnel in the County Treasurer's Office and with Old National Bank, they had to dedicate one employee 40 hours one week and the work was not finished and then they had to have the County Treasurer's Office do additional work and they've had so many problems with the poor quality of the project last year that it's been an ongoing sore spot for them. The recommendation would be to award the bid to Moore who is the second bidder, we only had two bids, however, they are determined to be responsive and responsible. After calculating the error rate and Z has information, the exact numbers if you would like them. Through their calculations, it's determined that the better deal is truly with Moore Business Communication Services in Evansville at a cost of \$22,465.60.

Commissioner Mourdock: Can you describe in a few short words what the errors are, I mean, is that something standard that --

Lynn Ellis: Z can probably do a better job --

Commissioner Tuley: Tony Dillon is here from Old National, who is responsible for overseeing the program at the bank. State your name, if you would, for the record.

Zelma Raines Tuley: Hi, I'm Zelma Raines Tuley, for the record. This is Tony Dillon from Old National, the errors that had occurred were MICR encoding and the quality was not good. You could run them through the sorter, and Tony can explain a little better there, sevens might be read for fives or maybe they just weren't legible at all. So, therefore, the reject rate far exceeded the banks expectations. The bank allows a .8% of error and using Standard, their error rate was 6.0%.

President Borries: Six percent?

Zelma Raines Tuley: Six percent. Tony can tell you, in having to hire this person at the end of the year, because what they do is as the bank takes the payments, and on a daily basis we try to balance with exactly what they have picked up from this MICR encoding, we can do that dollar for dollar only after going through, maybe there might be two to three, five trays where we have to actually look, physically, for the bill because it didn't sort properly, or it got rejected altogether but the bank has brought them over in trays and they have got them entered the best that they can and then when they come over for our side, when he brings over the disk and as he puts it on, then we have ten, twelve, however many of them, where we have a dollar amount out here but we don't know where it goes. So we have to physically go through the bills and try to find that dollar amount and see where it's supposed to go. This holds up investments as well as time and people. If we have to pull someone to help me find these, there goes one minus cashier, one minus someone to answer the phone, one minus girl to wait on the counter or whatever else, she gets pulled away and then we have taxpayers calling. They want to know if their payment that they made at the bank got recorded and I'm sitting there going, well, I have some pending, I'm not sure. I can't get it to balance, would you like to call tomorrow? It's terribly embarrassing. And then, not to mention that the bank has had to go through all of this already

just from their end. They have a contract agreement with us, they're not supposed to have to work this hard for the dollars that we're paying and he's had to bring in extra help which they had to hire, which they did not anticipate, so perhaps next time, their bidding process will go up. When the other banks hear the word of this, not good quality that we would be using again, maybe their bid will go up and it will cost us more in the long run. Not to mention I do have a letter from Terry where he says, from Standard, that he would be willing to pay us \$.12 per item that got rejected in making up for any errors that might have happened, I've got copies if you guys would like them, --

Commissioner Tuley: We'd like them for the record.

Zelma Raines Tuley: Okay, and I've got a copy of the letter from Tony as well. He says that he believes that 3% of error is acceptable and the bank's standard is .8%, so he will not pay us for anything that rejects up to that point.

Tony Dillon: Our bank goals are .8, our standards are usually less than 1%, so --

Commissioner Mourdock: You need to state your name --

Tony Dillon: I'm sorry, it's Tony Dillon with Old National Bank. So, basically, as we set our goals and we look at our monthly evaluations, they called me over to say, the reject rates off the tax documents are driving up our overall reject rates. What can we do about it and as we looked at the relationship in being awarded the County Treasurer's business or accounts for two years, we basically wanted to make it a very easy transition from Citizens National Bank to Old National Bank. There was an obvious difference in the quality that they were getting back from our bank versus Citizens and it did not take long to realize that it basically came down to MICR encoded documents. No question about it, our document sorters are among the highest in industry and that's a direct result of the cost of the sorters. They're very expensive, very high quality and are among the best in the industry, so it's definitely not the mechanics of it, and when you physically look at a document and see numbers that you don't know if it's a nine or a four, then you definitely have a problem with your documents.

Zelma Raines Tuley: Terry says that he's willing to pay \$.12 per item that rejects after 3%. I have figured that to be that if everything was the same as this year, the loss to the taxpayers would be \$1,340.11, if the bank rejects happen to be 6% and he's replacing us per item. He also wants us to pull every item that rejects so that he can verify whether or not he believes that it was his fault that it got rejected, because he said if there is a tear in it, which the tear could happen even after the taxpayer brought it in, but if there is a tear in the paper or something like that, that does not get paid back. So, I don't feel like even at his offer, that he can make up the difference. I also have one particular incident that I just pulled real quickly and figured. We had, on one occasion, a day that we could not get balanced, it was November 11, which we would have processed it on the 9th, which was a Thursday, and you know how busy that -- tax deadline is the 10th, we could not get it to balance. Tony was here for two hours, three, four hours, that day. He's been down a couple of times. That was a \$2,700,000 rough amount. We do not invest this money until we know exactly what taxpayer paid what and where, otherwise, the money just has to sit and so that's what happened. And for this money sitting, this happened to be on a Thursday, did not get balanced until Friday, which did not make the money eligible for investment until Monday. We had a three day loss and that was a loss of \$1,200 in interest on that one incident alone. We went through this in the spring and it was three or four days and we went through it in the fall and it was three or four days. So you

compound this number on investments alone and I can give you some records where we should have had 5.5% for that day if you would like, I've got copies of that as well.

Commissioner Tuley: The only thing I want to interject here is, the other firm that bid, this Moore Business Accounting, when I was Treasurer, I had done business with, it's a quality document. We did not have these problems. It's no reflection on Old National, I mean, we were at Citizens at that time, but I think, truly, there is a problem with the documentation. If you look in that letter that was submitted to the Auditor there for the records, and Terry swore in his letter, they said we think we can address it by changing the way we process it. The way they do the billing, it kind of scares me because it sounds like we're still experimenting. We haven't been in the business or haven't done enough of these things to have nailed this down yet. With Moore, they've done it, they've done it for this county and they've done it well.

Zelma Raines Tuley: As far back as Jayne could remember, there had never been a problem like this.

Commissioner Mourdock: I'll move the issuance of the printing of 1996 tax bills, bid number VC9601 to Moore Business Communication Services.

Commissioner Tuley: I'll second.

President Borries: So ordered.

Zelma Raines Tuley: Thank you.

President Borries: Thank you. For the record, we have a delightful young person, her name is Kaitlin Tuley, who has also been a member of our audience tonight. I wish she could have taken a little yank on this system to give us one more good reason to replace it, our audio system. Lynn?

Lynn Ellis: I submitted a late agenda item. I don't know if you have a copy of it or not. It's audio and video equipment for the jail and it will be bid under bid number VC9602 and, provided I can still get an ad accepted by the Courier, I would like to advertise on January 11 and 18. If they won't accept the ad for that, then I'll have to postpone everything by one week, but these are the anticipated dates, advertised January 11 and 18, open bids January 29.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Borries: So ordered.

Lynn Ellis: Thank you.

RE: INSTALLMENT OF NEW OFFICERS

President Borries: For 1996, I would like to nominate Commissioner Pat Tuley to be president of this Board.

Commissioner Mourdock: I'll second.

President Borries: I'll say so ordered then.

President Tuley: I would move at this time that Commissioner Borries be named vice president of this Board.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Commissioner Borries: I will turn the folder over to you at this time to Mr. President and you can proceed here.

RE: RESOLUTION ON 1996 MEETING DATES

President Tuley: I'll just read this into the record, if I may.

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

NOW THEREFORE, let it be known that the meetings of the Vanderburgh County Board of Commissioners shall be held on the first, second, third, fourth and fifth Monday of each month at 5:30 p.m.

REZONING PETITIONS will be heard on the third Monday of each month beginning at 7:00 p.m.

If a holiday falls on Monday, then the meeting will be held on the following business day, unless otherwise stated by the Commissioners in an open meeting.

APPROVED this _____ day of _____, 1996."

Do we have a motion to approve the resolution?

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: Since this is a resolution, does it need a roll call or just so ordered?

Commissioner Mourdock: So ordered.

President Tuley: So ordered, then.

RE: LETTER OF AGREEMENT WITH SOIL & WATER CONSERVATION

President Tuley: Next is the agreement with the Soil & Water Conservation.

Cindy Mayo: I'll give you a little background on that. At budget time it was determined that Soil & Water was going to get some funding from the state and they asked for matching funds from the County Commissioners for a Soil Education. This was originally put in the budget as an employee with no benefits. The Council did not want it to be listed as a county employee and asked that it be put under Contractual Account, so it was put in the 3000 series which is our Contractual Account numbers. This is just an agreement for the educator to come in and work. She'll be paid every two weeks, same as we are, but there are no benefits and it's not a payroll account. There will be no taxes taken out. She'll get a 1099 and she'll be treated as a Contractual Employee.

Alan Kissinger: I've reviewed this document and this will satisfy the requirements that there is an agreement which the county governmental unit which will allow us to get the state matching funds.

President Tuley: I just might point out, too, in the letter of agreement, it has a job description, responsibilities and duties, supervision, job qualifications, which it does require a bachelor degree in education or its equivalent, be a resident of Vanderburgh

County, Cindy has already addressed the salary and benefits and it also addresses the funding. Anybody want to read it?

Commissioner Borries: I've already got a copy.

President Tuley: Motion to approve?

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

RE: RALPH SCHMIDT - UH UTILITIES, UNIVERSITY HEIGHTS

President Tuley: I have item F and I don't think Mr. Ralph Schmidt is here. Anybody hear --

Cindy Mayo: No, he called wanting to speak on some problems they were having at University Heights Subdivision with the sewer, but we've not heard back from him.

President Tuley: Okay, we'll just, if he shows up let him --

Commissioner Borries: Cindy, I know a lot about University Heights sewers, more than I want to know, but if you could maybe pull together some information on this for the other Board members here to review it might be helpful should Mr. Schmidt want to come in on that. What it is, is right now, it is a sewer lift station that essentially is operated by a homeowners group who inherited this whole situation from a developer who went bankrupt. Since the county, since we don't really, well we don't have a sewer utility, it has certainly been a problem for them. But again, to provide you with some background, we need maybe for Cindy Mayo or our staff, if we could pull together some information to kind of review. This might be a little bit better.

RE: AGREEMENT FOR SERVICES WITH SOUTHWESTERN INDIANA REGIONAL HIGHWAY COALITION (SWIRHC)

President Tuley: Next is the agreement for services entered into between Vanderburgh County and the Southwestern Indiana Regional Highway Coalition. I think this has been an ongoing contract we've been under for a number of years. It is, in a nutshell, basically the county hereby agrees to engage, I don't how you would say the acronym, but the Southwestern Indiana Regional Highway Coalition, and they hereby agree to perform the services herein set forth in connection with the expansion of Interstate 69 from Indianapolis to Evansville, Memphis, Shreveport and Houston. It goes on to spell out the scope of services, the time of performance, compensation, method of payments, changes, notices, restrictions, counterparts and liabilities of each of the parties. There is a signature page here for the Mayor and C. Randolph Rohlfer, who is co-chair, and the Vanderburgh County Commissioners. Have you seen this before? I mean, we've done this year in and year out.

Alan Kissinger: Yes, I have.

Cindy Mayo: There is no -- the funding is in place and there is no change in the wording of the contract at all.

Commissioner Mourdock: And no change in the amount, either, from what I recall.

Cindy Mayo: No.

President Tuley: Didn't Randy come up here and make a presentation in reference to this here several weeks ago?

Commissioner Mourdock: A few months ago.

President Tuley: Nothing new. I think it's important, personally, that we keep them on board and I'll entertain a motion to approve.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered. There is a signature block for all of the Commissioners. We've taken care of the tax bills. Department heads, John Stoll?

RE: JOHN STOLL - COUNTY ENGINEER

John Stoll: First up, I've got a travel request for Tom Goodman and Tim Spurling to travel to Jasper for an INDOT certified technician training class. This class will go from tomorrow, January 9 through approximately March 15. These two will go to the classes on an as needed basis when their work load permits, so it won't be every day, but they will be taking a county vehicle. These are the same classes that they went to last year, it's just a part of the classes that INDOT gives that helps out their inspection skills. I recommend that the travel request be approved.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

John Stoll: Next, I'd like to recommend that the following streets be accepted in William Wortman Subdivision, Section II, 862 linear feet at Old State Court; 1,035 feet of Harvest Lane; 250 feet of Wheatcroft Court. All these streets were constructed according to the approved plans.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: Also in William Wortman Subdivision, Section II, I'd like to recommend that we accept 458 linear feet of 12-inch reinforced concrete pipe and 120 feet of 15-inch reinforced concrete pipe at \$2.00 per linear foot. This is the storm sewer pipe that this outside the right-of-way. I recommend it be accepted contingent upon the county receiving the \$2.00 a linear foot fee.

Commissioner Mourdock: The developer has expressed an interest to pay the fee?

John Stoll: The developer requested that this method be used rather than establishing a homeowner's association.

Commissioner Mourdock: Okay. So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: Next, I'd like to recommend that we accept 978 linear feet of Columbia Street. This is the extension of Columbia Street from Burkhardt Road west to approximately Kimber Lane.

Commissioner Borries: Move that it be approved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

John Stoll: The next item I've got, I'm not sure if Alan has had a chance to review the lease that was given to me by the Old Courthouse Preservation Society for our office space?

Alan Kissinger: I have. There have been some changes, but basically the bottom line is not changed. John, if you don't see any problem with it because of something you know of in reference to your occupancy there, I can indicate to the Commissioners that it should be considered favorably.

John Stoll: I didn't see any problem with it whenever I reviewed it.

Commissioner Mourdock: Who is the lessee?

John Stoll: The Old Courthouse Preservation Society.

Commissioner Borries: I'll move that it be approved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

John Stoll: This lease was prepared to be signed by the County Engineer, so am I authorized to go ahead and sign that?

Commissioner Mourdock: I think you just were.

President Tuley: I guess, yeah.

John Stoll: Just wanted to make sure. I don't want to pay the money out of my own pocket.

Alan Kissinger: In consideration of the fact that John is County Engineer, we can authorize him to do it. But anytime we allow someone to enter into a contract, we should always indicate on the record that they are authorized to do so on behalf of the County Commissioners.

John Stoll: Next, I'd like to recommend that we award contract number VC95-10-01 replacement of County Line Road bridge #320 to CLR, Inc., in the amount of \$66,098.00

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

John Stoll: They were the low bidder on the project. Next I would like to request approval to go before County Council in the amount of \$6,208 to cover a step increase for Joan Payne, the administrative assistant, who took Karen Hadfield's position. She's a step higher in the classification system than Karen was, so that wasn't budgeted and I need to go before Council to make that increase to cover the insurance and her taxes and her salary increase.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

John Stoll: One final item, we've got a preliminary result back

from our bridge inspection on the Stringtown Road bridge and that inspection showed some scouring problems at the piers, at two of the piers, and we've had a contract with R. W. Armstrong to design a rehab of the structure, but back when the original contract was signed, it did not include addressing any scouring problems. So with your authorization, I'd like to discuss with R. W. Armstrong what their fees would be to inspect the scour problem in a more detailed manner and then include in their specifications a plan or method to correct the scour problem.

Commissioner Mourdock: What do you mean by scour problem?

John Stoll: The water, as it passes through the channel, it erodes beside the piers which can cause some instability.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered. That's all I have unless you've got any questions.

Alan Kissinger: John, one question I have for you in reference to the overpass fund, has Bernardin Lochmueller submitted the final claim for payment as far as their services are concerned?

John Stoll: There is a \$3,000 claim, I believe it's on tonight's consent agenda, but I believe there will be one more small claim for Bernardin Lochmueller to prepare the final legal description for the right-of-way to transfer that all over to the state.

Commissioner Mourdock: John, anything new on Tekoppel bridge?

John Stoll: Right now, it's just in the design phase.

Commissioner Mourdock: Did the last of the letters that went back and forth, did we get a signature back from them on the --

Alan Kissinger: We didn't ask for a signature, basically, we sent them a memorandum of understanding.

Commissioner Mourdock: Did they not need to sign that?

Alan Kissinger: No, it was in response to their offer to repair.

Commissioner Mourdock: So they finally put some language together that was acceptable?

Alan Kissinger: Right.

John Stoll: We should get the design within the next couple of weeks and once that's done, then we can see when the construction repair can start. If there's going to be an epoxy injection on those cracks, there may be some temperature limitations that might prevent us from doing the repair in January or February, but we'll just have to wait and see.

Commissioner Mourdock: Okay. And regarding the Auditorium, I understand you got, was it four or five --

John Stoll: Four proposals, Cindy gave me those this evening. I'll look those over starting tomorrow.

Commissioner Mourdock: Okay.

Commissioner Borries: And we, again, need to look at that recommendation, Mr. President, very quickly on the project that the folks are going to put up -- I have an item in writing that I think I have given to Attorney Kissinger indicating that they would fund

the design engineering for the Burkhardt Road project, so we need to get that in place as well. They have a very aggressive time frame and we just have to get this done. So, next week we should--

President Tuley: We've got a lot to do in a short time, then.

RE: BILL MORPHEW - COUNTY HIGHWAY

President Tuley: Cindy handed me, apparently Bill Morphey and his crews, I talked to Bill last night about 4:00 yesterday afternoon as a matter of fact, to sum up his report very quickly, outside of holidays the 29th and the 1st, they worked on various things throughout the county on Tuesday, January 2, and everything since then has been snow removal, snow removal, snow removal.

Commissioner Borries: Mr. President, I did talk with Bill Morphey today. He asked if he could not attend this meeting because he was out in the snow somewhere. They had a road that they had to again, it had been closed, they were going to try to open this road up. They've had a lot of problems with drifting snow in certain parts of the county and they have worked very hard to get those roads open, so that's where he is tonight. I asked him to fax his report to us this evening to enter into the record.

President Tuley: He indicated that they had worked many, many, many hours starting, I think it was, again, on Friday when this new snow started to come in Friday and Saturday and Sunday as well. So I'm sure they need a break, hopefully the temperature will get up to about 40 degrees like they're predicting tomorrow.

Commissioner Borries: And the only good news there is if he would have been in the east several hundred miles, we might not have found him at all. Man oh man. Twenty-four inches is just incredible. Although we've had mild by comparison, there, it sure could have been a lot worse, I'll tell you.

President Tuley: I know what twenty-four or thirty looks like. It's in my driveway in front of my car.

RE: ALAN KISSINGER - COUNTY ATTORNEY

Alan Kissinger: The only thing that I have to report is that we have settled the final condemnation case on the USI overpass and that's what I was asking John about, whether or not the last payment to Bernardin Lochmueller has been made. As soon as we receive from the Recorder's Office proof of recording of the judgement documents in the condemnation case, and as soon as John is able to assure us that the final payment has been made to Bernardin Lochmueller, I will prepare the necessary documents to transfer the overpass money into the highway fund.

Commissioner Borries: Great.

Alan Kissinger: That's all I have to report at this time.

Commissioner Borries: Yeah, I hope, John, if John's still here, that we could do that. We, hopefully, will have monies there available to get the intersection designed. I think you had discussed last year, at some point, the importance of aligning Lynch Road and Green River Road together. That needs to get done quickly because Lynch Road should be on schedule at least some paving up to Green River Road on Lynch in '96.

John Stoll: Right, I just checked the consent agenda and that claim for the \$3,000 or so was not on this week, but it should be next week and between now and then I can find out how much more we need to pay out to Bernardin Lochmueller to finalize.

Alan Kissinger: I talked with Rick Bennitt at Bernardin

Lochmueller and told him that we wanted to expedite that and that he should notify you when they made their final claim.

John Stoll: Okay. The next section of Green River is designed if we have enough money left in the bond to do the whole project, then no plan revisions would have to be made. If there's not enough money to do the entire project, then we would have to maybe scale the project down from, it's currently slated to go to approximately Hirsch Road, but we may have to come back a little bit off of that if there's not enough money in the bond. But we can get that resolved as soon as we know the true balance that can be transferred over.

President Tuley: Thank you, John.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Cindy Mayo: There was a letter that came into the office Friday asking for an extension of the medical leave of absence for the employee at the County Garage to January 15.

Commissioner Borries: The letter is from Welborn Clinic?

Cindy Mayo: Yes, it is.

President Tuley: Dr. Kramer.

Commissioner Borries: Move that it be approved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Cindy Mayo: That's all I have.

RE: CONSENT ITEMS

President Tuley: Under consent items we have various things, employment changes, travel requests, approval of vendor claims for the Auditor's Office, acceptance of County Treasurer's report for October and November, 1995. Motion to approve?

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

RE: SCHEDULED MEETINGS

President Tuley: Also attached is a list of scheduled meetings. There is a meeting scheduled for tomorrow at 2:30 P.C. Finance. It should be noted for the record, the Commissioners will not meet next Monday night, the 15th, in observance of Martin Luther King, Jr.'s birthday. We will meet on Tuesday, the 16th. There is also an insurance committee meeting at 9:00 a.m. We will have an Executive Session at 4:00, Rezoning at 7:00 after the Commissioner's meeting and various other meetings scheduled later in the month.

Commissioner Mourdock: Excuse me, one question, I noticed on the 22nd there is a Pigeon Creek meeting at 4:00. I know that group has been trying to get a hold of us. Is that supposed to be coincidental with something we're doing? I mean, that's our normal Executive Session which is listed as well? I guess I'm asking Cindy. You haven't heard anything?

Cindy Mayo: No, I believe that Darrell Rice is going to speak, has asked to speak at next week's meeting on Pigeon Creek.

President Tuley: Our meeting?

Cindy Mayo: Yeah, at your regular meeting, yes.

Commissioner Mourdock: Okay, that just struck me as odd.

RE: OLD BUSINESS

President Tuley: The next item up would be old business. Do any of the Commissioners have any old business they'd like to bring to the table?

Commissioner Mourdock: I've got two very quick items. The first one is just to report the long suffering Welfare to Work committee and the regional alliance of the five river counties, if you will, did again meet in the last week of December and, much to everyone's amazement, actually met the deadline issued by Senate Enrolled Act 478 in that they did compile their report and have it sent off to the Governor by the first of January, so that was completed.

President Tuley: Great.

Commissioner Borries: Probably one of the first in the state.

Commissioner Mourdock: I do not doubt that at all. It was a very complex issue. The second item I would have as old business is something I found in my packet here, which I think we just need to make sure is in the record since it had come up regarding the "voting irregularities". I have a letter, and perhaps you should address this, Rick, since it came to you from Joe Profaizer.

Commissioner Borries: Yeah, what I had done, when I was out of town, when I got back and read several accounts, I was not aware that Joe Profaizer or SCT Computer Services, did anything in this whole computer services scenario. When I read that, I called and asked Joe to provide us some kind of written explanation exactly what he did and what happened. So what he wrote was:

"According to the Voters Registration Offices, the system leased from Business Records Corporation officially tallies the ballots cast."

And not to add to what he says, but I think that's particularly important because on election night, obviously, the folks that, in addition to all of the voters who I know are anxiously awaiting the recap, the people that are most interested in this are the candidates and the media. So, they don't give sometimes, a full recap that night. But Business Records handles that, that night. Then:

"Computer Services (which is, I guess, his group) houses applications and respective databases which contain only data input from official tabulations. These applications are for voter history and reporting purposes only."

So I assume that they are the kind of detailed thing that happens afterwards.

"It is Computer Services understanding the current problem with absentee ballots stems from the following:

- 1) Alan Julian requested the directory of absentees from the respective board. Apparently the request was denied, therefore the only option was to request a report from the voter history application.
- 2) The report distributed was in error due to a software "bug" in the program. The program

calculated absentee ballots from all years of history instead of the current election. The program has been corrected by Computer Services personnel.

The absentee program was written in 1984. To the best of Computer Services and Voters Registration's knowledge, the program has never been used prior to the recent request."

So, that does not address all of the other issues that were involved in it, but at least explains to what, again, I wanted some explanation as to exactly what Mr. Profaizer's role or Computer Service's was and that's what he provided. So...

President Tuley: Is that all of the old business?

Commissioner Mourdock: I don't have anything.

Commissioner Borries: I don't have anything, either.

RE: NEW BUSINESS

President Tuley: I'm going to give the first item of new business, Rick, to you. You attended that news conference today. You kind of alluded a little bit to that check earlier, but there's some additional funds there.

Commissioner Borries: Yeah, Mr. President, that was the good news I talked about in relation to some of the funding that was received today. Casino Aztar, well, we certainly didn't get as much as the city of Evansville did, but there were three checks that were cut today by them and I want to enter this into the record and give it to the County Auditor this evening since it has her name on it. They had one check that they wrote to the United Way of Southwestern Indiana for \$200,000. Our check was for \$350,00 which represents a \$100,000 of a one-time payment to Burdette Park for perhaps, again, planning a future facility or at least look at some options there. The second was the \$250,000 was the first of three annual payments of \$250,000 for Auditorium renovations. The city of Evansville received, I think it was like three million and something, so it was a chunk insofar as the Learning Center, the Victory project, the Pigeon Creek Greenway got some money in there and so there was a wide host of that. So anyway, I will enter into that into the record at this time and certainly will want to add that to our total here of what we will have in the Auditorium account.

President Tuley: Was there any indication of when they might turn loose, I heard those guys indicate something like another sixty days or something before they get a head count.

Commissioner Borries: Yeah, what they said was, this was money that they had pledged through what you'd call, I guess, the sidebar negotiations. So, they were delivering on several of the first installments. The money that comes from the embarking fee, or when you go on, the \$3.00 fee there, they have not received any certified figures from the state of Indiana. Apparently, the State Gaming Commission will have to review all their records, show all this, I don't know then if the distribution comes through the state, it may. Won't it, Suzanne?

Suzanne Crouch: Yes.

Commissioner Borries: It will then come through the state a lot like Food & Beverage and these other ones do once the records are totalled. So he said that, also because Casino Aztar was a publicly traded corporation, any figures would be released through either their corporate headquarters and since they're not yet a

month behind, I don't think he has complete records for December yet, since they started on December the 8th. The other thing, insofar as the \$3.00 will be distributed through the Indiana State Gaming Commission and so that's where we will receive our information then.

Commissioner Mourdock: So given that money has to come back from Indianapolis, it would be reasonable realistic to say sixty days?

Commissioner Borries: I don't know, I think you may have seen some of the, I'll have to go back and look, but some of the kind of unusual distribution that even the Food & Beverage Tax, even though it paid off early, I mean, there were some years it was way up, way down, and I think, again, because of the way the state distributes that, who knows how they'll do it. I don't know if they'll do it quarterly...

Suzanne Crouch: Yes.

Commissioner Borries: Is that how they'll do that?

President Tuley: At this point in time, it shouldn't be too hard for them to process, we're the only ones still going.

Commissioner Borries: Yeah, that's right.

Commissioner Mourdock: That's true, they don't have an excuse do they?

President Tuley: Okay, other new business. I wanted to let you do that since you had been at the news conference and actually received the check today.

Commissioner Mourdock: I was just going to follow up with the one thing you said, this isn't new business as much as old, but you mentioned the city of Evansville got the money for the Victory Theater. Have either of you had any discussions with the Mayor or anyone else regarding the Victory Theater and the Auditorium? I'm just curious. I haven't. The last I did was in November.

President Tuley: I haven't.

Commissioner Borries: I've not had any recently. I've had several discussions earlier with him, but not recently. Mr. President, in addition to reorganizing here, I want to indicate if you would do so, I think you've already mentioned earlier and taken official action at an earlier meeting that you would remain on the Solid Waste Board as president.

President Tuley: That happened at the Solid Waste meeting.

Commissioner Borries: And then also, I think, through this position you will take the Vision 2000?

President Tuley: That's been past practice, the president is automatically appointed to Vision 2000.

Commissioner Borries: And maybe if Commissioner Mourdock, he's graciously agreed here to serve on the Area Plan Commission with his helmet and shoulder pads, probably well intact there, and if perhaps I can move that he would continue to serve as our member on the EUTS Board and also the Welfare to Work if they're going to continue to do some ongoing, and there may be some --

Commissioner Mourdock: They are.

Commissioner Borries: I'd like to move that.

Commissioner Mourdock: Fine, I have my crash helmet (inaudible).

President Tuley: You've been to your first -- I'll second if that's a motion.

Commissioner Mourdock: Actually I didn't because I was sick. I missed the first APC.

President Tuley: So you did miss the first APC.

Commissioner Borries: And then maybe if someone could do something here, wait a minute, that's kind of a hint! If someone might need to put my name in...

Commissioner Mourdock: Yeah, I move that Commissioner Borries continue and serve as President of the Drainage Board and as a member of the Community Correction Board and also ARC.

President Tuley: Okay, I would agree with those except don't we have to do that Drainage Board stuff at the Drainage Board?

Commissioner Borries: Probably.

President Tuley: So we'll do ARC and what else, Community Corrections? Okay, I'll second that motion and so order. I'm sorry, that wasn't under new business, that was under kind of old business --

Commissioner Borries: Reorganization of the Board. The other thing is to have Alan, I think, that in view of what the School Board has done and projects that we'll have coming up, we'll need to look at maybe setting up to avoid any kind of confusion here, a common wage committee for projects that we will have coming up. We may have one appointment to that board, but what happens, I think there may be one other person or two other persons that might change as a result of who issues the contracts.

Commissioner Mourdock: Is it unlikely, and maybe you're saying this and I'm hearing it differently, in fact, even for projects of the county that we would issue and solicit, we might need several different committees, several different Common Wage Committees based on the specific projects. For instance, the Auditorium might require one type of committee and let's say a bridge project might require another. Or do you think they could be done by one?

Commissioner Borries: I don't know. I think we'll have to research that. We may be able to get by with one, but we'll see.

President Tuley: So this is on there tonight, then, just for us to be thinking?

Commissioner Borries: Right.

Commissioner Mourdock: If we have appointed the one --

(Inaudible - several speaking at once)

Commissioner Borries: And some of them can be used, maybe if we can get the County Attorney he can at least do some research, give us an answer next week. If the Common Wage Committee, we can have one that would probably take care of school projects as well as our road projects, we would not have to form more than one or do we have to --

Alan Kissinger: No, it's not necessary to form more than one, it's just that each time there is a new project, the committee must address the common construction wage in reference to that project.

Commissioner Mourdock: But there would be different ones per owner. For instance, since the school board is one --

Alan Kissinger: Yes.

Commissioner Mourdock: And then if we did one, say for the Auditorium or if the Auditorium goes forward, which, obviously, it will, then that's a separate one.

Alan Kissinger: Yes.

Commissioner Mourdock: By owner, but not my type of project.

Commissioner Borries: Yes. That's it.

President Tuley: Just, more of a question for Suzanne. Suzanne, on that figure, that million eight, do you remember how many months that represents?

Suzanne Crouch: That's the balance in there, actually there was \$300,000 more and it should generate approximately \$200,000 a month, in that neighborhood, so you're looking at two million to two point four million a year.

Alan Kissinger: I would like to mention before I forget this, we talked about the Auditorium bonds and the Commissioners are going to attend a meeting with the Visitor's & Convention Bureau in reference to perhaps their contribution. I just need to advise the Commissioners that we have found in our contacts with the various financial institutions who will be involved in purchasing these bonds that they generally will not accept riverboat money as a long-term commitment for repayment. So, with the obvious understanding, Convention & Visitor's could use it for another purpose, we cannot say, commit this money for repayment of bonds.

Commissioner Mourdock: I wondered during the discussion if that would be the case.

Alan Kissinger: It is definitely the case.

President Tuley: That's okay, because we're really, more than that ten cents, we're asking for that cent and a half. Any other business before the Commissioners tonight? There's a lot of documentation that needs to be signed and we are supposedly having a special Drainage Board meeting in reference to Eagle Crossing Subdivision and Bill is here. I don't know if the petitioners are here.

Alan Kissinger: There are a bunch of people out in the hallway waiting, I believe, for the meeting to start.

President Tuley: Okay, please don't, everybody give us a few minutes to get all the documentation signed, please, and then we'll get everybody in and we'll get started on the Drainage Board meeting.

Commissioner Borries: I move we adjourn.

Commissioner Mourdock: Second.

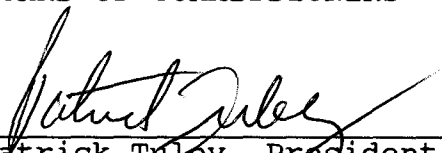
President Tuley: So ordered. We're adjourned.

Meeting adjourned at 6:59 p.m.

THOSE IN ATTENDANCE:

Patrick Tuley
Richard J. Borries
Richard E. Mourdock
Alan Kissinger
Suzanne Crouch
Cindy Mayo
Teri Lukeman
Joe Vezzoso
Pete Helfrich
Lynn Ellis
Zelma Raines Tuley
Tony Dillon
John Stoll

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**



Patrick Tuley, President



Richard J. Borries, Vice President



Richard E. Mourdock, Member

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS

JANUARY 16, 1996

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VANDERBURGH COUNTY
BOARD OF COMMISSIONERS MEETING
JANUARY 16, 1996

The Vanderburgh County Board of Commissioners met in session this 16th day of January, 1996 in the Commissioners' Hearing Room 307 of the Civic Center Complex at 5:45 p.m.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Tuley: I'll call to order the meeting of the Vanderburgh County Commissioners for January 16. As introductions go, to my far right down there is Cindy Mayo, who is our office supervisor and Superintendent of County Buildings; Alan Kissinger, the County Attorney, will be joining us here shortly; to my immediate right is Commissioner Rick Borries; to my immediate left is Commissioner Richard Mourdock; to Richard's immediate left is County Auditor Suzanne Crouch; and to Suzanne's immediate left is Teri Lukeman, who will be recording this meeting and submitting the minutes at the next meeting. If you will please stand with us, face the flag and say along with us as we do the Pledge of Allegiance.

Thank you.

RE: ACTION ITEMS

President Tuley: Under action items, the first item up is the approval of the minutes from last week's meeting, that meeting being held on January 8.

Commissioner Mourdock: I'll move approval of the minutes of January 8.

Commissioner Borries: Second.

President Tuley: I will so order. Under item 4B, any group or individual wishing to address the Commission who does not find their name or topic for discussion, Ms. Janet Watkins in here. I assume you could come under B or C. We had David Coker listed on here and his name was taken off, but I'm going to make the assumption that you can --

Janet Watkins: Bad assumption. I'm not sure what his subject was, but it wasn't this.

President Tuley: Well good, you go right on ahead under item B, then.

Janet Watkins: Thank you and congratulations. I've been out of the loop awhile, we have a new president of the Commissioners.

President Tuley: Thank you.

Janet Watkins: For the record, my name is Janet Watkins. I'm a taxpayer in Vanderburgh County and I have a statement to read and I will copy your secretary.

"Gentlemen:

I come before you, the Executive Branch of County Government, as a taxpayer of Vanderburgh County. In the United States, we are promised that there will be no taxation without representation.

However, in Evansville, Indiana, the City Government wants to issue a county wide Parks Board Bond to pay for the Victory Theater and Learning Center in downtown Evansville. I ask you, how can city government issue a county wide bond when county residents can not vote for

city officials? This is taxation without representation.

How can a city invest this type of capital on the ground that is owned by a trust? Does the city plan to purchase the ground from the trust?

Where will the patrons of the theater park? Oh, no problem, we haven't heard it yet, but there's Phase II, a parking garage across the street. How pays? Most likely another bond issue, but we're not being told.

The community is being told that the Parks Board Bond Issue will be paid by gaming monies. The city does not know that this funding source will actually pay for this project, thus, the bond issue. Anyone in government thought about saving in an account for a project of this type? Anyone in the government ask the citizens of Vanderburgh County if this is what we need and what we want?

Why is the city using the Parks Board Bonding capacity to fund a learning center in lieu of fixing up the parks?

Why are we committing this much bonding capacity on the county at a time when the opportunity for so many new businesses are coming to this area in conjunction with the Toyota plant and Navistar?

Why is the city building a learning center or another school when the Evansville-Vanderburgh County School system takes 49 cents out of every property tax dollar? Why ask taxpayers to divvy up again for a learning center and not use the facilities that are already being paid for by school taxes? Why don't we use existing school facilities?

I ask you, who benefits?

Finally, County Commissioners, I ask you to do something about the law that allows the city government to tax people county wide when we county residents outside the city limits are not allowed to vote for the city administration.

Thank you very much.

Janet Watkins, Vanderburgh County Taxpayer
Concerned Citizens for Fiscal Responsibility"

President Tuley: Thank you for your comments.

Commissioner Mourdock: Also, thank you for the comments, Janet. Those are excellent questions, and I guess I have one that I'll refer to Alan since it came up in the context of our meeting last week or perhaps the week before. I'm going brain dead here for a second because I don't recall the exact context, but we were talking about revenue streams and a bonding issue, and whether or not any of the gaming revenues could be used. What was the topic, Pat? Do you recall?

President Tuley: I don't remember the exact topic. I remember that discussion --

Commissioner Mourdock: Sure, it was the Auditorium. Thank you. You made the comment then that you did not think that could be done and I'm curious if --

Alan Kissinger: No, that was not my statement, although it's basically what I said. What I said at this time was, our

experience up to this point in making contacts with the various financial institutions who would buy and ultimately remarket these bonds is that they will not accept a pledge of this gaming money on a long-term basis as a method of guaranteeing the payment of the bond maintenance. So if the City Parks Board is saying we are going to pledge this money for the purpose of repaying these bonds that we're going to use for this purpose, they may well use that money, but they're going to have to pledge something else of a much more substantial and long-term nature to satisfy the financial institutions that are going to guarantee and purchase these bonds.

Commissioner Mourdock: Which in this case, as I understand it, is in fact, as Ms. Watkins pointed out, the county tax base. Is that your understanding?

Alan Kissinger: Yes, to a degree, yes. The Parks Board is either going to have to either pledge annual revenue that has a historical guarantee of either being stable or increasing on a year-to-year basis, such as our Food & Beverage Tax, something such as that. They are going to have to pledge that in order to finance the bonds. If they want to use the boat money to pay off the bonds, then no one cares where the payoff money comes from, they just want a guarantee that if everything else goes wrong, there's going to be money there for them to draw from. So, they may still use that money to pay off the bonds, but I don't think financial institutions, if they follow suit the way they have dealt with us, will accept the pledge of that money on a long-term basis for repayment.

Commissioner Mourdock: And just so you understand it -- Janet, I think you may know this, already, but the question you're addressing to this Board, I think all of us would like to answer in a more definitive manner, but this is one that is somewhat out of our jurisdiction in the sense that your comments regarding the county residents and the City/County Parks District, the City/County Parks District is not something that we per se can control or necessarily influence in regards to the bonding issue. I'll go on record right here as to say I share your concerns. The argument of taxation with representation is a catchy phrase, that's been around a while. But it's there for a good reason, it's not the way things should be done. And yet, I think, clearly because the tax base is going to be used to back up those bonds as Alan was just explaining, I don't think that's fundamentally right.

President Tuley: Some valid points have been made. It's important, as you pointed out, if you have such strong feelings that you get to the appropriate bodies, the Park Board, your State Legislators, to voice those concerns. It is a good question how the law got to be that way that the whole county could be put into debt by a board that is not represented by county residents. I think there are maybe one or two board members on the Parks Board who actually are representatives.

Commissioner Borries: Two residents of the five, I think, are county appointed residents and they're done on a bipartisan basis.

Janet Watkins: (Inaudible - comments not made from microphone)

Commissioner Mourdock: Janet, you need to come to the microphone, the sound system won't be able to pick it up and they won't be able to transcribe it if you don't.

Janet Watkins: My apology, I seem to be doing this a lot today. I realize that the Parks Board, I think, has already made their decision on what they're going to do and it has to go before the City Council, but the reason I came to you today is because you are my executive branch of local government. You are the ones that I have to look to for help because I can not get any help from city government. I don't know whether it's possible to stop this.

We're trying very hard with a remonstrative petition, but as the Commissioners, you know that you have some wonderful opportunities ahead, and if we're stuck with 15 million plus for this, where does that leave you and the County Council?

President Tuley: Since it's a tax supported bond that's being issued, it could be detrimental to us in the fact that if we, and my understanding -- and maybe someone here has a better understanding than I do -- but your total indebtedness in terms of your capacity has a relationship between outstanding debt that you currently have and a percent or a part of your total assessed value. So from that standpoint, in the future if we would try to use a property tax backed bond issue, it would have a detrimental affect on us from that standpoint. We'll have to find other revenue sources to back up a bond if we were going to do such.

Janet Watkins: And that is just exactly the point, that the Commissioners need to be talking with city officials who are using this loophole in the law to put more pressure on you when at a time, we have a chance to really move forward. They are not looking to the taxpayers and saying this is something good -- I mean, they're just shoving it down our throats. They are not asking us. There was no referendum. The referendum on riverboat gaming in the first place was county wide. But if you look at the funding that comes back now that the mayor of the city of Evansville has written the contract with the gaming company, when the checks were dished out last week there was three million that went to the city, a million each for that Sonntag Hotel and the Victory, a hundred thousand dollars for Burdette Park and two hundred and fifty thousand dollars for the entire county's auditorium. We need more say so in how monies are spent around here and it's up to you guys and the County Council to get it stopped. That's why I did come tonight.

President Tuley: Your point is well taken.

Commissioner Mourdock: Very good points.

RE: LYNN ELLIS - PURCHASING

President Tuley: Okay, going on to department head reports, we have Lynn Ellis from Purchasing.

Lynn Ellis: The first item is a request to approve the extension of the contract with Advanced Micro Electronics. They are currently supplying the county and the city with Micro Computers and related equipment. The bid number is APA-044-96. That would continue through the end of December '96. Joe has a sick child tonight so he's not here, but they have evaluated the contract and the contract allowed for cost reductions because with computers, as you well know, do go down in cost over the years, so they have submitted new pricing in accordance with the contract and they've evaluated those and find them to be acceptable. Data Services recommends a continuance of the contract. They've been getting good service from the company.

Commissioner Mourdock: I'll move the extension of bid number APA-044-96 with Advanced Micro Electronics.

Commissioner Borries: I will second.

President Tuley: So ordered.

Lynn Ellis: The second item is to approve the award of construction of the Chalet #3 and that is at Burdette Park. The bidder is Elpers Brothers Construction. The amount is \$11,800 and you have copies of both of their bids attached to your agenda item. Because it wasn't going to exceed the \$25,000 that's in the purchasing manual, they just solicited informal quotes and then I

asked that we present them to you for approval. Elpers is the low responsive and responsible bidder.

President Tuley: These are the only two bids they received?

Lynn Ellis: Yes, four invitations were mailed and only two were received.

Commissioner Mourdock: I'll move the award of the contract for the construction of Chalet #3 to Elpers Brothers as recommended.

Commissioner Borries: Second.

President Tuley: So ordered.

Lynn Ellis: The final item is extension of the contract with Bassemiers' for the county's transportation of handicapped and elderly, APA-027-96. That would also continue through December 31, '96. That would be the same terms and conditions. It's my understanding that the problems with the questions that we had previously were addressed and taken care of and that there's no --

Alan Kissinger: Indiana Department of Revenue and Bassemiers have entered into an agreement which allows correction of the practices that they, I don't think they ever necessarily have (inaudible) but a correction of practices so that they do not violate the Indiana Department of Revenue tariffs. Their procedures will follow the specifics guidelines from here on, and yes, they have entered into that agreement and that agreement has been approved. I think that the legal action that was filed in reference to those practices has either been dismissed or has been summarily disposed of through the Indiana Department of Revenue. That's a long way of saying they've cleared up the problem.

Commissioner Mourdock: Lawyers do get paid by the word, we --

Alan Kissinger: That's true.

Commissioner Mourdock: Lynn, the letter that's with your note here, is a letter from Bassemier saying we are writing to request a renewal on the contract. Was this put out to bid in any way? I mean, it --

Lynn Ellis: Yes. And we extended on a month to month basis because of the problem with the Department of Revenue and we would just like to continue it for the year since he's --

Commissioner Mourdock: The letter just reads like, hey, we want to extend our contract, how about you doing it. Obviously, there's more to it than that since you did go out for bids, so --

Lynn Ellis: Yes.

Commissioner Borries: I can't quite figure out what you wrote on the front, Lynn. It is not believed that competition would result in a lower cost to the county for this service.

Lynn Ellis: Meaning that if we solicited bids again that -- if you'll remember, the next low bid, when we bid this previously was significantly higher than this one and was from the bidder that was previously providing the service. If we solicited bids, I don't believe that they would come in less than what Bassemier's is offering to do the service for. It was proven that it was a very good rate.

President Tuley: Yeah, I remember, it was --

Lynn Ellis: It was almost a \$30,000 --

President Tuley: It was like what?

Lynn Ellis: I think it was like \$30,000 or something.

President Tuley: It was between \$20,000 and \$30,000.

Commissioner Mourdock: This was bid initially with an extension clause, is that right?

Lynn Ellis: Yes.

Commissioner Mourdock: And now you're simply saying we want to extend it under the terms of that extension clause?

Lynn Ellis: Yes.

President Tuley: At the same rate?

Lynn Ellis: Yes, at the same rate, terms, conditions.

Alan Kissinger: What you might want to do is remind the Commissioners at a time when it will allow them to reconsider whether they want to extend or go through the bid process at the end of this term, if you make a note to give them notice and have them to consider, you know, do they want to bid it or do they want to go with the same provider. This is a service as well, and it is below the \$75,000, so we're certainly within the legal confines as far as extending the contract is concerned, but I remember the Commissioners at one point thought that it was appropriate to bid it and then (inaudible).

Lynn Ellis: Okay, well in October I can bring back a request to, if Bassemier's is willing to continue the contract, then the Commission can make a decision then.

Commissioner Mourdock: I'll move acceptance and extension of the contract with Bassemier's APA-027-96 as recommended.

Commissioner Borries: I will second.

President Tuley: So ordered.

Lynn Ellis: Thank you. That's all I have.

RE: JOHN STOLL - COUNTY ENGINEER

John Stoll: The first item I have is, after reviewing the Burkhardt Road proposals, I'd like to recommend that we hire United Consulting to do the design and construction inspection of the Burkhardt Road widening project.

Commissioner Borries: I think we are going to have to move forward because of a very aggressive schedule that these developers have put on and I will so move at this time.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

John Stoll: The next item I have concerns the Auditorium project. After reviewing those proposals, I would like to recommend that we hire Veazey, Parrott & Shoulders to design the renovations to the Auditorium.

Commissioner Mourdock: If you would, what's the basis of the recommendation?

John Stoll: They've worked with the Auditorium in the past. I spoke with Mike Shoulders and he elaborated on their proposal on

working with the Auditorium. He had stated that they had done preliminary studies for improvements in the past, back in 1987, then in 1994 they updated their study for additional renovations including the seating expansions, Green Room and Gold Room renovations and they're familiar with the project as well as being a local firm.

Commissioner Mourdock: What, if anything, did they define as far as acoustics engineering and that kind of...

John Stoll: They said that they would work with another firm out of Chicago. The firm's name is Jerit-Boys for theatrical and acoustical consultants. They've said they have worked with that firm in the past on Shanklin Theater project over at UE and another project down in Madisonville, Kentucky. They said they're a nationally known theatrical and acoustical consultant. I'm not personally familiar with that firm, but I was just going on the basis of what Mr. Shoulders told me.

Commissioner Mourdock: And the other firms that sent in information to be pre-qualified were? Do you have names?

John Stoll: Fink, Roberts & Petrie, Ratio and H.O.K.

Commissioner Mourdock: Are all of those, I know Fink, Roberts & Petrie is out of Indianapolis.

John Stoll: Right, Ratio is out of Indianapolis and H.O.K.'s regional office for this area is in St. Louis.

Commissioner Mourdock: Okay. Were there any other partnering type arrangements, other subcontractors, subengineers for lack of a better term, listed with the Shoulders, Veazey & Parrott proposal other than the one you mentioned for the acoustics?

John Stoll: This is the only one he discussed when I spoke with him. And it was the only one that was listed in the proposal itself.

Commissioner Mourdock: And they've done projects of this size, 20 to 30 million?

John Stoll: Right. This is slightly larger than the performing arts center that they had done in Madisonville, that was 1,100 seats, but they did list projects of comparable value.

Commissioner Borries: I really don't have a lot to ask. I think that there are, should the time scale be moved up, there could be some other subcontracts that I think as our main contractor, they may want to consider. I have a great deal of respect for this firm really for their extensive knowledge. I mean, they've done a lot of work with this particular facility and I could go on and on about the options here and what Ms. Watkins had to say, but at this point I will just, in the interest of time this evening and other pressing matters that may come before the public and the television things that may happen this evening, I will move that the Shoulders group be approved.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

John Stoll: The final item I have, is I would like to recommend that we hire Bernardin Lochmueller & Associates to survey the right-of-way and establish the right-of-way for Wright Drive. If you remember, that was the street that we thought was county accepted, but once we reviewed the minutes, it said that the road was accepted contingent on an additional twenty feet of right-of-way being dedicated. I believe it was twenty feet, maybe twenty-

five feet, but additional amount of footage of right-of-way being dedicated. It never was dedicated and when I've sent some people out of my office out to try and establish that right-of-way, they've never been able to pin it down. Since I don't have any registered surveyors on staff, I got a price of \$3,100 from Bernardin Lochmueller which seemed to be reasonable and I'd like to go ahead and get authorization to hire them to establish that right-of-way.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

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

President Tuley: You've had a busy week.

Commissioner Mourdock: Will they have the Auditorium done by, let's see, today's Tuesday...

Commissioner Borries: John, at some point, I know you've worked on this, maybe we can schedule a time to have an official ground breaking or doing something, dedication maybe, to put the plaques back up on the Franklin Street bridge. I think there's some historic plaques that probably need to be put back on it. I think it represents now a continuing focus that we have had on rehabilitation from Maryland Street to Columbia, Delaware to Franklin Street and now to a new bridge that will be constructed on Ohio Street, all of which sets the stage for the big activity over at the State Road 62 bridge better known as what, the Lloyd bridge over Pigeon Creek. In view of all of the things now that this Board has taken to prepare for that eventuality, maybe at some point whenever the final claims and everything are in, maybe we can schedule a time to do a dedication of that bridge. It looks very nice.

John Stoll: The only remaining item to be done on that bridge is there's a water line that needs some work on it and once the contractor comes back in to finish the water line, they were going to put the plaques back up on the bridge. They were anticipating that should happen within the next couple of weeks, so I'll see what times might be available for some sort of ribbon cutting.

Commissioner Borries: Schedule it for one of those real cold days where we won't have to have a real long one. I remember Columbia/Delaware was a frigid...man, oh man.

John Stoll: Yeah, there were about five of us there, weren't there?

Commissioner Borries: Uh-huh. I had to throw away my two-hour speech for that one.

President Tuley: Schedule it for a cold day.

Commissioner Mourdock: You've never thrown away a two-hour speech!

President Tuley: He just didn't give it.

Commissioner Borries: I just saved it.

President Tuley: Thank you, John.

RE: BILL MORPHEW - COUNTY HIGHWAY

President Tuley: Bill has submitted a report from Friday, January 5, 1996 through January 11, 1996 from the Vanderburgh County

Highway Department as well as for the Vanderburgh County Bridge Crew. I don't think I have to read this to you, you know what they have been doing, cleaning, cleaning, cleaning and removing.

Commissioner Borries: We appreciate, again, all the efforts that you and your staff did. I know there were a lot of long hours in there and sometimes we lose sight of the fact of all that hard work when the temperature gets to be about 103 out there, but again, they did a fine job and it was, hopefully, the last time it will happen this year, but in January, I don't know.

Bill Morpew: I believe they're calling for more Friday night.

Commissioner Borries: Are they really?

Bill Morpew: Yeah, a mixture of rain, sleet & freezing rain. I hope it stays north of us. Vincennes can get all they can handle.

President Tuley: They can have it all. The crews do a good job, I know they work long, hard hours.

Bill Morpew: Yes sir, they have. Thank you, I will let them --

President Tuley: My phone does not ring off the wall. I do not get phone calls --

Commissioner Borries: Yeah, that's right, I mean, it's amazing he's...

Commissioner Mourdock: That's the truth, through all this weather, I never got a single call.

Commissioner Borries: Yeah, I didn't either. So that's really an outstanding, and it's particularly critical when they begin to roll those school busses because if you guys are not out there and giving accurate information, I mean, it's really a go or no go for them. The worst thing they could do is to have a bus slide off a road. It's really critical what you do and again, they're doing a fine job. Just one thing while I'm thinking about it, maybe you and John might want to get together. Usually in March we can think ahead to spring, at some point we'll be able to get some available information about how much road paving money that we'll have this year and maybe we can set up a time when, as we always do, set up that time where we can hear from the public and we can begin to construct our road list for 1996.

Bill Morpew: Yes sir, we can do that.

President Tuley: Thanks and pass it on to the crews, please.

Bill Morpew: Will do.

RE: ALAN KISSINGER - COUNTY ATTORNEY

Alan Kissinger: The first matter I have is, I have an agreement between local attorney David Kent with the County Commissioners. The purpose of the agreement is for Mr. Kent to collect the unpaid fees for the Vanderburgh County Clerk's Office. These are basically child support, account maintenance fees, etc., that are charged by the Clerk on an annual basis. If they are not collected, then it is the Clerk's responsibility, by statute, to collect those fees. My understanding is that the Clerk approves of Mr. Kent as the individual to do this work. I know Mr. Kent, know him to be a diligent and capable attorney and the fee arrangement is the same as the arrangement was with Kevin Bryant when he was doing these collections for the Clerk's Office. The Clerk has advised me that they are getting to the point, they are having these things begin to stack up so they do need a contract for

someone to do these collections for them. I recommend that the Commissioners give favorable consideration to approving this agreement.

Commissioner Borries: Move the agreement with Mr. Kent be approved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Alan Kissinger: The only other thing that I have, one of the Commissioners, I'm not certain who it was, asked me to communicate with Mr. Feldhaus in reference to this concept of blanket bonding for county employees, office holders, etc. The practice in the past had been that each individual office holder and so forth were bonded with an individual bond policy with an insurance carrier bonding company. Mr. Feldhaus has pointed out the statute to me, he's also pointed it out to the attorney for the Vanderburgh County Council and there seems to be agreement among all parties that this blanket bonding under one policy can be done at a considerable savings to the county. This is more in the nature of information that I am giving you because it is the County Council, as the fiscal body, that must adopt the ordinance in order to do this and it has been recommended to the County Council's attorney. Mr. Feldhaus and Mr. Harrison are going to recommend it to the County Council, so that's just kind of an update. That's all I have to report at this time.

President Tuley: Thank you, Alan.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Cindy Mayo: Bill Schmidt called the office today from Teena's School of Dance. He spoke a couple three weeks ago before the Commissioners. There still has not been a resolution with his problem. I did try to speak with Sandy Toton this afternoon and she was not in the office, so I will call her in the morning and try to get a resolution on this matter or at least get an update on what's going on with that.

President Tuley: Does he still feel like there's still been adequate contact, I mean...

Cindy Mayo: He has not spoken with anyone from the Auditorium since he appeared at the meeting. So...

President Tuley: You might relay that to her...

Cindy Mayo: And I will. The only other thing that I have is Dennis Feldhaus was in the office today and brought two copies of the contract agreement between Welborn HMO and the Commissioners. Dennis has looked this over and he would like for it to be approved and one copy sent back to Welborn and one copy forwarded to him.

Commissioner Borries: He recommends approval?

Cindy Mayo: Yes, he does.

Commissioner Mourdock: Alan, do you need to review that before we act on it?

Alan Kissinger: I would really merely slow down the process because I'm sure if -- I am satisfied that if Dennis has indicated that he recommends approval on this, my input is going to be unnecessary.

Commissioner Mourdock: I've never heard a lawyer use that phrase before.

Alan Kissinger: Well, some are on salary and some are on an hourly rate.

Commissioner Borries: I will move that the Vanderburgh County contract for 1996 with Welborn HMO be approved.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

Cindy Mayo: That's all I have.

RE: CONSENT ITEMS

President Tuley: There are several items under the consent items listing for your consideration, although I do have a couple of comments. Although, as I learned, the unappropriated funds is a Commissioner's budget item. The German Township Assessor's Office has a state called meeting, I'd like for that to be shown to come out of the unappropriated funds. The County Assessor has requested two board members also be authorized to attend that meeting, come out of the Commissioner's budget as well, but I think that truly means out of the Commissioner's travel allowance because they are not designated by the State Board that they would certify those people.

Cindy Mayo: Right, they would not, and we did verify that.

President Tuley: I don't have a real problem with it because the state ought to change their ways. If we have two board members, then they should be invited to attend as well, since they are some of the assessment officials. I just want to make sure everybody understands, it will come out of our travel not out of unappropriated. That's the only comment I've got on that.

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

Commissioner Borries: Second.

President Tuley: So ordered.

RE: SCHEDULED MEETINGS

President Tuley: The next item is scheduled meetings. There is a list attached.

Commissioner Mourdock: One comment I have regarding that. Last week or perhaps the week before when the Visitor's & Convention Bureau was here, they talked about their meeting and I didn't write it down on the --

President Tuley: The 25th at 8:30.

Commissioner Mourdock: Okay, originally, I thought I would be out of town but I revised my schedule so I'm going to be able to make that one. Both of you will be in attendance, also?

President Tuley: I've got it on my schedule. Barring any emergency, I'll be there as well.

Commissioner Mourdock: Where do they have their meetings?

President Tuley: I believe --

Commissioner Borries: In the Annex, in the Bureau office over there. If you go in that series of meeting rooms right next to the Executive Inn parking garage.

Commissioner Mourdock: Okay, sure.

President Tuley: There is a Steering Committee meeting this Thursday morning at 9:00 a.m. and there is a whole series of meetings scheduled for next Monday night including the Commissioners...this does not indicate it, but there will be...yeah, it does indicate Executive Session, and a Drainage Board meeting next Monday night.

RE: OLD BUSINESS

President Tuley: Old business? No old business?

RE: NEW BUSINESS

President Tuley: There are two items under new business plus anything that you guys have on your mind that needs to be brought up at this time. Board appointments, there is a listing, or at least I have it. Do each of you have a listing, too, showing all the different Board appointments?

Commissioner Mourdock: Yes.

Cindy Mayo: There are still a few that I'm going to have to check on the expiration. Vision 2000, I don't have updated. There are a couple, we did try to highlight the ones that we feel are truly expired that need to be considered.

President Tuley: We can look this over with the exception of, I was in Area Plan and they want to make sure that we act on whatever we're going to do tonight by virtue of the fact that they have a board meeting scheduled for Wednesday or maybe Thursday of this week.

Commissioner Mourdock: Which?

President Tuley: For the Board of Zoning Appeals.

Commissioner Mourdock: Oh, okay, you said Area Plan.

President Tuley: I was in Area Plan, who monitors or attends those meetings as well, and I think they want to get this one done because they're going to be short on some people, but someone always takes a vacation in January or February and another person who doesn't normally do it is planning on taking vacation. I think what they want to do is contact either the board members and find out how many they're going to have so they need to know for sure who they're going to be. Barbara kind of pushed me that it was important that we take at least some kind of action tonight.

Cindy Mayo: Mr. Helfrich did want me to remind you that they do need their appointments for the meeting for next week, also, but you still have one more meeting. But before the Thursday meeting, he did ask --

Commissioner Borries: Well, I'm prepared to at least make some motion on some of these. I would move that Mr. Al Bauer, Jr. be reappointed for a term on the Area Plan Commission.

President Tuley: He just got elected chairman, we better reappoint him.

Commissioner Mourdock: I'll second.

Commissioner Borries: One of the persons, and he has served with distinction for a number of years is a person who is out of town for two months. We've made a new appointment and maybe with dedicating a plaque to his many years of service, I do have another name of Mr. Alan Groves, a resident of Vanderburgh County, 822 Forest Glen Drive, to serve on the Board of Appeals replacing Dr. Dan Byrne in that position.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

Commissioner Borries: I have a name of a person, again, on the Convention & Visitor Bureau. Mr. Patrick Shoulders is currently serving. Mr. Howerton has served for part of the year, however, I did, in light of much of what has gone on, contact the owner of the Executive Inn, which is the largest hotel in the city, just to see if there was interest of a person serving from that hotel. He indicated that there was. He would certainly like to see the manager of the Executive Inn represent the hoteliers on this particular board, and that would be Mr. Gary Bruton, who is the manager of the Executive Inn at 600 Walnut St. At this time, I would place the name of Mr. Bruton and Mr. Shoulders for nominations for the Visitor & Convention Bureau.

Tape change

Commissioner Mourdock: I'll second the nomination of Mr. Bruton and Mr. Shoulders to the Convention & Visitor's Bureau.

President Tuley: So ordered.

Commissioner Borries: Dr. Ray Nicholson has long been on the Vanderburgh County Board of Health and I would move that he be reappointed for a term on the Evansville-Vanderburgh Board of Health.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Commissioner Borries: Human Relations Commission for persons on there. Someone said that they had expired on 12/94, but I had talked with Floyd Edwards, the Human Relations Commission Executive Director. He indicated both these persons do serve and are interested persons, so at this time, I would ask that Phil Mortis, 408 S.E. First St. and Russell Lloyd, Jr., 344 Wilson Square, be reappointed to the Human Relations Commission.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Commissioner Borries: The Private Industry Council, all of these persons for, again, I think have continued to serve without any change or interruption in their service. So at this time, I would move that Tom Webster of 14900 Browning Road; Jack Buttrum, 719 Hoosier Ave.; and Denise Freier of 10730 Coach Light Drive be reappointed to serve on the Private Industry Council.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

Commissioner Borries: Mr. President, those are all the appointments that I have at this time. Oh, the other one here, and we don't see that on our list, there is a Redevelopment Commission and a Redevelopment Authority by both of the statutes. I don't have -- are they both on here?

Cindy Mayo: I added that today, Rick. It wasn't on your old list, but --

Commissioner Borries: It's not on my list. Who is the person here that...I don't have a name at this time, yet, for the Redevelopment Authority, so perhaps if the other members would want to do that next week we could do so. I don't have a name here.

President Tuley: The Authority...what we have here is that vacancy as a result of an illness of one of the current board members, Mr. Vaughn Myers. What we have in our packets tonight is a letter of resignation of Mr. Myers. Apparently, he's had an illness, so we will need to be thinking about that in the next week.

Commissioner Borries: Put that on for old business next week. I don't have a name.

President Tuley: We have a letter going to Mr. Myers accepting his resignation and thanking him for his job. There will be some stuff here for signatures. Any other new business? We do have several items for signatures here, please, and there is a Rezoning hearing that begins at 7:00 p.m. Motion to adjourn?

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

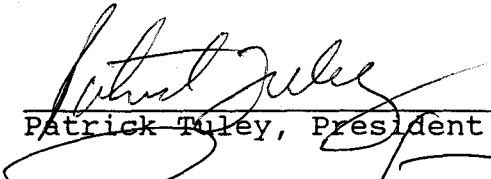
President Tuley: So ordered.

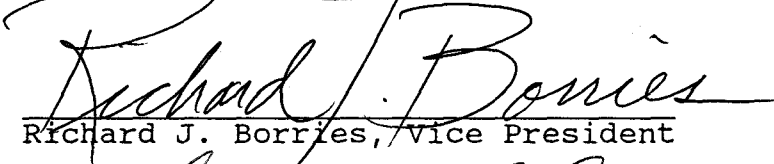
Meeting adjourned at 6:35 p.m.

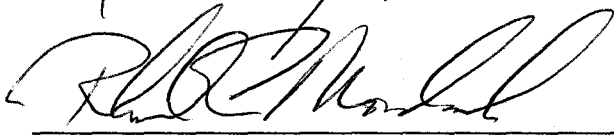
THOSE IN ATTENDANCE:

Patrick Tuley
Richard J. Borries
Richard E. Mourdock
Alan Kissinger
Suzanne Crouch
Cindy Mayo
Teri Lukeman
Janet Watkins
Lynn Ellis
John Stoll
Bill Morpew

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**



Patrick Tuley, President

Richard J. Borries, Vice President

Richard E. Mourdock, Member

VANDERBURGH COUNTY
REZONING MEETING

JANUARY 16, 1996

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**VANDERBURGH COUNTY
REZONING MEETING**

JANUARY 16, 1996

The Vanderburgh County Board of Commissioners met in session on Tuesday, January 16, 1996 for the purpose of hearing rezoning requests at 7:00 p.m.

President Tuley: If we might, before we go to the first hearing, I just want to read into the record. I have a request here from Mr. Steven Bohleber, who is representing Phil & Joan Schneider. This is in reference to VC11-95-5-PC, 10600 Cynthiana Rd. The request is to continue the meeting until next month. Apparently, Mr. Bohleber had just been hired after the Area Plan meeting and apparently he has sent notices, I have copies, to the abutting neighbors, adjoining neighbors. So, if it would be the wish of the Commissioners, we could go ahead and continue this until next month.

Commissioner Mourdock: Would you like a motion?

President Tuley: I would like a motion to that effect.

Commissioner Mourdock: I move that we delay this as you just read into the record.

President Tuley: Okay.

Commissioner Borries: Second.

President Tuley: So ordered.

**RE: VC-9-95 95-50-PC PETITIONER: AD CRAFT, INC.
6331 MILLERSBURG ROAD. REZONE FROM AG TO C4**

President Tuley: The first item to be heard tonight is VC9-95 95-50-PC. The petitioner is Ad Craft, Inc. The property in question is 6331 Millersburg Road. The request is to rezone from AG to C4. Stated use is warehouse storage. As I have done in previous meetings, since I am an employee of Ad Craft, let the record show that I will not be voting, in fact, I will not even be sitting here during this discussion. You need to continue on; I'll excuse myself.

Commissioner Borries: For the record let me say that I am Rick Borries, the vice president of the group. Mr. Tuley has left the hearing room and at this time we will turn it over to the petitioner's attorney, Mr. Les Shively.

Les Shively: Thank you, Mr. Borries, Mr. Mourdock. In order to facilitate this hearing and to move things along, we have -- and once again, I'll state my name for the record. I'm Les Shively, representing the petitioner, Ad Craft. We have prepared, and we submitted this to the Plan Commission, a report similar to the staff field report in the same format. We'd like to give you each a copy. It's already in the record for the Plan Commission. I think this will help you follow the statistics and the particulars of this request. Going right through the outline, which is, as I say, identical and matches up with the categories in the staff field report, we would note the following: contrary to what's noted in the staff field report, the comprehensive plan does not designate this area to remain residential and agricultural. In fact, if you look at the photographs we'll show a little later, this is a very undeveloped area, and that's how it is denoted on the comprehensive plan. Furthermore, I call your attention to Exhibit B, the last sheet of paper of what I just handed to you. I'm sorry, Exhibit A, the second to the last piece of paper. This is a location map of the subject property and that crosshatched area identifies the property as you're looking towards the east or the right-hand side of that exhibit. We're asking for C4. As you

look on the other side of I-164, you will see to the west an M1 just off of Millersburg Road and an M2 classification, another industrial classification, southwest of the subject property. The I-164 growth management report, which is prepared by the Area Plan Commission, acknowledges the potential of the I-164 area for commercial and industrial development. It further acknowledges the water and sanitary service is presently not adequate for a major portion of the I-164 corridor. The report goes further, however, and notes that sewer and water is available at the north end of Green River Road and sewer and water, therefore, could be extended east from that point. What the report says in summary is, that the area of I-164 which this property is located on, those utilities will only be extended as developmental needs, as private developers come along and seek to do certain projects such as this particular request to C4 for a warehouse facility. Incidentally, the warehouse we're talking about would be for Ad Craft's purposes only. This would not be for use by the general public; they would not lease space out to third parties. This would be for the purpose of storage for the sign materials. I would also note that if this were a building to be used in conjunction with an agricultural use, it wouldn't even come before you for rezoning. We're being up front telling you it's going to be used for a commercial purpose and not agricultural. We're going to use it to store our materials. Prior to 1982 through 1990, there were approximately six rezonings approved along the I-164 corridor. After 1990, the area north of the subject property near the Boonville-New Harmony Road I-164 interchange was rezoned to M1. In February of 1995, not quite a year ago, an eight-acre tract at 6000 N. Burkhardt Rd., southwest of the subject property, an area surrounded solely by AG and residential uses was rezoned to C4 for storage and warehousing almost identical to this request. This property also, as further noted in this staff field report, was located in a floodplain and did not have access to sewer and water. It, nonetheless, was approved by this body to the C4 classification. We have already called your attention to the location map showing the surrounding area is AG with the M1/M2 classifications. Turning to the second page of our response, under General Information, the property is in the flood zone in part. This would have no impact on the proposed use since being in the flood zone or floodplain does not prohibit the intended use. Regarding utilities, single phase electric and natural gas are available to the site. Water and sewer are presently not available. Water and sewer would not be necessary for this particular use. If that use would change, obviously, we would have to extend water and sewer from the west. The traffic, streets and access, the best way to describe this is to really look at the photographs. Millersburg Road and County Line Road are two-lane county roads, but they're good county roads, they are probably the maximum width of two-lane roads maintained by the county. Down here, if I could (inaudible) here, give you a better idea. This gives you an idea of Millersburg Road, County Line Road and the area where the subject property is located. As you can see, those roads are fairly wide, provide good access and are well maintained. Now above, in contrast, I'm showing you the roads. This is actually the northern part of Burkhardt Road that actually dead ends at 6000 N. Burkhardt Road, the property you rezoned to C4 in 1995. As you can see, the roads here are far inferior to what roads presently exist and serve the subject property. Again, the stated use is for the warehouse storage facility and, again, it's identical to the similar request on the west side of I-164 at 6000 N. Burkhardt Road, which this Commission approved last year. The main bone of contention appears to be by the staff and by the Plan Commission, since, if you read their comments, their comments are directed toward utilization of the property for outdoor advertising facilities. Now first, we would note the following: number one, this request is being made for a warehouse facility, just like the request last year on Burkhardt Road. Second of all, since 1993, the State of Indiana finally codified a set of rules and regulations and statutes governing the regulation of outdoor

advertising facilities in the State of Indiana on our state highways, which I-164 is one, and that's solely vest with the State of Indiana. References made to a lawsuit involving an attempt to rezone this property almost six years ago, I don't know why that reference is there. We had different laws, we had a different request, and we have a substantial change in the classification of property in the area and the position of this Commission towards classification of property, most notable of which, again, is the action taken on the North Burkhardt Road property. Again, referring to the North Burkhardt Road property, when we were here not quite a year ago and I read that staff field again, because I represented the owners of that property who were trying to sell it to the petitioner. I don't recall any letters being sent to INDOT by the Plan Commission staff, I don't recall any action taken on concerns regarding that. Notwithstanding that fact, we have a clear pattern that's developed. These are the outdoor advertising signs that were in existence in 1990 on property that was ostensibly rezoned to commercial or industrial along the I-164 corridor, stated for other purposes, but for which only they were utilized for the purpose of outdoor advertising signs. Now, those signs are there; to the best of my knowledge they're all legally permitted, both locally and statewide. They came into being, in fact, before the 1993 statutes and regulations went into effect, and to my knowledge, not one penny of federal or state highway money has been lost to this county as a result of those signs being placed on the property. I would also note that I have gone by these properties as recently as two weeks ago and things pretty much look the same even though these photographs were taken in 1990, no other commercial development other than these signs. The top two photographs and the bottom left-hand corner photograph show signs that were put up since 1990. I took these in December of 1995, just about a month ago. These signs are located on I-164 just south of the subject property on the west side of I-164 and these are all signs that were placed after 1990 on property zoned commercial or industrial ostensibly for some other purpose. As you can see, those uses have never been put into effect as of this point in time, but signs have been established there. To the best of our understanding from the state of Indiana, they're all properly permitted, and again, I've shown here for contrast, or at least to give you an example of other signs, one of the most recent signs put on I-164, that's on the 6000 North Burkhardt Road property that you rezoned last February, that sign is permitted by the state, it is there and all we can tell, it's legal in all respects. In fact, the Area Plan Commission gave a Use Permit for this sign before the permit was established and obtained from the state of Indiana. I would make one brief response in following the outline, too, which is the last part of the report on the last page. EUTS expresses concerns about ingress and egress. Again, I would submit to you that the configuration and the width and the turning (inaudible) is established by County Line Road and Millersburg Road is clearly depicted by the photographs. It shows a far superior area of roadway servicing this property than what was available at North Burkhardt Road, which is basically nothing more than a driveway that dead ends at this commercial property. Finally, I'll call your attention to the last exhibit, the last page, of the handout. This is a drawing that was attached to the complaint when the property, a substantial part of this property, was acquired from the Highland family to do the I-164 project. As you can see, this was a part of a larger 42-acre tract. After the state acquired what they needed, what was left of this 42-acre tract was the 5.8 or 5.9 that we're talking about here this evening. The configuration and the amount of land involved no longer lends itself productively to agricultural use. Let me give you another handout here, from the staff at Ad-Craft, the owners of this property. The taxes in 1995 were \$93.98, just under \$100.00. The land cost \$18,000. Now, \$18,000, over the last several years since they've owned this property, on the average, invested in a CD or money market, would earn around 6 to 6.6% interest, or around \$1,108.00 a year. The farm income, however, is only \$412.00, less

the taxes. As you can see, the loss for 1995 is \$869.00. The law is well established in this state and throughout all the United States, that when a piece of property, because of its classification, cannot be used for any viable economic purpose under its present classification, that is tantamount to a taking. Now, we're not asking for dollars, what we're asking for here this evening, we want to release it from the bounds of being held hostage in the AG classification, like many other properties up and down I-164. In fact, over eleven different rezoning petitions have been granted, and we'll be able to use this for a commercial purpose for the warehouse facility that we petitioned for and be able to realize the highest and best use for this land, given its location to this major highway. We do not think this is an unreasonable request. We think, really, in the long run, it's a positive thing, not only for the owner, but for the county at large. It, obviously, will result in an increase in the tax base, allow this property owner to fully utilize its property and really, it's not out of character with other zoning actions that this body has taken in this particular area. With that, I'm more than happy to answer any questions. One last note, I noticed we have a representative from the Indiana Department of Transportation, Vincennes Office, who may or may not be here on this particular matter. There is a reference to a statute in the staff field report under Title Eight which implies that statute prohibits you granting this rezoning. That could not be farther from the truth. Number one, that statute is that regulation. The codification, the laws that deal with outdoor advertising facilities, Indiana law, and Mr. Kissinger can attest to this, the general assembly long ago vested local zoning authority in the local legislative bodies of the communities, not the state of Indiana. So that statute really has very little to do with this request. The zoning power is in your hands, that's why we're here this evening. We simply ask that you treat Ad Craft as you've treated other petitioners in this area and allow this rezoning to be approved. Thank you.

Commissioner Borries: Thank you, Mr. Shively. I think there may be some other persons here who we describe as remonstrators, persons who wish to speak for or against this petition. Is there anyone in the audience here who wishes to speak at this time? Would you come forward, please, and give your name and address for our record?

Paul Gerhardt: Yes, my name is Paul Gerhardt. I live at 6001 Heerdink Lane, that's the property that's south of the property that Ad-Craft wants to rezone. I live there in a house, I've lived there -- I bought it twenty-five years ago or so. I also own property to the west and we farm that property to the south and to the west of that property. When this highway was built, I had a forty-acre slab to the south of that and the great state of Indiana came down through eminent domain and took the property. It is still in court, damages have not been settled and one of the damages that I cited was drainage, noise and various things because I live there in a house. Now, I realize, or at least I realized at the time, when you get a highway, it brings noise, lights, disturbances, which we've had and we've had our fill of it and now it looks like we'll go through some more. Here's a chance to nip it in the bud. I see that once this gets started, like down right to the south of Burkhardt Road, that got rezoned. I thought the Area Planning Commission recommended it not be rezoned, but I see it passed here, and a sign went up. I am afraid the same thing is going to happen here. I live there and I've been paying taxes, I'm raising my family here and I don't appreciate such things. As far as their interest in buying agricultural land and not wanting to use it for agricultural purposes, I would be willing to make an offer for the land so they're not out the money. I would be just right proud to buy that from them, but these people buy agricultural land and they don't want to farm it. All they do is want to put up a sign, it seems to me. I'm still fighting the state over what they done on the eminent domain; I didn't

appreciate that much. I'm the last person in the whole I-164 to settle. I haven't settled yet. And until this all gets settled, I'm not going to settle until I see what the damages are. The damages just keep coming. I, for one, don't appreciate it much. I hope that you vote no on rezoning. Thank you very much.

Commissioner Mourdock: Mr. Gerhardt?

Paul Gerhardt: Yes, sir?

Commissioner Mourdock: I didn't get your address. I'm sorry, where do you live relevant --

Paul Gerhardt: 6001 Heerdink Lane. If you've got a map...

Commissioner Mourdock: Sure. Okay, so you live west of I-164?

Paul Gerhardt: Let's get this lined up here. See this house right here, that's the house. Here's my driveway. It used to come in this way. But when they built this, see, they closed me off and made Heerdink Lane my driveway that comes in now. So I've got this field, this field, and this field.

Commissioner Mourdock: Is Heerdink Lane, is that just a cul-de-sac?

Paul Gerhardt: No, it goes into Heckel, offset a little bit and then it goes on south down where it goes (inaudible) about a mile south. Actually, this is a mile from here, Millersburg Road to Heckel is a mile, and it goes down about a quarter mile more. My driveway now comes in here, this is an old picture map. The driveway comes in here, the house sits right there and the barn...

Commissioner Mourdock: Okay. Thank you.

Paul Gerhardt: Yes, sir.

Commissioner Borries: Are there other persons who wish to speak at this time?

Ron Titzer: My name is Ron Titzer. I own the property at 5930 Millersburg Road, which is west and north, which is just west of the intersection of Heerdink Lane and Millersburg Road, and just across the road from Millersburg. What I'm opposed to is the rezoning because we're opening a can of worms. We have an area master plan that I think was well developed, well intentioned, and if we stick to it, the people that own property and buy property in these areas that have invested in homes, that have invested in property to use for agricultural means, which is what it was designed for, what it is zoned as, what the master plan calls for it to be, to willy-nilly change zoning, and I feel sorry for these people that have made a speculative buy. They bought this in order to change it to something that they wanted to do. That sounds great, but how would you like for me to buy a house next door to you and change that into a garage? You wouldn't like it. It's not what your neighborhood, and I don't know where you live and it's immaterial where you live, you wouldn't want something like that next door to you, because now we've got this rezoned, we'll change it, and what about the one on the other side and then behind you? Before long, our area master plan has gone where? Down the drain. I don't see any reason to compound the problem. If you were led astray into making a rezoning or granting a rezoning petition just south on Burkhardt Road, do we need to be led down that same path a second time? I say we stick with the master plan. That's what it was designed for. That's what all the rest of us live by and live for and why we invest in these areas. To willy-nilly change that is asking for everyone to make a change that they have no control over, but you do. We ask that you consider everyone, not just one. Thank you.

Commissioner Borries: Thank you, Mr. Titzer. Anyone else at this time?

Larry Titzer: I'm Larry Titzer, I live at 1222 St. Johns Road, just east of this property about a mile. We own, my brothers and I own forty acres on the northeast corner of this property and Warrick County and runs north a half mile, and we own another forty acres a quarter mile south of his south line and Mr. Gerhardt here separates us. We have 8/10 of an acre between the county line and I-164, and it's still part of our farming operation. He was saying while ago that five point something acres was too small for farming, well, that's his discrepancy. County Line Road, from Millersburg south, goes 3/4 of a mile and dead ends. County Line Road, from Millersburg Road to the north, there's a bridge down there with a two-ton load limit on it, single-lane bridge, and from County Line east up Millersburg Road, there's nine houses within a half mile. Then from County Line west, clean down to Green River Road, is about a mile. I'd say there's 20 to 25 houses along there and number one, it's a floodplain; number two, I'm highly against any billboard advertising. That sign that they're talking about is almost going to be as wide as the piece of property and is going to be some 50 feet in the air. The highway right there that goes over Millersburg Road is 20 feet in the air. So, I'm flat, absolute against it. Thank you.

Commissioner Borries: Thank you, Mr. Titzer. Mr. Shively, any other comments at this time?

Les Shively: Let me respond briefly in the order in which the remonstrators appeared. First of all, Mr. Gerhardt was here when Mr. Heilman attempted to rezone the property in 1990. He appeared before the County Commissioners September 17, 1990. At that time, Mr. Heilman (inaudible) property Ad-Craft was the prospective purchaser, Ad-Craft had indicated to Mr. Gerhardt, and I'm referring specifically to page 18 of those minutes, we worked out an arrangement with Mr. Gerhardt to accommodate him on screening. Mr. Gerhardt also indicated to me that he might entertain the thought of leasing part of his ground for outdoor advertising signs and also asked Ad-Craft back in 1990, as part of the agreement, to space their signs so that the position of the regulations wouldn't prohibit him from putting signs on his property. We worked out an agreement and before we even had our first public hearing on this request, I wrote Mr. Gerhardt again and said, hey, Ad-Craft is willing to do the same deal and work with you, and we're still willing to work with him. I'm a little surprised that he would change his position. His property hasn't changed any; the only thing that has changed is, in 1990, we had six speculative rezonings approved from C4 to M1/M2 classifications. Now we're up to eleven out there. And also, you look at Heerdink Lane, again, I would call your attention to the second to the last exhibit which shows the M1 and M2 right there in his neighborhood on his side of the highway. We're over on the other side, we're only asking for a C4.

Unidentified: Inaudible - comments not made from microphone.

Les Shively: Can I finish, sir?

Unidentified: Inaudible - comments not made from microphone.

Les Shively: They've got it all, sir. Mr. Gerhardt also has admitted that the property, since the highway has come in, no longer lends itself for residential purposes. He's complained about the drainage, he's complained about the noise, and he says he's still in litigation with the state over that. The first Mr. Titzer that spoke, and I don't know exactly where he lives, I know the majority of the Titzer's holdings are actually in Warrick County. In fact, the last Mr. Titzer that you heard from is a resident of Warrick County. I'm not sure where the first Mr.

Titzer lives because he's never given his complete address at either of the meetings. But nonetheless, the subject property is not adjacent to any homes, it's not adjacent to any residences, there are no homes out there. There have been rezonings up and down from north, south, east and west all along I-164. The master plan simply shows the property undeveloped. The I-164 development plan by the Planning Commission simply says this area is ripe for development if the infrastructure is there. The infrastructure is not going to get there until there are private developers willing to do that. This developer has the means to do that. The cat's out of the bag, I can use the phrase. Maybe that's not the right colloquialism to use, but we started in 1989 rezoning property, the latest of which was 1995, changing what looks like undeveloped, formerly agricultural property to C4, M1 and M2. In fact, this is the most benign of the requests that has been made recently. The property doesn't lend itself for agricultural purposes by itself and we've demonstrated that on a very simple, but very poignant exhibit there on the economics of it. The fact remains, this request has nothing to do with outdoor advertising facilities. That is the specter raised by the Plan Commission. But even if, at some point down the road, the owner of this property would want to do outdoor advertising signs, they have to go through the permitting process. You all have the final say on rezonings, the permitting process is in the hands, ultimately, of the state of Indiana. If they believe this location is not conducive to outdoor advertising facilities, they have the power to say you can't get a permit, because no sign goes up unless you have a permit from this state. That permitting process, if and when it's ever sought, will be in the hands of the state. Also, the Plan Commission still takes the position, they have the authority to require zoning use permits. By the way, that's what they gave to the property on North Burkhardt Road for its sign and there's been no other commercial development other than this sign. It's interesting to me, although again, this request is for the warehouse facility, that there are billboards all up and down I-164 except for one that we were just able to get not too long ago. The majority of these are owned or leased or operated, whatever the term, by our competitor. If you're saying we could never do this, deny this rezoning so we could never, ever use it for outdoor advertising facilities, you're denying us something that our competitors have been given. Again, I would just summarize by saying that this is not inconsistent with what this body has done in the past. Number two, if it's not conducive or appropriate legally for signs, there is a permitting process through the state. They have the ultimate authority. Number three, we have demonstrated this property can no longer be used in any viable economic manner as AG, since this is all that remains of what was formerly a 42-acre tract of land. We ask that you grant this rezoning, keeping in mind that any use that changes from what we proposed here will have to go through the appropriate permitting procedures. Thank you.

Commissioner Borries: Thank you, Mr. Shively. Commissioner Mourdock, any comments at this time?

Commissioner Mourdock: Yeah, I have a series of questions. First of all, I want to correct one thing. Mr. Shively, I think I heard Mr. Titzer, Ron Titzer, say that he lives at the intersection of Millersburg and Heerdink on the north side of Millersburg, west of Heerdink Lane. Is that right?

Ron Titzer: No, I live at the corner of Millersburg and Green River Road, but I own the property at Millersburg and Heerdink.

Commissioner Mourdock: Okay, I misunderstood, but I wanted a chance to clear that up. Several questions here, and I'll ask Barbara for some input and also Alan Kissinger in just a moment. But first of all, I heard it said both ways here by the remonstrators and by Mr. Shively as far as the intent of the I-64 corridor master plan. What is, if you would please --

Barbara Cunningham: To kind of answer that, the comprehensive plan where Mr. Shively says is undeveloped, that is correct. It's listed as agricultural in the comprehensive plan along I-164 and Mr. Shively is correct. When we did the I-164 plan, we spoke of the possibility of development along the corridor if the proper infrastructure was in place and if there was adequate access to the I-164 corridor. The proper infrastructure is not in place. There is no water, there is no sewer and this property is at an elevation, I believe, of 382 and the floodplain elevation that would have to be raised to would be 385, in the floodplain elevation there. So it would have to go to 387 for any buildings that are there. To us, that states that the comprehensive plan, that this land is still farm land, it's not suitable for C4. It doesn't have sewer, it doesn't have -- I don't know if it has water -- but it doesn't have sewer and I don't believe it has water. It has some electric, Mr. Shively said. As we said on the staff field report, it is a spot zoned...Anything else, Mr. Mourdock?

Commissioner Mourdock: Yes, long before I was on this Board, I recall reading in the paper of an attempt at zoning the property that would be just north and west -- when I was a kid, we used to refer to that as catty-cornered, and I don't recall who the property owner was. I'm tempted to say it was a Mr. Rittenhouse?

Barbara Cunningham: I think so. Mr. Shively, I think, represented Mr. Rittenhouse and he --

Commissioner Mourdock: My question then is, what was requested for zoning for that property?

Barbara Cunningham: For that property, I don't know. At one time --

Les Shively: An industrial classification.

Commissioner Mourdock: M1, okay. Looking at this map, I do not see identified on it, but my recollection is that there is a salvage yard in this area.

Barbara Cunningham: There is, that has been long existent. I mean, we're talking 20 to -- how many -- 20 years.

Unidentified: It's closed.

Commissioner Mourdock: It's closed but it's still there?

Barbara Cunningham: Probably. It's been at least 20 to 25 years, I think it's been there.

Commissioner Mourdock: Can you identify on this map for me where that's at?

Barbara Cunningham: I don't know. Can you?

Ron Titzer: I can.

Commissioner Mourdock: I think it's right around here. It's west of Heerdink?

Ron Titzer: Yes. It's west of Heerdink and south and west of this piece of property here. This M1 is a man that had a garage in his backyard, he was the only one that worked in it, he's now closed and retired.

Barbara Cunningham: That also was a court case for many years.

Commissioner Mourdock: The salvage yard?

Barbara Cunningham: Yes, because it expanded outside of the

boundaries.

Commissioner Mourdock: But it is now closed?

Les Shively: (Inaudible - comments not made from microphone).

Barbara Cunningham: It is, but it expanded out --

Les Shively: (Inaudible) -- changed ownerships.

Commissioner Mourdock: Is their agreement, Barbara, Mr. Shively's comment late in his presentation about any sign it would put up would still need approval of the state of Indiana through INDOT. Is that...?

Barbara Cunningham: If it's zoned correctly, anything that goes along the highway will need permits, those from Area Plan (Inaudible - comments not made from microphone).

Commissioner Mourdock: Okay, and Mr. Shively made reference to the previous attempt at zoning this property in 1990 and the fact it was turned down in litigation afterwards, and if I understand it then, you're saying basically the statute changed?

Les Shively: Yes, sir.

Commissioner Mourdock: And...Alan, if you would, can you confirm that?

Alan Kissinger: Is that Rittenhouse?

Les Shively: No, sir. That was the case in the name of Arnold Heilman.

Alan Kissinger: Okay.

Les Shively: It's my understanding that the statutes and rules and regulations that now, till 1993 there was no state permitting process. In 1993, which was well after this lawsuit, there is now a state permitting process and a very extensive state financed inventory of every outdoor advertising facility in the state of Indiana. It's required to go, even existing signs, prior to the adoptions of the statute are required to be permitted, and go through a review process with the Indiana Department of Transportation. That was not in place back then.

Commissioner Mourdock: Okay, and Alan, you concur with that?

Alan Kissinger: Yes, that change has occurred since that time.

Barbara Cunningham: May I just say that information as is submitted is not the information that we had on file (inaudible).

Les Shively: I'd like to respond to that --

Commissioner Mourdock: Go to the mike.

Les Shively: The state was asked, not by me, I don't know exactly how the question was put to them by the staff, but the statutes are there. The statutes speak for themselves, and again, I would remind...the Commissioners were asking for C4 for this warehouse. If, at a later point in time a request is made for an outdoor advertising facility, and Mrs. Cunningham used the term "properly zoned", well, there's a lot of things they look at, the state looks at before they give a permit. They'll be able to examine the record of this meeting, the Plan Commission meeting, all the records, and they can determine at that point in time whether it can continue as just a warehouse or whether they're allowed to put outdoor advertising facilities. The simple fact that you rezone this to C4 doesn't mean tomorrow, I can guarantee it doesn't mean

tomorrow, that a sign can go up legally. It can't. These records will be before them to determine whether the zoning is appropriate, adequate to support the granting of a permit by the state.

Commissioner Mourdock: Let me move from the sign issue for a moment. Barbara, I heard you say that, and certainly, the implication is that the Area Plan vote took place because, in your words of a moment ago, "clearly does not meet C4". I've heard Mr. Shively say that this is for a non-commercial warehouse, which is to say, simply, for Ad-Craft's purposes, not a rental-type warehouse. Given that the disagreement with C4 is there from Area Plan's point of view, could a building permit, would a building permit be issued by the county for the floodplain limitations and other things you mentioned? I mean, even if we did zone it, given that there are floodplain limitations as you discussed, would that building permit be issued?

Barbara Cunningham: Yes, it would have to be raised to the proper flood -- the building itself would (inaudible) would have to be raised to the proper elevation which would be about a five foot height differential and it could be designed to do that. The C4 is not limited to just the warehouse. The C4 is, what Mr. Shively is asking for (inaudible), and what he says is fine (inaudible) but he is asking for a C4 zoning for this total property.

Commissioner Mourdock: Is there any way a building permit would be issued for that structure if the floor elevation was not raised that four or five feet? The presence is water into or out of does not matter?

Barbara Cunningham: No. And I'm not sure if it would have to go to DNR on this, I mean, it has to go through the proper channels and it's in the floodplain, so it would have to (inaudible).

Commissioner Mourdock: If it's below the floodplain, certainly DNR would be involved, because you have to go back and adjust the firm maps and do all that stuff.

Les Shively: I would also note, I guess the building plans, too, would have to be approved by the state since it is not necessarily for the general public, commercial, but it is a commercial building and would require approval by the proper authorities from the state of Indiana. I also would note this, if we ever change the use of this property from what we state right here, we would have to apply for a change of use on the property. The change of use process, it goes through site --

TAPE CHANGE

Les Shively: -- and once, let's say Ad-Craft gets their building permits, they build up the elevation, DNR approves it, the state approves the building and how it's going to be constructed, Ad-Craft is approached by someone who says, I would like to use it for some other C4 use, offering services or whatever to the general public. That would require a change of use by application to be filed, it would be scrutinized by the Plan Commission staff. If, for example, to be something for the general public, then, at that point in time, they could legally impose upon, as a condition to the change of use, extension of sewer and water. I would note, and you guys know this pretty well, unfortunately or fortunately, depending upon how you look at it, if you're the taxpayer or the tax collector, I guess, we don't extend...the Evansville Sewer & Water Utility doesn't extend its sewer lines or water lines at public expense. They cause the developers to extend it at their expense where development calls for that and, maybe not today, but at some point in time, there may be that opportunity for some third party interest in the property. When that happens, hopefully, the value of the (inaudible) will be there to spur extension of the sewer and water line. That's how, unfortunately, we do it around

here. It's not extended at public expense. Maybe that's good for the rate payers, maybe that's good for the taxpayers, but clearly every inch I know of sewer and water line from the last 15 to 20 years has been done, except for special programs, has been at private developer's expense.

Commissioner Mourdock: As a warehouse, is it presently your client's plan to bring water into this facility and have a septic system?

Les Shively: If they are required to do so in terms of their building permit.

Commissioner Mourdock: But if they're not required to do so, they're not going to do that?

Les Shively: Not for the immediate use, right. If they simply use it as a service facility for their signs in the immediate area as they intend to do, or excess material, and simply don't have any personnel there, but they're going to have to present their plans to the state, they going to have to present their plans to Mr. Lehman. If Mr. Lehman says you need to have some sort of septic system or sewer or you need to extend the water, we'll have to do that. That will be a legitimate legal condition on the issuance of any improvement location permit and, ultimately, any building permit.

Commissioner Mourdock: Okay, one last question, and I'm sorry to belabor this, this one is a toughy. Can the owner of this property, Barbara, receive the sign permits without this change in zoning from the state?

Barbara Cunningham: (Inaudible) but what you're looking at (inaudible) you're not really looking at a barn, or you're not looking at Ad-Craft's building to store signs, you're looking at C-4 property.

Commissioner Mourdock: I'm sorry, Barbara, what?

Barbara Cunningham: You're looking at C-4 property. There is no commitment that has to be, a barn to store Ad-Craft's signs or that -- and Mr. Shively is correct, it would have to go through Site Review no matter what it is, but there is no specific easement designated --

Les Shively: But I can assure you if this is approved, we will go down and apply for a Use Permit. The Use Permit will state the purpose of which we are building that structure. Based upon those representations, all the other permits will be granted. If we change that use, we've got to go back, not through the rezoning process, but we've got to go back through the Use Permit process and Ad-Craft (inaudible) on the market, and I can assure you, if this is approved, we're going to make application for exactly what's set forth in this rezoning petition.

Commissioner Borries: Thank you, Mr. Shively. Mr. Titzer, do you have a comment to make or --

Ron Titzer: Number one, I don't want to presuppose, but what zoning would they have to have, minimum zoning, for a warehouse? What is the minimum zoning?

Barbara Cunningham: C-4 (inaudible)

Ron Titzer: They would have to have at least a C-4 for a warehouse? Okay. I was wondering that. I was under the impression they didn't need a C-4, that some other zoning would work just as well for the warehouse.

Barbara Cunningham: (Inaudible) for an M-1 or 2, and they brought it down, they amended --

Les Shively: We were told by staff we (inaudible)

Ron Titzer: Okay, that includes the signs, that's fine. I just needed to know that. I'm not aware of that. The next thing, we're back to the can of worms, as far as I'm concerned. I understand that they're wanting signs and that's their business. I keep hearing this thing about it's only five acres and it's just not viable as a piece of agricultural property. There's farmers here in attendance and there are many fields in this county and others that are less than five acres that are farmed every year and have the same productivity as a hundred acre field. So whether it's a five-acre field or a hundred-acre field has no bearing on this. It's agricultural, I'd like to see it stay agricultural and this is well below floodplain. There's no sewer available, there's no water available and we've tried to get water in the neighborhood. The city water department won't talk to us about it. They won't talk to anybody about it. Thank you.

Commissioner Borries: Thank you, Mr. Titzer.

Les Shively: I'll just say to Mr. Titzer, we'll certainly, if this goes forward and we're able to develop the property, we'll be glad to work with him, (inaudible)

Commissioner Borries: Mr. Mourdock, do you...

Commissioner Mourdock: One last question. Refresh my memory, Barbara, and I guess this comes back to Mr. Shively's comments, the zoning that he referred to on North Burkhardt that we did a year ago, was the flood situation the same with that?

Barbara Cunningham: There was a problem with the flood elevation. There was going to be a (inaudible) picnic area for employees and (inaudible)

Les Shively: (Inaudible) request, it was also for warehousing.

Barbara Cunningham: (Inaudible) you're correct (inaudible)

Commissioner Borries: Are you ready?

Commissioner Mourdock: I guess, if you are.

Commissioner Borries: Do we still have, I mean, if you have questions, do we still have some time within the time to delay for further information, or not?

Barbara Cunningham: December 6 is when it was voted on and was forwarded (inaudible) have ninety days from that point.

Commissioner Mourdock: I don't know that time is going to make any difference. This is just one of those that's always going to be a tough one. Are you ready to vote?

Commissioner Borries: It is tough. This is extremely difficult. That's the only way I can describe it.

Commissioner Mourdock: I'll make the motion if, Rick,...Since we make the motions to the positive, I will move the approval of zoning of 95-50-PC from Ag to C-4.

Commissioner Borries: I will second. Call for a roll call at this time. Commissioner Mourdock?

Commissioner Mourdock: Given the nature of the property, and you've heard me say this many times on here, trying to be

consistent with what we have done elsewhere and recognizing that is a corridor out there that's certainly going to see land use change over a period of years, because I have to vote one way or the other, I'll vote yes.

Commissioner Borries: And I will vote yes. The motion is approved.

Ron Titzer: We'll know how to vote next year.

Commissioner Mourdock: That one is a tough call. That's real tough. Either way I vote on that, I'm not going to feel good about it.

Commissioner Borries: Yeah, I hope that change is going to be something that, as our representative on the Plan Commission this year, you can be sensitive about. It's a difficult situation because we do get into cat and mouse games of semantics here. Frankly, I'm not sure how you can deny certain requests under the broad area of some of these ordinances unless we begin to get a little more accurate here to pin down exactly what we say we're going to do, but it's very difficult under some existing standards and it's a tough call.

Commissioner Mourdock: It is a tough call and I...the word spot zoning is one that I'm very sensitive to and I just don't like that word and I'm sure I could be accused of that for that vote. But I look at the land use out there and the longer term. That's what I see. I mean, what other land use is that going to have other than that, and I am hard pressed to deny value of property to land owners. In this case, I don't think that change of land use is going to diminish in any way the effective land value and real estate value of the neighbors. And, I guess, am I accurate in this, Barbara? If that was left as AG property, and a farmer wanted to build a barn on it that was 30' X 50', we wouldn't have had any of this discussion, would we?

Barbara Cunningham: That's right.

Commissioner Mourdock: Which is basically, I think, what that's going to end up being is a pole barn, and simply because we change the zoning...

Barbara Cunningham: Well, it quite possibly could be a pole barn, but it also could be something else --

Commissioner Mourdock: I understand, that's a very valid point.

Barbara Cunningham: You know, you put a C-4 (inaudible) along there and (inaudible) the access is not that great (inaudible)

Commissioner Borries: I think where we're headed is, in that general area, if further development is going to occur, we're going to have to take a hard look and see what kind of infrastructure is going to happen and pin down some questions here because that's what is really going to be vital to it, if we don't get sewer and water.

Barbara Cunningham: Not only that, you've got the floodplain, you've got to tie into that, too, (inaudible) --

Commissioner Mourdock: It does, and, quite frankly, and I'll say this for the record even though the gentlemen have left, the thing that pushed me over the line with this was the floodplain issue, because if there is a use here for something other than agricultural land in the floodplain, this is it. I mean, I don't see that, granted if there's more infrastructure, you might see something, but you can put in all the sewers you want to and all the water lines you want to, and a floodplain is still going to be

a floodplain, short of a massive levying project out there that isn't going to happen.

**RE: VC1-96 96-8-PC PETITIONER: HARVEST FINANCIAL GROUP
618 NORTH BURKHARDT RD. REQUEST AG TO C02 WITH USE
& DEVELOPMENT COMMITMENT**

President Tuley: The next one is VC1-96 96-8-PC. The petition is Harvest Financial Group, 618 North Burkhardt Road. The request is to rezone from AG to C02 with a Use and Development Commitment, stated use commercial office. I'm sure confused to see you standing up at the podium. I thought he was here on a state matter.

Greg Curtis: My name is Greg Curtis, I'm here this evening to represent Harvest Financial Group. It's kind of unusual for me to be standing up here in the hot seat in a position other than as an employee of this Board. But we're seeking, as the Commissioner said, we're seeking a C02 change from AG at 618 North Burkhardt. The purpose of this business is a financial consulting business. Presently, it is a residence. We intend to use the existing building as an office for approximately 12 to 18 months. After that time, we intend to build behind there to build a new office building within this zoning designation. We made a Use commitment to address the access concerns in the staff report and we are very committed to the concerns behind that and feel that it's in our best interest as well. However, we don't want to relinquish all control, as to what access would be to the office. The office will house six employees who are in the field much of the time, but off and on, six employees. One of the things, also, that was in the staff report indicated that we didn't state that we were willing to close the existing access when a new one was relocated. I thought relocation meant to move from one point to another, and so, therefore, that's why it was worded that way. We have no problem closing that. We have submitted our site plan already for this through the one stop process and believe, under my understanding, that we have made the modifications needed for acquiring the permits. We appreciate your concern in this matter and I hope this is not nearly as grueling a decision for you as the previous.

President Tuley: As I look at this, those pictures you submitted, this is right next door to the cancer center there?

Greg Curtis: Immediately south.

Barbara Cunningham: Greg and I have been talking about this. If I may, I'm not a remonstrator for this --

Greg Curtis: One other thing that I intended to say, I've got it written in my notes, we did contact the adjoining property owner to the south and they had no interest in rezoning. We wanted to rezone both of our pieces of property at the same time and they had no interest in averting that cost and having us do it for them.

Barbara Cunningham: Okay, the one thing I do want to say is that, at Site Review this morning, there are three properties along Burkhardt in this area that are not zoned south of the cancer center before you get to the scale place, before you get to Virginia. So this is where we are. All three, Site Review, and we talked to Greg this morning, we appreciate his working with us and the fact that he is agreeable, or his client is agreeable, to changing the cut at one time. We all agree, we would hate to see three separate cuts on three 75 foot lots along Burkhardt Road, and we certainly hope that we can devise some transportation plan in that area, that it can be done. I think it's something that we'll need to remember when the other two properties come in for rezoning, that we will, I would think, ask them to also work with us on limiting the access points on Burkhardt. Another thing, and I don't know if Greg even got a copy of this, as we've talked with

the Health Department because this will (inaudible), septic system, when you change from residential to commercial. I just passed one copy of it, well, I just gave it to Richard because we just have one copy, Brett Townsend, I think, has come up with a reasonable plan to address the septic issue. I'm going to give you this copy so you can have it as part of your plan. I think what we're asking, and we want you to put it on the record, is that we think that the residential septic can be used for a period, but if any nuisance occurs with regard to waste water generated on the premises, the applicant will take all necessary steps to connect improvements to the sanitary sewer. There is sewer available in the area and the applicant would also agree that within one year from Area Plan Commission use approval for the project, that they shall take the necessary steps to secure necessary permits to connect improvements to the sanitary sewer and further that within 18 months of that approval, all waste water will be connected to the sanitary sewer. I think Greg has worked with us, as their representative, has worked with Brett Townsend on this. Is that right?

Greg Curtis: We're very agreeable with that.

Barbara Cunningham: Good.

President Tuley: I have to ask, I don't see any, but I assume there are no remonstrators, then? Motion to approve?

Commissioner Borries: Mr. President, I move that VC1-96, Petitioner: Harvest Financial Group, be approved.

Commissioner Mourdock: I will second.

President Tuley: Roll call vote, Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Tuley: Commissioner Borries?

Commissioner Borries: Yes.

President Tuley: And I vote yes. The request is approved. That did take a lot less than the last one. I got tired of standing around.

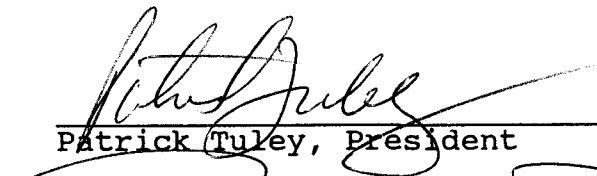
Commissioner Mourdock: That was not nearly as grueling as the other one.


Meeting adjourned at 8:03 p.m.


THOSE IN ATTENDANCE:

Patrick Tuley
Richard Borries
Richard Mourdock
Alan Kissinger
Suzanne Crouch
Teri Lukeman
Les Shively
Paul Gerhardt
Ron Titzer
Larry Titzer
Barbara Cunningham
Greg Curtis

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**



Patrick Tuley, President

Richard J. Borries, Vice President

Richard E. Mourdock, Member

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS
JANUARY 22, 1996

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VANDERBURGH COUNTY
BOARD OF COMMISSIONERS MEETING
JANUARY 22, 1996

The Vanderburgh County Board of Commissioners met in session this 22nd day of January, 1996 in the Commissioner's Hearing Room of the Civic Center Complex at 5:50 p.m.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Tuley: I'm sorry we're late. We'll call this meeting to order. As a means of introductions for those of you who may not know: to my far right is Cindy Mayo, who is the Superintendent of County Buildings and our office administrator; to her immediate left is Alan Kissinger, the County Attorney; to my immediate right is Commissioner Rick Borries; I'm Commissioner Pat Tuley; to my immediate left is Commissioner Richard Mourdock; to Richard's immediate left is Suzanne Crouch, our County Auditor; to Suzanne's immediate left is Teri Lukeman, who will be the Recording Secretary for this meeting. If I might ask all of you, as you approach the Commissioners tonight, please, for the record, state your name and address and speak clearly and please speak from the podium, if you would. If you will stand with us, please and face the flag, as we say the Pledge of Allegiance.

President Tuley: Agendas as located along the wall there for anyone who does not have one that would like to have one to follow along.

RE: ACTION ITEMS

President Tuley: Under 4A, the first item up is the approval of the minutes of last week's meeting.

Commissioner Mourdock: I'll move acceptance of the minutes of the meeting of January 16, as submitted.

Commissioner Borries: I will second.

President Tuley: So ordered. At this time each week the Commissioners ask for anyone who may be in the audience who does not find their name or topic for discussion, is given the opportunity to come before and address the Commissioners. Now is that time, if that applies to anybody in here.

RE: DENNIS FELDHAUS - HELFRICH INSURANCE

Under Item C, Dennis Feldhaus, in reference it says here, Workman's Compensation.

Dennis Feldhaus: Good evening, Commissioners. My name is Dennis Feldhaus. My business address is 2303 West Franklin St. I currently serve as the insurance agent for Vanderburgh County. Before going into worker's compensation, worker's compensation is a part of the entire insurance portfolio that I need to discuss with you this evening. Before we get into the property and casualty, I would like to digress back to a request on my part to the Commissioners allowing me to place the Vanderburgh County group life insurance benefits that is presently with the Hartford Insurance Company with another carrier by the name of American United Life, more commonly known as AUL. My purpose for that request is two-fold. The first is pricing in that we can get the same coverage and the same benefits for the county employees with no change to the taxpayers and the Commissioners. We can do that for less premium to the order of about \$2,400 a year savings to the county. The second issue for my desire to switch is for service purposes. I would be dealing, the county would be dealing with an insurance carrier that is domiciled in the state of Indiana, whose home office is in Indianapolis, which to my benefit would be great

for the service end of things. I've experienced quite bit of service hassle and headache with Hartford over the past four years and I believe it would behoove the County Commissioners to allow me to do so and ask for that permission at this time. That would be effective 2/1/96. Are there any questions from the Commissioners at this time, on that issue?

Commissioner Mourdock: The \$2,400 we're saving, Dennis, what is the total amount? Or what is that as a percentage?

Dennis Feldhaus: Let me give you, if I may, Commissioner Mourdock, our current monthly premium, and I apologize, I don't have that. It's like \$2,385 a month for the group life benefits. That will vary based on the number of employees eligible for group life on a month to month basis. On the basis of 637 employees, your monthly premium with AUL will be \$2084.95.

Commissioner Mourdock: So we're basically getting one month free?

Dennis Feldhaus: That's correct.

Commissioner Mourdock: Okay.

Dennis Feldhaus: The employee rate of one penny would not change. That also includes accidental death and dismemberment as the current Hartford policy.

Commissioner Borries: I move that the agreement with AUL be approved.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

Dennis Feldhaus: Because of the timeliness of having this effective on 2/1, I'll ask the President of the Commission to sign off on the application so we can get that forwarded up.

Commissioner Mourdock: Do you need a motion?

President Tuley: Yeah, just to clear it up, make sure there's no misunderstanding.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

Dennis Feldhaus: The next item on the agenda for insurance purposes this evening is our property and casualty accounts. All renew effective February the 1st. I'm here to request permission to move forward on the renewal of that contract. I've already previously distributed to you a summary of the account and I'd like to, for the benefit of public record, review that again. An overview of the account is the broker, which is PENCO, which stands for Public Entities Company, has not changed from the expiring policy. The insurance companies that carry the contracts for the Vanderburgh County insurance program have not changed except for the first company, Northfield Insurance Company, now underwrites 100% of the all lines aggregate portion of that policy. In layman's language, Northfield is on 100% of the first million of exposure for the county. It used to be 70% and 30% Lloyd's of London. I requested through PENCO to try to broker outside of Lloyd's of London primarily for two reasons, again, one is they are very difficult to conduct business with and secondly, they are presently undergoing some financial problems at Lloyds. I would prefer to be 100% with an American national company here in the United States. The other carriers of St. Paul, Great American and

Midwest are on the expiring policies with no change. The claims administration is still being administered by Willis Corroon, out of Indianapolis. We know him more as Vince Brush, if you're involved in claims, that has not changed. The cost for that portion of the county's program has not changed. The agent of record, myself, has not changed. A quick comparison of the expiring policy to the renewal policy: our property limit is up \$5,680,000 over the expiring policy. That's basically due to rate of inflation, cost indexes to the county property that is currently on the policy and more fleet and more contractor's equipment that we have, through the year of 1995, acquired. The crime coverage is greater than the expiring policy. This involves our ability to do away with the need of a blanket bond for county employees because the law now allows us, as long as we have a \$300,000 limit, to provide that coverage under the crime portion of our policy, which we are doing so.

Commissioner Mourdock: Dennis, excuse me one second. What does that mean, crime coverage?

Dennis Feldhaus: Theft, employee dishonesty, faithful performance.

Commissioner Mourdock: Okay, employee dishonesty.

Dennis Feldhaus: Employee dishonesty, faithful performance and theft.

Commissioner Mourdock: Okay.

Dennis Feldhaus: The payroll basis, which work comp. is based on, is up simply because the county payroll is up from the prior year. You would think with more property coverage, more crime coverage, more payroll basis, that our total annual cost to the county would be up and I am pleased to say that it is actually down just a hair by \$118 over the expiring total cost for Vanderburgh County. We are basically renewing 2/1/96 to 2/1/97, and getting more for a little less. It would be a lot less, going into my comments, I would like to show about a \$17,000 decrease, but our losses in '95 were not something that I would want to continue in '96. The June 8 storm hurt us. We've had some litigation that has hurt us and some work comp. claims that have hurt us. So in light of all that, I am very pleased and I think it's an excellent package for the premium. In addition, in years prior, we had separate negotiated contracts with Jerry Schenk and Associates for the loss control and the appraisals for county property. Jerry just died, he's deceased, he died last April and through PENCO, I did not replace his services and they waived that, and I asked them to do so for '96 - '97. In essence, we are not going to pay a separate fee for loss control. I will be doing that and we will not be paying a separate fee for any appraisal works till 2/1/97. That basically saves the county \$26,500 in service contracts. The last item is the employee benefits service agreement which is between myself and you, the Commissioners, acting as your liaison on the insurance committee, and that agreement will not change nor will my fee change for that, for 2/1/96 to 2/1/97. Insurance is boring, but if there's any questions, I would be more than happy to entertain.

President Tuley: When you said you're not a lawyer and you're not several things, earlier when I talked to you, but you're a darn good negotiator.

Dennis Feldhaus: I appreciate that. Thank you.

President Tuley: I think, Dennis, no misunderstanding here. By you doing the loss control and not having to hire somebody out, and you incorporate that into your fees, correct? Is that the way I understood that?

Dennis Feldhaus: Yes.

Commissioner Borries: By employee services, aren't you talking about that you have also represented the county in relation to some negotiations for our health care benefits?

Dennis Feldhaus: Yes. That all comes under the employee benefit service agreement which is negotiated every year with our three providers. This year, we basically, on the health insurance rate, would maintain the same cost level. We made some co-pay changes as far as the benefits to the employees, but, yes, that's a no-win situation, as you might expect. You have an employee group who wants no change and you have an employer group who wants to cut costs, so it's a tough task, but it gets done.

Alan Kissinger: That's why he sent you.

President Tuley: Money well spent.

Dennis Feldhaus: The only other request that I would have would be the 2/1 renewal must be paid through PENCO by 2/10, which would bring the invoice and the blue vouchers out of order through the Auditor's Office. I would ask for permission to have that done and have the Commissioners sign off if they agree to the renewal package and deliver that through Terri Woodward in Suzanne's office so that we could get the appropriate payment in time to pay the companies.

Commissioner Borries: I would certainly move that request be granted.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

Dennis Feldhaus: Thank you. If there are no other questions, that's all I have this evening. The county is on an excellent program and should be good until 2/1/97. The loss control and the loss fund is, with the recent transfers, we should be okay.

Commissioner Borries: Great job, Dennis.

President Tuley: Thank you, Dennis.

RE: JOE PROFAIZER - SCT SERVICES

President Tuley: Item D, Joe Profaizer.

Joe Profaizer: Good evening, my name is Joe Profaizer. I'm with SCT. What I'm requesting this evening is that an extension to our contract, partnership with the city and county through June 30, 2002, also providing a full-time employee in the micro computer arena at no additional cost. I've been talking with both city and county fiscal authorities and Chief Gann, our contract administrator, over the past few months, and been in negotiations, recently got Data Board approval on the extension on December 13 of 1995. Both sides have concurred on the agreement and that's what I bring forward to you tonight for your signatures.

President Tuley: Alan, did you get a chance to quickly review that?

Alan Kissinger: I haven't reviewed it, I'll be glad to.

Joe Profaizer: I have the amendments from SCT's side that have been signed, that needs to be presented to you. That has been reviewed by Kevin Winternheimer on the city's side. I worked closely with Bettye Lou Jerrel on the county side.

Commissioner Mourdock: The question I guess I have and it's one that I get nervous about just as a general philosophy, here. The

term of this contract is very lengthy compared to typical county business. It certainly goes well beyond the terms of any of us on this Board and, in fact, I guess it probably goes beyond the term of any elected official. I'd like to hear whatever comments you might have, Chief, and Joe, too, as far as why, given the nature of the industry, why do we want to have a contract this long?

Joe Profaizer: Well, from SCT's side, the norm has been in the past of three year extensions, I believe, and with providing an additional employee at no cost, with the five-year extension, that's a way we can recoup some costs, provide that employee at no additional cost to our clients, thus providing, hopefully, better and more expedient services.

Art Gann: Obviously, having the additional full-time equivalent employee that's going to specialize in PC's in something that the Data Board and a lot of the user community has felt has been necessary for quite some time and the city and county were both hesitant to engage in another employee, but through negotiation with SCT they agreed if we would agree to a contract extension. That's why it was done, but why would we be willing to enter into a long-term contract is what I thought your question was. I think probably, the best answer for that is, one thing, we have been very satisfied with the long-range planning capabilities of SCT Corporation. They've done an excellent job for us and we've seen nothing to indicate that anything is going to change in that regard. Secondly, we have a very complex installation now. As you might recall, when we first started this whole project with SCT, the police department had like twenty-three terminals. We thought, boy, we're going to max out and we're over a couple hundred devices right now and still growing, in the second phase of hardware updates already. A lot of maintenance contracts, and I think it's in the city/county's best interest to have a long-term controlling party overseeing such a complex issue as data processing in the city/county. We're very pleased with the long-term strategic planning that the SCT Corporation has done, very comfortable entering into that, plus the contract language in there has options for just about everything for either party to get out and then they could recoup some losses, recoup some funding, so there's a lot of protection in there for city/county should they want to terminate, I think there's two different dates in there during the term of that contract. They can terminate without cause and then there's some financial adjustments in there, so should those conditions change, which I really doubt would ever occur, there are options in there for whoever the current office holders are, too, to terminate this contract or with SCT to terminate.

Commissioner Mourdock: I see that now and I didn't before. I appreciate you pointing that out.

Art Gann: I think continuity is a very important part on this issue for the city and county.

Commissioner Mourdock: I don't disagree, the continuity is a big issue. This is one of those cases, from the private business side I would look for the longer term as a plus, but I guess as an elected official, I see it as a potential negative. Throw that in with the overall computer industry, it changes every, what, four months, it seems?

Art Gann: Yeah, you're right. I can't argue with that, but you know the learning curve on this. It's just pretty bad.

President Tuley: How long have they had the contract, Chief, do you know? Joe, do you know? When did you guys -- because I remember when I first came into this building that...

Joe Profaizer: Maybe '89?

Commissioner Mourdock: Yeah, it says '89, July 5, '89.

Art Gann: We negotiated the first one, I think it was three years, then we went with a five-year, an option within that five years to get out if we wanted to. This will be our second renewal with SCT.

Commissioner Mourdock: Just for the record, I'd like to read the language that you were referring to a moment ago, Chief, which is from --

Art Gann: You're not going to hold that against me, are you?

Commissioner Mourdock: No, no. This is confirming --

Art Gann: There are limits to this Data Processing Board job!

Commissioner Mourdock: No, just Section 2D, Right to effect early termination. The following is added at the end of Section 12A:

Notwithstanding anything to the contrary contained in the Agreement, Client shall have the right to terminate the Agreement without cause, effective June 30, 1998 or June 30, 2000, by providing SCT with written notice of such termination by not later than December 31, 1997 (with respect to termination on June 30, 1998) or December 31, 1999 (with respect to termination on June 30, 2000).

Art Gann: See, that guy thought insurance was boring, he didn't get a chance to see these documents. There are several protections in there for both SCT and the city and county. We think it's good contract; we think it's a good contract for the city and county to pick up an extra employee, and as you know, the shift of focus from dumb terminals over to PC phase workstations is growing at such a rate and the hours that we're putting our current PC person through are really unreasonable. This kind of is the best of both worlds. I can assure you that Leslie and Bettye neither one liked that idea at the beginning, either. They felt the same way, it's too long-term, we just don't do things that way; but the benefits far outweigh their concerns.

Commissioner Mourdock: I've not spoken with either one of them. Did I understand you before, though, Joe, that you were saying they were on board with this, also? The copy that I have has not been signed by the city yet, either. Is that right?

Joe Profaizer: No, we go there Wednesday. That hasn't been signed, correct.

Art Gann: We go there Wednesday. But Bettye and Leslie have both been involved in this negotiation process.

President Tuley: I just, personally, having dealt with SCT as Treasurer and now as Commissioner, you guys have done a good job and I've not heard many, if any, complaints from the various department heads and office holders. So I have no qualms whatsoever about signing the contract.

Commissioner Borries: Okay, I move that this extension be approved.

Commissioner Mourdock: And because it does have the notice regarding termination without cause, which I see just as a potential fallback position, I will second that motion.

President Tuley: So ordered.

Commissioner Borries: Joe, I have one other item here, which I

don't mean to put you on the spot, but probably do need to get on the record and maybe have a little civics lesson here in the process. As you know, this building is jointly shared by two tenants and that is the City of Evansville and the County of Vanderburgh. There are, I guess, other subunits, townships and so forth that I think tend to fall under the county's umbrella. The reason why I bring that up is because there always appears to be some tension and confusion over how this property is allocated and it's real simple how it's done. I know you know, but I just need to put this in the record. I guess, like it or not, as a county executive, this Board is responsible, and we receive a bill from the Evansville-Vanderburgh Building Authority every year for our rent space. As with so many things in life, things change. Some spaces are used more than others for certain periods of time and there appears to now be some vacancies that I guess exist in this building that one unit of government has seen to either use or want to continue to use to house the State Board of Accounts to do part of their auditing. But, for the record, the reason why I mention that is, this Board, with our power as the county executive being responsible for this space, is it your knowledge or is it a request from you that you do need additional space?

Joe Profaizer: Absolutely.

Commissioner Borries: Alright. Okay, that's all I wanted to know, Mr. President, at this point.

President Tuley: I've got one question for you, Joe, and I don't mean to put you on the spot, but I do want you to think about it. Apparently, the room in question has been used, as Commissioner Borries alluded to a little bit, for the Board of Accounts doing the audit on the city. The room, 318, is obviously the room. I was not aware there was a problem until late last week or early this afternoon. If the room was given to you, is there room to support both the functions you need and three or four months out of the year, room for those auditors to be in there? And I'm not asking you to make a decision, but I need some input from you because that's a function for the city to deal with in and of itself. The county auditors have a place.

Joe Profaizer: My feelings are, over the past three years, we've been trying to get room. The first place was Solid Waste. We got a little portion of that room. We're running out of room, have ran out of room, as I told Rick. Is there space in that room for three or four more people? There probably is. As a professional overlooking the city and county's computer systems, security really concerns me.

President Tuley: Let me interrupt you. Physically, there's room, but from the security standpoint, there's not room?

Joe Profaizer: I would feel uncomfortable having people in there other than SCT employees, especially with our plans of moving the micro computer arena up there, and as Tim VanCleave and his future colleague go on technical runs to their respective departments, and having people that I don't know in that room, although we have talked about partitioning the room. But that's my main concern, is security for the city and county as a whole.

President Tuley: Okay, you answered my question. Thanks.

Commissioner Mourdock: I would just add one thing to the security issue that Joe brought up. The more we do with computers, the more an issue that has to be considered. It doesn't matter what type of software you're using or anything else, with everything from viruses that are out there to just physically safeguarding the actual hardware. That's a valid issue.

Art Gann: We're just looking for ways to accommodate this problem.

President Tuley: Alright, we'll get back to you.

Commissioner Borries: My whole point was that folks want to just kind of walk in say, you know, we're going to do this or we're not going to do this or whatever. I really just don't think we'd ever talked about it and for the record we just needed to get it on there if you need the space. If we do that and you said you did, that'll certainly help us with our decision that we have to make.

Joe Profaizer: Okay, thank you.

RE: SUZANNE CROUCH - COUNTY AUDITOR

President Tuley: Suzanne has a discussion on the implementation of the codification system.

Suzanne Crouch: Thank you. I just wanted to take the opportunity to update the Commissioners on the codification of the county's ordinances. As you all are aware, this project was initiated in 1993 as a joint city/county project and the city implemented their codification in 1994. Last week, the county received it's code and accompanying database. My office met with Data Processing this afternoon and would like to share the following discussion. There is a feeling that perhaps it would be beneficial to upgrade the current DOS version to Windows. This would allow other offices to access the information much more readily and much easier. The Commissioners also need to give some consideration to designating what offices they want to be able to access and inquiry that information. I know there's been discussion on not only the Commissioners' Office, but the law library and perhaps the Council office so that they could actually access those ordinances and the relevant minutes that will be input by the Auditor's Office. Since this project was started over two years ago, we're already outdated as we've had some discussion this evening. The movement towards these two goals, mainly the updating, would make it easier for us to accomplish our mutual goal of making the information more easily accessible by not only government offices, but by the public. We're in the process of getting together some costs and hope to come to you within the next week or two with a report on that so you can arrive at a decision.

Commissioner Mourdock: What all types of information would be available? You mentioned the ordinances and also the minutes.

Suzanne Crouch: The ordinances and minutes of the County Commission and County Council meetings.

President Tuley: All of them or just those related to the --

Suzanne Crouch: No, all of them. What they'll have to do is, we'll have to designate a point in time where we go on the new system, if it would be Windows. Their thinking is perhaps that would be January of this year and we would have to go back and convert those to the Window process. However, we also will be able to access all the other minutes that are on the VAX currently using the DOS system. So, they will write a program where you will be able to actually access all minutes by indexing. So, you can see how easy it would be not only for your office, but for the Council and then the public, through the law library to be able to --

Commissioner Mourdock: Not to get overly technical here, do you know what the software is, putting that information together with -- you're putting information on a computer now, do you know what software you're using to do that?

Suzanne Crouch: It's the current system, they call it the VAX. Unfortunately, Joe left before we could get into this discussion. I'm not as knowledgeable in that area as he is. They call it the VAX system. Do you know, Cindy or anyone?

President Tuley: That's what it's called. I know that.

Teri Lukeman: Tim VanCleave is still here.

Suzanne Crouch: Tim, I'm sorry, do you want to come to the microphone and maybe you could answer some of the more technical questions that the Commissioners would have?

Commissioner Mourdock: Let me ask my question in a better fashion. If you're going to use something as basic and universal as what Windows is, I presume it's going to be something as simple as like an MS Office, or something like that, the software, Word, that's going to be pulling this information back out. Is that safe to assume?

Tim VanCleave: For the record, my name is Timothy VanCleave and I am the network specialist from Systems Computer Technology serving the county in the micro computer arena. To answer your question, the publisher that did the codification also provides a software package called CodeMaster that, in a DOS format, utilizes Word Perfect 5.1 to access the minutes as well as the ordinances that are within the database. The Windows version moves away from having to purchase a second word processing package such as Word Perfect to access that information. It is built into the Windows product. A second feature that comes with the Windows format is a more general usage of all the information tied into one file. Presently, under the DOS version, it is broken down into several subdirectories. Basically, it would be like saying the county ordinances are in the Vanderburgh County Civic Center Complex, then telling them it's on the second floor, then you have to go to the Auditor's Office, then you have to go to a certain section of the Auditor's Office, then go to a certain filing cabinet, etc., etc. It's a very long and lengthy process, so distributing it to, for example, the public libraries, who have made a request to have on-line access to the ordinances, it would make it very difficult, not impossible, but more difficult to distribute it under the DOS method. With the Windows version, it's generated under a more generic format, the Rich.Txt format, better known as RTF, which can be accessed by more than just a particular type of word processor. It is not isolated to Word Perfect. You could use Microsoft Word for Windows, you could use Word Perfect for Windows, in theory, you should be able to use Word Perfect for DOS to access the information that the Windows version of CodeMaster can create.

Commissioner Mourdock: That answered my question because there's other ways to get to the information, so for the user, ultimately, it's going to be fairly user friendly.

Tim VanCleave: Correct.

Commissioner Mourdock: And I can't believe you're much of a computer person; you actually said that in such a way that I understood it, which is not typical of a computer person.

Tim VanCleave: And in relationship to the VAX system, in essence, it is a version of Word Perfect 5.1+, very similar to the DOS version, it is written for the DEC operating system, which we know as the VAX. May I answer any other questions?

President Tuley: That took care of it. Thanks, Tim.

RE: LYNN ELLIS - PURCHASING

President Tuley: Department head reports, Lynn Ellis from Purchasing.

Lynn Ellis: Good evening. I have one item. I kind of consolidated all of these bids that are going to be have to redone, the annual contracts and my sole purpose of being here tonight is

just to ask permission to advertise for those bids that need to be advertised and to solicit bids for those that do not need to be advertised. The bids would be received at different times and the receipt place will be determined by the greatest user. Some will be opened by the county and some will be opened by the city. Then I will bring all of them back to you for award. This is the same way we did it last year.

President Tuley: Questions?

Commissioner Borries: I don't have any questions.

President Tuley: Motion to approve the request?

Commissioner Mourdock: I'll move approval of the advertising for bids and I guess I need to read these? For APA002, 3, 4, APA006, 7, 8, APA014, 15, APA019, 020, APA022, APA025, APA030 and APA033.

Commissioner Borries: I will second.

President Tuley: So ordered.

Alan Kissinger: It would probably also be appropriate to grant Ms. Ellis permission to solicit quotes on those items that don't require bids.

Commissioner Mourdock: I'm sorry, could you repeat that?

Alan Kissinger: She also asked for permission to solicit quotes on those items that didn't require advertising for bids.

Commissioner Mourdock: I'll amend my motion to also include those items as stated by Ms. Ellis.

Commissioner Borries: I'll second that amendment.

President Tuley: So ordered.

Lynn Ellis: Thank you.

RE: JOHN STOLL - COUNTY ENGINEER

John Stoll: The only item I have this evening is a travel request for Tim Spurling and Valerie Harry to travel to the County Bridge Conference at Purdue on January 31 and February 1st. It would involve the use of the county vehicle.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

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

Commissioner Mourdock: Heard anything, or is there anything scheduled as far as getting together with the architect selected last week for the Auditorium project?

John Stoll: That, I wanted to get in touch with you to find out what the next step was as far as the scope of work and the agreements and things like that. I don't know if the, should we go with the scope of work that was defined by the task force committee?

Commissioner Mourdock: I was going to suggest that just perhaps at one of our meetings here in the very, very near future, perhaps as early as next -- I won't be here next week -- maybe the following week, that we serve notice to the public, have a quick little

presentation by this group of architects as to what they envision the revised Auditorium to be, which would, in a sense, be a discussion of the scope of work as laid out by that committee, and then also just invite a little public input to see if there were any comments to that discussion.

President Tuley: We can bring Mike in and let him talk about it, but I think Mike is going to be looking for some guidance from us in terms of funding still, but you're right, I mean, if you tell him you've got "X" dollars or "XY" dollars, I mean, he can come up with a plan, but I think the idea of following the task force recommendations and maybe some additional public input might not be a bad idea.

Commissioner Mourdock: I guess my motive, and I don't apologize for this motive at all, but part of it is that there seems to be this sense in the community that we're not moving forward on it. You and I know that this thing takes time, there's a lot to be worked out, there's a lot that we still don't know, specifically regarding the bonding. I just want to do something to get this thing rolling a little and if it means word of his appearance at this meeting to discuss the project might promote a few people from the community to come and talk about it, at least the community understands we're not just sitting back waiting for something to happen; we're trying to be a little pro-active instead of just reactive.

Commissioner Borries: I don't have any problem with having Mike come before us. I think he's done a lot of this before in terms of some of the conceptual things, because you know, Richard, that he's not going to have any detailed kinds of ideas that he could come up with.

Commissioner Mourdock: I do understand that, Rick, and I guess the other part of that I would come back to is just having a little public input as far as, we've had the committee that Rolland and his very capable group provided information on, I'm not sure that information has been very well disseminated through the community as far as what it is that they were looking to do, what their task was. Quite honestly, a lot of the comments I've gotten thus far have been, will the building do this, will the revision include this, and I'd just like to, again, have a --

President Tuley: Talk in generalities about what we envision?

Commissioner Mourdock: Right. I've had everything discussed to me from the possibility of including a hockey rink in there to why even have the Auditorium, if they're going to do that at the Victory Theater, let's do something different now. I'm not necessarily favoring either of those, I'm just saying those seem to be the comments that are out there. Granted, we don't know precisely what we can do until we have a better source of funding, but at least I think that discussion would be well served.

Commissioner Borries: Hopefully, in the next few weeks, we'll have a little clearer information and some commitment on the part of the Visitor & Convention Group to be willing to participate in this process.

Commissioner Mourdock: Indeed, very good point.

President Tuley: And along those lines, their meeting is this week.

Commissioner Mourdock: Thursday at 8:30 at their office. Are both of you planning on being in attendance, or do you know at this point?

Commissioner Borries: I will be there, but very briefly. I have

another meeting that will start at 9:00 or pretty shortly thereafter, so I don't know what kind of agenda they have, but I certainly am going to be prepared to make remarks in favor of their consideration.

Commissioner Mourdock: I will be there as well.

President Tuley: And I will be there. John, do you want to contact Mike and just see, you say you're not going to be here next week?

Commissioner Mourdock: I will be out of town next week.

President Tuley: Okay, how about the first meeting in February?

Commissioner Borries: That will be fine.

John Stoll: You just want him to present what his conceptual plan of the Auditorium renovations would be and then we'd take some input --

President Tuley: With him having just been selected and not having parameters of money, but at least of a very general nature of what he envisions, based on that committee's recommendation and his past experience with the Auditorium and knowledge of the building and it's capabilities, and what have you.

Commissioner Mourdock: Yeah, and I would add a specific point to that, because one of the things we asked for in the scope of work that did not publicly, not that it necessarily should of, but did not publicly become an issue, is dealing with subjects like the acoustics, like the heating and air conditioning. You know, have him tell us what he sees as real priorities that need to be defined out there and how he's going to do that and with whom he's going to do it. It's my understanding he suggested having another firm come in and do something specialization with the acoustics and those kinds of things.

President Tuley: And maybe a phasing in, so to speak, if that's a possibility, if we can do one phase --

Commissioner Mourdock: Excellent point.

President Tuley: Can this thing be put together where we don't just shut the building down unless we just absolutely have to? Maybe we can phase it in, and again, we're talking very general, at least conceptually, or at least the thought process. I'm sure Mike's had some opportunity to at least think in those general terms.

John Stoll: Okay.

President Tuley: That's all I've got.

John Stoll: Thanks.

RE: BILL MORPHEW - COUNTY HIGHWAY

President Tuley: Let the record show that Bill Morphey submitted a report covering the period from Friday, January 12 through Thursday, January 18 for the County Highway Department as well as for the Vanderburgh County Bridge Crew showing work done in various parts and throughout the county. How are we doing on sand and various aspects of snow removal seeing as how we've been hit with so much here recently? Are we in pretty good shape still?

Bill Morphey: Yes, we're getting some additional salt in tomorrow. I have enough on hand now for another snow or two, but we're going to replenish what we've used. We hauled the sand just about all

week last week, so we have plenty of material. Now we're dealing with the river. We closed several roads last night: South Weinbach is closed; Waterworks Road is closed; Happe and Seminary. It will be over very soon on Old Henderson at Blakely Slough; it's nearing that point now.

Commissioner Borries: And they're not talking about a crest yet, are they?

Bill Morpew: You know, they were talking about a crest at 42 feet on Thursday, but then that's changed somewhat because, I guess, of all the thawing going on up north. Mainly, what happens here depends upon the Corps of Engineers, but they usually don't have too much of a care for us, I suppose, I don't know. But whenever the water backs up like this and they close those dams down south, when they open them up again, we're going to have a lot of erosion down there. Same old problems, I just hope it doesn't wash the roads away, again. But we'll just battle it, I guess.

President Tuley: I'm sure you'll keep a watchful eye out for us.

Bill Morpew: Yes, sir. I will.

Commissioner Mourdock: On another subject, Bill, last week or perhaps two weeks ago, Rick brought up the point about having a meeting to get comments from the public for road resurfacing. Did you get a date for that?

Bill Morpew: No, sir. Actually, I haven't even really discussed anything with John, yet, John Stoll. I have looked at the road paving list, things that we didn't accomplish for last year. I have started on a list which includes all of those first and some additional roads. We generally have that at the first week of April. It's usually advertised in March, the last several years it has been, anyway. It's advertised in March and have it at the Commission meeting the first week of April, I think it is.

Commissioner Mourdock: I asked because, simply as you might have guessed, I've had two people saying, hey, I want my road paved, and I told them such a meeting is up and coming, and they'll have their chance to make their voices heard...and I gave them your name.

Bill Morpew: Thank you. What roads were they?

Commissioner Mourdock: One was Mann Road, out past Bixler; the other one was down in Union Township, and I don't recall what the name of it was.

Bill Morpew: In Union Township? That's amazing.

Commissioner Mourdock: Yeah, what have you done lately, right?

Bill Morpew: Quite a bit down there. Mann Road, between Owensville and Bixler needs to be widened and surfaced all the way.

Commissioner Mourdock: Do we have the appropriate right-of-way to do that? Do we know?

Bill Morpew: In some areas we do and in some areas we don't, but the property owners out there, one in particular who owns most of the property, said they would be willing to donate whatever right-of-way needed that was indicated by the county, to widen that road.

Commissioner Mourdock: Is that, in fact, or has that in the last couple of years been moving close to the top of your list, by chance?

Bill Morpew: It has been creeping that way, yes. There was a bridge just replaced out there this past year and there is still

either one or two box culverts that need to be widened before that road can be done all the way through.

President Tuley: Anything else? Thanks, Bill.

RE: ALAN KISSINGER - COUNTY ATTORNEY

We have numerous items under the subject of consent items: employment changes, travel requests, etc.

Commissioner Borries: You forgot Alan and Cindy.

President Tuley: How did I...I just drew an "X" through you guys--
Alan Kissinger: You were reading my mind because I have nothing to report.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Cindy Mayo: I just have one item of information I need to tell you about. This came into the office last week. It's addressed to Mark Acker, in care of Soldiers & Sailors Memorial Coliseum. I believe it's probably for some work that they are wanting done on the doors. They did say it was a sealed bid. I was off last week. I called Mr. Acker today to find out. It's not gone through purchasing. I spoke with Alan Kissinger; we don't believe it's anything that needs to be opened at this meeting tonight, but I just wanted to make you aware that it did come into the office. I will get with Mr. Acker, he was not in the office today, and find out what this pertains to and what we need to do with it. That's all I have.

President Tuley: Sorry, I didn't mean to cut you two off.

Alan Kissinger: No, that's no problem.

Cindy Mayo: Any time.

RE: CONSENT ITEMS

President Tuley: Now let's move on to consent items, then.

Commissioner Borries: I move that the consent items be approved.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

RE: SCHEDULED MEETINGS

President Tuley: Where is my scheduled meetings at?

Commissioner Mourdock: I don't have one.

President Tuley: I don't have a list attached; I think the important meeting this week, we've already discussed.

Commissioner Mourdock: Right, the Convention & Visitor's Bureau. After tonight, it's blank, so I would say Thursday, the 25th at 8:30 with the Convention & Visitor's Bureau is the most important meeting that we should be concerned with this week. Next Monday night there will be an Executive Session and Commissioners, and then on the 31st there is a Personnel & Finance meeting of the County Council.

RE: OLD BUSINESS

President Tuley: Do we have any old business before the Commissioners?

RE: NEW BUSINESS

President Tuley: Any new business? It says here, board appointments.

Commissioner Mourdock: I've got one. I'll just be real quick on it. I was a bit concerned, as I suspect both of the other Commissioners were this past week, regarding the map that appeared on the TIF zone, up in the northern part of the county. I think we certainly need to make sure we work closely with the folks in Redevelopment and also Area Plan. First of all as a news item, and I don't know that you're aware of this, you may be, that it has been indefinitely withdrawn from APC. Originally, it was scheduled to go before them on February 7, so I think it's at least off for a month, perhaps more. I'll certainly, I guess, go on the record with my concern that the width of the thing when it was discussed with me regarding a corridor, that meant, basically, parallel to either side of 41 going north and then there had been some discussion about paralleling Baseline Road, or I'm sorry, not Baseline Road, there's another north.

Commissioner Borries: North of Baseline?

Commissioner Mourdock: Volkman, and I understood that. I was just shocked when I saw how much acreage was out there, and again, I had several calls with great concern regarding what did that mean in regards to the TIF possible zoning, the change in the neighborhoods and those types of things. So, I think we need to watch that one very closely.

Commissioner Borries: Well, I was going to say exactly that same thing. I think that one of the things that needs to be meshed together here is that the Area Plan Commission and the Department of Metropolitan Development, since they apparently generated this, need to match the comprehensive plan together. Where the residential and industrial areas are envisioned to be in the future, and certainly it seemed to me that was very wide. The point that I was going to make is I think all of us want the economic growth, that's why the TIF zones are planned, but we also want a balance between that and the excellent quality of life in that area, and if we don't have that, we're not really doing very effective planning for the future. Also, apparently, we do have one, I think some of the homeowners out there were concerned about this whole thing, but one of the vacancies, I need to get Alan, maybe, to give us his opinion. I don't think there would be any problem or any conflict, we have a vacancy on this Redevelopment Authority. I would like to suggest, and you know, it's not a paid position, it's one of those board positions that we appoint through various citizens. There's a citizen and a resident of Vanderburgh County, John Stoll, who serves as our technical advisor, he meets frequently with the Water & Utility Boards and everybody to look at the infrastructure to see what kind of plans are to extend these things and all that is basically what we would have to look at in a TIF zone. So, I would propose that if there is no conflict of interest, and again, it's not a paid position, I think we've had a previous employee of the county from the Sheriff's Department that served on this, that John Stoll be our representative on this Redevelopment Authority and that John would have that technical information plus be meeting with these other utility-type groups to really focus in on what's going to be needed, what the cost of that is going to be, and what's a reasonable area to draw for a TIF zone, if such a TIF zone is going to be needed in the future.

Commissioner Mourdock: I like that idea, I guess I have the one question, though. Don't take this personally, John. Are we saying John Stoll or are we saying County Engineer? Are you saying the position should actually be the County Engineer's position?

Commissioner Borries: Well, if --

Commissioner Mourdock: I mean, I don't have a problem with that.

Commissioner Borries: Yeah, and I would assume that the County Engineer would be a resident of Vanderburgh County, they generally have been. In this case, I felt that he would have the ability as well as be able to get the information and I was really looking to him as a person, probably giving him a deal he couldn't refuse because we really haven't talked about this prior to this meeting, another meeting that he would have to go to. They don't meet all the time, and again, it's one of those Boards that meets only as needed, only when there are economic development considers to come up. I wouldn't have any objections to it being the position of the County Engineer as long as that position, that person, which we would always assume would be a resident of Vanderburgh County.

President Tuley: Don't they have to, I mean, assuming they met all the other requirements?

Commissioner Mourdock: I wasn't so much saying it as a resident of the County or not, I was just saying that whoever is the County Engineer, at whatever point in the future, we're saying as a matter of precedent, that whoever that County Engineer is, would have as part of his duties, serving on that commission. Again, I think that's probably a wise idea. I was just trying to specify in this case, are we saying the individual, John Stoll, who would also be a fine person to serve on that commission. But I'm just trying to clarify if we're talking position or personality.

Commissioner Borries: Again, there's no pay for this, so I don't see it as a conflict or any two lucrative positions or anything like that since there's no --

Alan Kissinger: The only problem I see with making it a long-term, or with this position goes this duty, is the possibility that some time in the future, we may not have a County Engineer's Office and may, in fact, contract with an engineering firm. But that can be taken care of if that eventuality occurs.

Commissioner Borries: Well, at this point, I would move that to fill that position on this Redevelopment Authority to have that technical expertise, that the position of the County Engineer would be the one to fill that particular spot.

Commissioner Mourdock: I'll second.

President Tuley: So ordered. You got a new job, John.

Commissioner Mourdock: Just curiosity wise, with the TIF thing as it was reported, did you guys get any questions on that, too?

Commissioner Borries: Yeah, and that's what prompted me to do this. I had several comments and several concerns. Again, I think that whole thing is a balance, we all want economic growth, but we don't want it in our backyard, we want economic growth to take place in a reasonable defined way and that's why I think that the engineer would have some knowledge of that.

Commissioner Mourdock: The questions that came to me, both, from two different individuals, dealt with zoning and their point was quite valid. As residents of the area, they saw what we were trying to do as, what was being suggested as a TIF, was that somehow it was going to rezone their neighborhood, industrial. On the one hand, while I can explain to them doing TIF doesn't change their zoning; on the other hand, the whole purpose of the TIF is to raise property values, and the best bang for our buck in that regard is through industrial. So their points were certainly not without merit.

President Tuley: The only comment I'll make on this, since you

guys have both done a pretty good job of explaining the situation and your feelings, is I did confirm today with the Metro Development Director that the request has been withdrawn at this point and to gather more input from the various bodies here. So, at this point in time, it has been withdrawn. Now, let's go to board appointments.

Commissioner Borries: Alan, one question on Community Corrections. There appears to be some confusion. Is it this Board, as County Executive, that appoints those members?

Alan Kissinger: Yeah, if the Commissioners will recall, I did some research on that and basically summarized all of those Community Corrections statutes pointing out the appointments that the County Commissioners have. I am relatively certain, although I am going to double-check that right now, I am relatively certain that one of the members is supposed to be a member of the Vanderburgh County Council, but the appointment is made by the Vanderburgh County Commissioners. I'll confirm that very shortly.

Commissioner Borries: One appointment, then, to this board would be, from the School Board, their designee would be Mr. Gary Staley. To the Central Dispatch Board, I would move that Mark Owen be reappointed. Apparently, those terms -- did we find out what the term was?

Cindy Mayo: Four years and it did expire December of '95.

Commissioner Borries: Okay, and I would move that Mr. Owen be reappointed to a term on the Central Dispatch Board.

Commissioner Mourdock: I'll second.

President Tuley: Okay, we have a motion and a second. So ordered. That takes care of the Board appointments. I think it would be appropriate at this time for this Board to offer our condolences to County Commissioner from Warrick County, Joe Madden's family. As I understand it, he passed away and our condolences to the voters of Warrick County as well.

Commissioner Borries: I noticed that with regret. That's certainly very appropriate.

President Tuley: The closer I get to 45, the younger that looks.

Commissioner Mourdock: You're not there yet?

President Tuley: Not yet.

Commissioner Borries: Well, having hit that point, every year beyond that, maybe, you'll just feel like is a grace period.

President Tuley: Okay, is there any other business before the Commissioners? We do have a Drainage Board meeting that should start here, let's just say within the next few minutes.

Commissioner Mourdock: Or as soon as Mr. Jeffers is found. I'll move for adjournment.

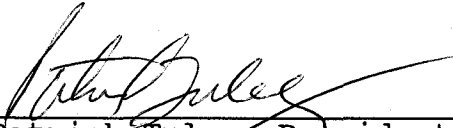
Commissioner Borries: Second.


President Tuley: So ordered. We are adjourned.

Meeting adjourned at 6:54 p.m.

THOSE IN ATTENDANCE:

Patrick Tuley
Richard J. Borries
Richard E. Mourdock
Suzanne Crouch
Alan Kissinger
Cindy Mayo
Teri Lukeman
Dennis Feldhaus
Joe Profaizer
Art Gann
Tim VanCleave
Lynn Ellis
John Stoll
Bill Morphew
Member of the media
Others unidentified

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Patrick Tuley, President

Richard J. Borries, Vice President

Richard E. Mourdock, Member

Recorded and transcribed by Teri Lukeman

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS
JANUARY 29, 1996

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VANDERBURGH COUNTY
BOARD OF COMMISSIONERS MEETING
JANUARY 29, 1996

The Vanderburgh County Board of Commissioners met in session this 29th day of January, 1996 in the Commissioners' Hearing Room of the Civic Center Complex at 5:45 p.m.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Tuley: Okay, here we go again. We're a few minutes late. If we may, we'll call to order the meeting of the Vanderburgh County Commissioners, January 29. At the point of introductions, to my extreme right down there is Cindy Mayo, who is our office administrator and Superintendent of County Buildings; to Cindy's immediate left is County Attorney, Alan Kissinger; to my immediate right is Commissioner Rick Borries; I'm Commissioner Pat Tuley; Commissioner Richard Mourdock is not with us tonight, but will be back next week; to my immediate left is Suzanne Crouch, County Auditor; and to Suzanne's left is Teri Lukeman, the Recording Secretary for this Board. If you would, please stand with us and say along, as we say the Pledge of Allegiance, please.

RE: APPROVAL OF MINUTES

President Tuley: Under action items, we have the approval of the minutes from the last meeting held January 22, and by the way, agendas are posted there along the wall for anybody that would like to have one.

Commissioner Borries: Mr. President, I move that the minutes of January 22, 1996 be approved as engrossed by the Auditor and dispense with the reading.

President Tuley: Second and so ordered.

RE: ANY GROUP OR INDIVIDUAL WISHING TO ADDRESS THE COMMISSION

President Tuley: I will second and so order. The next item on the agenda is item 4B. This is the opportunity for anybody who does not find their name or their subject for discussion to come before the County Commissioners. Now is the chance for you to come before the Commissioners. Anybody here meet that? Okay.

**RE: JAMES SALLEE - VANDERBURGH COUNTY COUNCIL ON AGING
HANDYMAN PROGRAM**

James Sallee: Why I'm here involves the Vanderburgh County Council on Aging Handyman Program. I'm filing charges that I was discriminated against for unfair labor practice. I've got some papers here I could give you all, the only trouble is, I only made one copy of it. They terminated my job. I've been there longer than anybody else. There's a guy working there ain't been there a year. There's a guy that they just called back to work, he's been laid off for over a year. You want me to go through -- I don't know how to go about this really. Do you want me to go through and read the grievance?

Commissioner Borries: Mr. Sallee, I have a question, here. I'm not sure that you're going to be in the appropriate place, because I'm trying to...is this part of the Community Action Program of Evansville or does this have to do with Southwestern Indiana Regional Council on Aging, SWIRCA?

James Sallee: Yes.

Commissioner Borries: They don't receive any funding from us.

James Sallee: Okay, I don't know, I went to the City Council

meeting last week and they told me to come here. That's all I know. I can't get anybody to listen to me. I filed a grievance with the director, he won't answer --

Commissioner Borries: You can do that, you, I mean, you're going to be hurt if you go to a court of law. You have the ability, and what you should do is file suit in a court of law. What I'm saying is --

James Sallee: I filed an unfair -- there's been an unfair labor practice filed by the National Labor Board. I just got contacted today by them.

Commissioner Borries: Okay.

Alan Kissinger: Mr. Sallee, we don't control Southwestern Indiana Regional Council on Aging.

James Sallee: Who do I need to see? That's my problem, I can't get anybody to tell me who I need to see.

Alan Kissinger: I don't know, but it's a separate organization --

James Sallee: It's a government funded organization.

Alan Kissinger: Entirely possible, but it's not funded by approval of the County Commissioners or appropriation by the Vanderburgh County Council, so we don't have any authority to do anything in reference to your case.

James Sallee: And you don't know who I need to see? I can't find anybody to tell me who to see. The Board of Directors, the President of the Board won't even answer my grievance.

Commissioner Borries: If they have a Board of Directors, that is the proper group to see, because that group has to have direct responsibility or authority over the administration of their program.

President Tuley: Wait a minute. Would he have cause to see Floyd if his basis of this thing is either age or sex or --

James Sallee: But it's not, I've done been downstairs and talked to --

Commissioner Borries: Floyd Edwards in Human Relations?

James Sallee: Yeah.

President Tuley: So that's not the basis for it then?

James Sallee: No.

President Tuley: So they would not be the group?

James Sallee: No.

Commissioner Borries: And have you filed a suit in either circuit or superior court?

James Sallee: No, not yet.

Commissioner Borries: That's what I would suggest at this point.

Alan Kissinger: Probably your only alternative is to seek legal counsel to see if you have a just issue or suit that can actually be tried in court. But we certainly don't have any control here whatsoever --

James Sallee: Okay, see, I didn't really know who to go to.

Alan Kissinger: I understand --

James Sallee: I filed one with the head of the department, which is Ed Donovan, I filed one with Dale Work, which is the President of the Board, and neither one of them answered my grievance, and so I gave them a notice that come the third Tuesday of February, that's when the Board of Directors meet, and I've asked permission to be there. But I didn't know what else to do.

Alan Kissinger: Do they have legal counsel who attends their meetings?

James Sallee: I have never been there. I don't know.

Alan Kissinger: Okay, I think that --

James Sallee: I have no idea. Mike Schiff is their attorney, the one that does the attorney work for the Council on Aging.

Alan Kissinger: You might want to talk with him --

James Sallee: I've tried, he won't talk to me either. I've even sent him a letter.

Alan Kissinger: We are without any power or authority here.

James Sallee: Okay.

Commissioner Borries: I'm sorry.

James Sallee: It's not your fault, I'm just trying to find out where to go.

RE: JAYNE BERRY-BLAND - BOARD OF FINANCE

Jayne Berry-Bland: Hi, I'm Jayne Berry-Bland, Vanderburgh County Treasurer. According to IC-513-7-1, we have to meet once a year and it has to be in January, between the first Monday of January and the last of January. All this is, this is not for the designated depositories, this is for me to present my investment report for the previous year. So, for '95, I have the investment report for the General Fund money and also for funds that I have invested. I also have prepared a new investment policy for Vanderburgh County. I followed the old guidelines and more or less condensed it, changed a few things. We do present a monthly report, not quarterly, so everyone can see what we're doing on a monthly basis. If you'll open up the first page, I'd like to state that on the General Fund, I made a total of \$1,693,759.27 in interest, which was a fair number, and in the total funds that we invested in '95, I made a total of \$323,888.31. Also, during this meeting, we have to elect a president to the Board of Finance and a secretary. In the past, we have asked that the Auditor's Office, because they have this recorded and had the recording of the meeting, to maybe type out the minutes. If that's not possible, then someone else will have to be designated to do that, to act as secretary.

Commissioner Borries: I don't think it will be lengthy minutes. Can we --

President Tuley: We're doing it right now.

Suzanne Crouch: Yes, as we speak.

Jayne Berry-Bland: So we do need to elect a president.

President Tuley: Has that not been in the past, the County

Treasurer?

Jayne Berry-Bland: Well, in the past, we've kind of done it different ways. We've had a Commissioner as president and then the Treasurer as the secretary, although we have always had the Auditor's Office to record our minutes for us, so they really are the acting secretary for us. It's mainly a formality.

Commissioner Borries: Well, I believe you've done a fine job investing and so, unless there is a statute that says otherwise, I move that the County Treasurer be President of the Board of Finance.

President Tuley: I will second.

Jayne Berry-Bland: Okay. Are there any questions regarding this investment policy? Mr. Kissinger, I'm not sure, this does need to be in place before the end of January, which doesn't give you a lot of time. It's basically the same investment policy that we've had previously. We have to, by law, follow Indiana Code. It's pretty simple, I've stated in that policy what codes we have to follow. I've just mainly condensed it, changed a few things, that we provide reports monthly, not quarterly.

Alan Kissinger: And this is in the form of a resolution?

Jayne Berry-Bland: Yes.

Alan Kissinger: The only glaring error I see is the person you named as president of the County Commissioners.

Jayne Berry-Bland: It's Pat, isn't it? I saw that.

President Tuley: Well, I believe if that's the only...we can change that real quick.

Jayne Berry-Bland: Right.

Alan Kissinger: It is a resolution to facilitate the performance of the Treasurer's duties, and I think the Commissioners should give it favorable consideration.

Commissioner Borries: Okay, by changing the designation as president and member, I would move that the Vanderburgh County, Indiana Investment Management Policy be approved.

President Tuley: Second. Resolutions do not require a roll call, correct?

Alan Kissinger: Correct.

President Tuley: I will so order, then.

Jayne Berry-Bland: Does that need to be recorded?

Alan Kissinger: Yes, it should be. Any resolution, ordinance... well, no. Does it need to be recorded? No, but it does need to be made a matter of record, and the County Auditor is the official record keeper for the County Commissioners.

Jayne Berry-Bland: Okay, thank you.

President Tuley: Thank you, Jayne.

**RE: LETTER OF RECOGNITION TO LAURA COLLIER, COORDINATOR OF THE
VANDERBURGH AUDITORIUM VOLUNTEER PROGRAM**

President Tuley: The next item is the letter of recognition to Laura Collier, Coordinator of the Vanderburgh Auditorium Volunteer

Program.

Commissioner Borries: I had a request to do this because of some of her work. Let me just read it briefly.

"We are pleased to commend Laura Collier's outstanding work as coordinator for the volunteers program at the Vanderburgh Auditorium Convention Center. The volunteers are a strong asset to the effective operation of the facility. Their numerous hours spent in assisting events at the Auditorium dramatically lower the operating costs. Laura's professional and patient manner of working with the volunteers has contributed to the success of the program. Laura Collier is a valued employee who represents the very best of public servants. Her recognition honors all who work quietly and competently for a better community."

Laura has spent many hours, again, and in a very patient capacity, working with the volunteer program over there. They dress up in their red vests and really do a nice job of ushering and facilitating a number of events over there. So, it was requested that we do this and I was pleased to read it into the record at this time.

President Tuley: Okay, do we just need to sign it and send the letter over there?

Commissioner Borries: I think that's it, yeah.

President Tuley: Tremendous program they have going over there.

RE: AUDITOR'S OFFICE - REQUEST TO ADVERTISE BID SPECS FOR TITLE SEARCH SERVICES

President Tuley: Okay, next we have the Auditor's Office, request permission to advertise bid specs for title search services as I'm sure is related to tax sale activities. Do you have a copy of it in your...

Commissioner Borries: Yes. I move that the specifications for bids be approved.

President Tuley: I will second and so order.

RE: LYNN ELLIS - PURCHASING

President Tuley: We'll go on to department head reports. I don't see Lynn here. I don't really see anything in my packet --

Cindy Mayo: She had called and she spoke with Sunny earlier about something that she might be -- we didn't know if she should be on or not, so we put her on in case she did show up, but she gave us nothing in writing.

President Tuley: Okay, we can always come back if she were to show up.

RE: JOHN STOLL - COUNTY ENGINEER

John Stoll: The first items I've got are travel requests for David Franklin, Valerie Harry, Tim Spurling and myself to go to four different training courses up in Indianapolis. Each one would involve the use of a county car and they involve zero to five nights in hotels. There are no registration fees for these courses, but they would help out in our design and construction. I'd like to recommend that they be approved.

Commissioner Borries: So moved.

President Tuley: Second and so ordered.

John Stoll: Next, I have a request for the acceptance of Pine Gate Road and Harvest Gate Road in Browning Road Estates, Section II. All these roads were constructed according to the plans as they were approved and we have received the as built plans. I recommend that we accept these streets.

Commissioner Borries: I move that the roads described by John Stoll be approved.

President Tuley: I will second and so order.

John Stoll: The next item I've got is a change order on the Franklin Street bridge project. The change order is for \$99,002.10. Of that amount, 20% would be the county's share. The reason for the change order is there was quite a bit more steel in the bridge that had deteriorated and needed to be replaced that wasn't identified in the plans, and the structural steel bolts were omitted from the original contract. So those were the two primary reasons for the increase. The work has been done and I recommend the change order be approved.

Commissioner Borries: So moved.

President Tuley: Second and so ordered.

John Stoll: Next, I'd like to request to go before Council to request an appropriation in the amount of \$40,840.00 for the Franklin Street bridge. That would cover the change order that was just approved and there will also be a supplemental agreement for the inspection, which that amount was for \$5,300.00. There was also a claim that I thought was paid in '95 when, in fact, it was paid in '96 and I didn't encumber enough money to cover it. So that totals up to the \$40,840.00.

Commissioner Borries: Move the request be granted.

President Tuley: Second and so ordered.

John Stoll: The next item I've got is street plans for Sycamore Hills, Section IV. This is the, what's supposed to be the final section of Sycamore Hills. This is a non-curb and gutter road. It's just shoulders, it's got 12 foot travel lanes with open ditches along the side. The county road standards allow for that, even though in the past, we haven't had too many streets that have come in without curb and gutter.

President Tuley: I think there was a recommendation last week, this came up...this was Sycamore Hills, right?

John Stoll: Right.

President Tuley: Is this Gary Williams?

John Stoll: Right.

President Tuley: Were you sitting here during Drainage Board?

John Stoll: No, I wasn't.

President Tuley: I thought there was a recommendation made during the Drainage Board that he put rolled curbs and gutters on this.

John Stoll: If you want to postpone that, we can go check the minutes.

Commissioner Borries: I would want rolled curb and gutter on it.

President Tuley: Yeah, I think that came out of the last meeting.

Commissioner Borries: Has the rest of the subdivision...

John Stoll: Yes, the rest of the subdivision does have curb and gutter.

Commissioner Borries: Well, I would --

President Tuley: Why don't you look into this before we give an okay on that, because I've got a feeling that was brought up by the Surveyor's Office during the Drainage hearing last week.

Commissioner Borries: It may have been.

John Stoll: Even if it wasn't, I'll have him change it to include curb and gutter on the street section. The final item I've got is a request to include the replacement of a 42 inch pipe on Strueh Hendricks Road in conjunction with the two box culverts that we're replacing on Strueh-Hendricks Road. This pipe was originally looked at possibly being slip lined, but now it looks like the best method is to go ahead and replace the pipe. It will be a change order in the amount of about \$10,000. With the contract already being out there, it's not going to be a substantial increase as we won't be paying for his mobilization and everything, and the size of that pipe is just too big for the county bridge crew to handle.

Commissioner Borries: I move the request be granted.

President Tuley: Second and so ordered.

John Stoll: That's all I have.

President Tuley: John, would you take a couple of minutes, here is a very large packet of claims and the total of \$131,764.79 from the Department of Public Works, right, South Green River Road project? Have you seen that?

John Stoll: Yes. Those are the final two claims that the city has sent us for the construction on the South Green River Road project. We owed them 50% of the construction cost according to an agreement that was signed back, I believe it was in 1990. That claim has been reviewed by my office.

President Tuley: And you recommend paying it then?

John Stoll: Yes.

President Tuley: Okay, that's what I needed to know.

John Stoll: We've finally got it resolved where I believe they've paid all of their construction reimbursements for section A of North Green River and this should finalize our payments to the city for South Green River. There will still be some additional reimbursements back and forth for section B in North Green River Road and then we still need to bill the city for design services for South Green River Road, but we're finally getting to the end of this mess.

President Tuley: Okay, anything else?

Commissioner Borries: I'll confirm after I talk to the Area Plan Commission tomorrow, see if one person from your office could attend the meeting. A resident near the area that we've gone through extensively on the drainage plan for the proposed golf course, I can't think of the name of the subdivision. What is it?

John Stoll: Eagle Crossing.

Commissioner Borries: Yeah. What I want to find out is what the status of the rezoning is to see if -- I don't think it's gone through a final subdivision review here. Has it?

John Stoll: I'm not sure right off the top of my head.

Commissioner Borries: I'm trying to figure out, too.

President Tuley: For some reason, I think, it's being phased in and they've got partial approval of the subdivision, I think.

Commissioner Borries: Well, I'm not sure exactly what the questions were or are, or whether or not those need to be brought before the Area Plan Commission and I did call, I advised her to call the Area Plan Commission to give some kind of specifics as to what kind of questions. Apparently they still had some questions about this. We said that we had given Drainage Board approval so that the plan could move forward to sub review, but I'm not sure that it has gone through sub review, yet, has it?

John Stoll: Yes.

Commissioner Borries: It has?

John Stoll: Right. I don't know if it's got its primary approval through the Plan Commission as of yet --

President Tuley: It may not have, that may be on for February.

Commissioner Borries: That's what I was trying to determine. This would be on a Thursday night and I'm not going to be able to attend, so we might want to have someone from our office. I said that I would discuss it and I'll get back to you.

John Stoll: Okay.

RE: BILL MORPHEW - COUNTY HIGHWAY

Commissioner Borries: Well, I think we're dealing with water of a different kind now, aren't we? Rather than the frozen stuff, we are indeed in high water. I had heard, or we've got what, as many as seventeen roads now?

Bill Morpew: About that, yes, somewhere in that neighborhood. The water is supposed to have crested yesterday and I guess start to recede any time now, but we're talking about snow and freezing rain moving back into the picture here by Wednesday. So the picture is going to look real nasty.

President Tuley: I hadn't heard that. Is that something...

Bill Morpew: That's what I had heard on the news today.

President Tuley: I know the temperature is supposed to start dropping tonight and it was supposed to start dropping this afternoon and fall down from the 40's down through the 30's.

Bill Morpew: Flurries between now and Wednesday and then another storm moving in Wednesday. If the water recedes and the temperatures get down as cold as what they were predicting, of course, that would leave ice along with all the rest of the debris on the road and the mud. It's just a lot to deal with.

Commissioner Borries: For the record, I was driving near the area of Lenn Road on Saturday. The barricade was down. It had been placed and I put it back up, and the reason why I mention this for the record is, with the way the water has risen, it can't be a quarter of a mile from where this proposed trailer park is out there. I mean, you can sit...where this trailer park is, again,

it's on the south side of the levee and you can just see where the water is right there. There were several trucks that were right down there on Lenn Road. Now it's 43 something and so, you know, there's a possibility it could recede, but we get much higher water. I know they've done some dirt removal. It looked to me that they had created a borrow pit and then moved the dirt and that sort of thing, but I continue, just for the record, to express concern about this because I'm amazed at how these trailers parks are somehow licensed through the state of Indiana. It apparently doesn't affect us insofar as zoning because I think Cindy Mayo did some research on this --

Cindy Mayo: Sunny probably called 50 different people and talked to everyone. It's handled by the State Board of Health.

Commissioner Borries: Well, the water, I mean, it's just going to be within a quarter of a mile from where this is. I don't know if we need to get a formal letter or some kind of letter of concern to whatever appropriate agency takes care of this, but you drive along that interstate and on the south side, in some spots as you go on further west, you have water and you can dramatically see on the other side, there's no water, and that's where the levee is. That interstate, I-164 is the levee on literally the south side of Evansville. But on Lenn Road, where they're talking about putting that trailer park --

Cindy Mayo: It's quite large, too.

Commissioner Borries: I just really have some concerns about this. I suppose if we can't do anything about it, well again, I would express concern on the record, but it might not hurt if, at times you take pictures, don't you, of various things?

Bill Morphew: Yes, we do.

Commissioner Borries: If you could maybe send a camera crew down there just to kind of document where we are at this point so that if, in the future, maybe long after I'm gone or this Board is gone, someone at least can go back and research the record that this was a matter of concern at that time, because it's not good planning. I don't care what they say, they're going to face some serious problems there, serious problems. Anyway, I just bring it up for the record at this time.

President Tuley: I really should have done this as soon as you walked up here, but just let the record show Bill submitted a report for the Vanderburgh County Highway Department and Bridge Crew for the period covering Friday, January 19 through Thursday, January 25, and make that a part of the record. Questions of us?

Bill Morphew: No, sir. Not at this time.

Commissioner Borries: Thank you.

President Tuley: Thanks, Bill.

RE: ALAN KISSINGER - COUNTY ATTORNEY

Alan Kissinger: I have reviewed the agreement apparently prepared by someone in the Vanderburgh County Assessor's Office in reference to the employment by contract of a Land Commission Coordinator and I've talked with Mrs. Mayo about this contract. This position is funded by the 1999 Reassessment Fund for a period of one year. My understanding is that this lady started work today, this Bonnie Titzer. I would recommend, therefore, that the Commissioners approve this agreement or employment contract with Bonnie Titzer, with the understanding that the Commissioner's approval of the contract will be conditioned on the appropriation, if necessary, of the funds necessary to pay on the contract by the Vanderburgh

County Council.

Commissioner Borries: Okay, with that provision in there, if it is funded by the County Council, then I will move that this person's contract for one year be approved.

President Tuley: I will second. So ordered.

Alan Kissinger: I have nothing further to report.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Cindy Mayo: I have some contracts that we had given to Mr. Kissinger to have him review for contractual services that the DADS program uses and Alan has reviewed them and approved them. I would request that you sign these.

President Tuley: Okay.

Cindy Mayo: The other thing that I have is, I did turn in, and I'm sorry, I didn't request to go on Council Call, but I have turned in a request to go on Council Call for some shelving for the basement. We had hoped, in speaking with Mr. Gossar, I believe two years ago we did order some new shelving downstairs. It's bad and it's falling and he's put boards in and done as much as he can with it, but we would like to get some more nice shelving down there. So I have turned in a request for that as well as a request, I had requested funding for the sound equipment in here, which I did not get a purchase order at the end of the year for. I didn't get the money in time to get the purchase order, so I have turned in a request for that again, because it did revert back.

President Tuley: It will be nice when and if...

Cindy Mayo: Yes.

Commissioner Borries: I'll move for approval.

President Tuley: I will second and so order.

Cindy Mayo: That's all I have.

President Tuley: Okay.

RE: CONSENT ITEMS & SCHEDULED MEETINGS

President Tuley: The next item is consent items. Included in that would be employment changes, travel requests, the December 1995 Treasurer's report, scheduled meetings...

Commissioner Borries: I move the consent agenda be approved.

President Tuley: I will second and so order.

RE: OLD BUSINESS

President Tuley: Under old business, County Auditor Suzanne Crouch has provided us with a letter from Joe Profaizer. There was a discussion and, in fact, Tim is here in reference to the CodeMaster pricing.

Suzanne Crouch: Here is your book of the code of ordinances that have been proofed by the Auditor's Office. We want to present that to you this evening and we will disperse them to the Sheriff's Department and the County Council tomorrow. When we spoke last week, we had talked about some recommendations, some discussions on upgrading and had agreed to get some costs together not only on upgrading but on training to implement this in not only the Commissioners and Auditor's Office, but perhaps the Council and the

law library. Tim VanCleave is here if you have any questions about the preparation of this or any questions about the technical aspects, he's here to answer your questions at this time.

Commissioner Borries: Okay, we note that we have received this. Tim, some comments, then about what needs to be done insofar as the upgrading at this time?

Tim VanCleave: Are there any specific questions?

President Tuley: Well, basically, this is just to follow through our conversation last week, as I understand it, just to upgrade the Windows version, the Windows upgrade and the license as well, and then training costs are included in here and you've got a breakdown of the split between the city and county?

Tim VanCleave: Correct.

President Tuley: Okay.

Suzanne Crouch: May I ask a question?

President Tuley: Sure.

Suzanne Crouch: Tim, have you approached the city on this? Are they in agreement to proceed in this direction?

Tim VanCleave: Miss Matlock has been out ill and we have not had an opportunity to actually speak with her directly with regards to the matter yet.

President Tuley: Do you anticipate that they will participate?

Tim VanCleave: They have already expressed interest in upgrading to the Windows version, but as far as actually sitting down face to face with her and asking the pointblank question, if they do want to do this, that has not been accomplished yet.

Commissioner Borries: Perhaps we could continue this, maybe take it under advisement until you have the opportunity to talk with them.

Tim VanCleave: That's fine. I was just here mostly to answer any technical questions that may arise.

Commissioner Borries: These particular volumes are updated when, on a...

Suzanne Crouch: Well, actually, we'll be updating them continually on to the computer system, so I believe that --

Commissioner Borries: A hard copy like this would be probably, what, something done on an annual basis, maybe?

Suzanne Crouch: I would say, yes.

Cindy Mayo: This is very nice.

Commissioner Borries: Yeah, it is.

President Tuley: Why don't we just continue this until you've had a chance to talk to the city and see if they are ready, unless, what does this do, the total package is \$4,450, the breakdown being \$1,885 to the city and \$2,565 to the county. For whatever reason, if they would chose not to, Tim, what impact...the only thing that would be reduced, obviously, I guess, would be the cost of the training. You've obviously included training time for city people, but would that change anything? Is the total package going to be \$4,450 regardless of if the city joins in or not?

Tim VanCleave: The \$1,800 price is right now being broken up between the city and county. The original plan was to have one copy of the CodeMaster software program residing on a server at which both the city and the county could access it. At that point in time, they thought three users would only use one license. Through usage and the city's experience over the past year of going through the codification and making sure all of the code in the database matches that in the book in association with the changes that have come out since the codification was printed, since the cutoff date -- I forgot when the cutoff date was --

Suzanne Crouch: It was July.

Tim VanCleave: July, any ordinance passed since July would need to be entered into the new database and they have found that takes quite a bit of time, especially when you're first going through the learning curve and they have found that they are using the package quite a bit themselves, or I should say, the previous administration did. The new administration still hasn't really had an opportunity to work that much with it because they are waiting for training as well. That is why the additional licenses are being purchased, and with the new office holders in place, the project has somewhat expanded to encompass some new areas that I do not believe were originally thought out, such as having an actual license for the County Commissioner's Office for looking into the code, the law library, which is a good location in my opinion for public access without letting it get completely out of the building.

President Tuley: Do you want to wait until he talks to the city?

Commissioner Borries: Yeah, I would, I mean, I don't have any objections to it but I think in order to proceed on this, we need to have some consensus here, so why don't you just report back to us when you've had that conversation and we can move forward at that point.

Tim VanCleave: I'll be glad to.

President Tuley: Can we just tell him that, basically, he could tell them that we're ready to move on this as soon as they say they want to jump on board, then we'll do it?

Tim VanCleave: Okay.

President Tuley: That way when you get there, we don't start this ping-pong match. Okay, thanks, Tim.

Tim VanCleave: Thank you.

President Tuley: Okay, further old business, Cindy, this agreement, I assume, is a rental agreement for the Perry Township Assessor's Office at the request of the County Auditor's Office. Is that correct?

Cindy Mayo: Yes.

President Tuley: And Alan, you...

Alan Kissinger: Yes.

President Tuley: Okay. Basically, it's just to clean up the records and provide the Auditor's Office with a copy of a written agreement and...

Commissioner Borries: I would think that this could be filed if you want to acknowledge that it was entered in --

President Tuley: Just let it be part of the record tonight and

then it could be put in the files with the Auditor's Office so that you have what you have requested. Is there other old business?

Alan Kissinger: I will, very briefly, perhaps I should have brought it up under my report, but under old business, the Auditor and some of the employees in the Auditor's Office requested that, basically, I duplicate a letter that has been sent out before. David Miller sent one out years ago, I sent one out a couple of years ago and I sent another letter out telling all county office holders and department heads not to enter into any contracts without them being approved by the County Commissioners, directing them to bring all contracts to the County Commissioners for approval, and also advising all office holders and department heads that through City/County Purchasing we have agreements to purchase certain supplies, etc., from certain people that Purchasing has contracted with. They should check with them before making any purchases except in emergency situations. That letter went out last week. There's been no feedback on it yet, so I guess no one's upset about it. The people in the Auditor's Office do need some parallel reference when someone brings in a claim. They need to know that it has been authorized by the Commissioners.

TAPE CHANGED

President Tuley: Commissioner Borries, do you have other old business or new business now?

Commissioner Borries: A couple of things. I think last week we discussed at some point, the possibility of the use of certain space that has been funded or allocated to the county, better known as room 318, which the county is billed for rent from the Evansville Vanderburgh Building Authority for the use of that. We have, I think, gathered information from all sources. Essentially, from time to time, this room has been used for purposes other than the Board of Review over the last couple of years, but again, nonetheless, the county is being billed for that space and some use there. So essentially, it is our decision to decide how to use that area. At this time, I believe that, based on conversations I've had with Mr. Profaizer and concerns that he's had with security, that I would move to allocate the use of the space known as room 13 to the vendor, Computer Services, and ask that they be empowered to take certain measures of changing locks for security purposes since there will be equipment stored in there and they would have some concerns in that area. So, I would move that they be allowed to use that space.

President Tuley: I only have one correction. I thought I heard you say room 13? Are you talking about 318?

Commissioner Borries: 318, yeah.

President Tuley: Okay, 318. I will second your motion and so order. Cindy, are we okay on that as far as Joe knows?

Cindy Mayo: Do you want me to call Mr. Utley tomorrow and ask him that the locks be changed?

President Tuley: If you would, and I also would assume that you might call Joe, but I would assume if they can key the lock to be the same key that fits their current office, or if that's what Joe wants, or totally separate keys.

Cindy Mayo: Okay.

President Tuley: Did you receive the other keys back, all of them that were out, do you know?

Cindy Mayo: All of the ones that we know of, yes.

President Tuley: Alright, we'll just take care of it, though, by changing the locks. Do you have other business?

Commissioner Borries: This office received several calls today about certainly what has been old business and that is a certain property in Union Township where the county spent sums of money to, in the interest of public safety and public health a year or so ago, to demolish certain structures on that property. Now what we're finding is, apparently, there's livestock which falls certainly under agricultural use and this is indeed an agricultural area, a farming area in Union Township, but the livestock, apparently, is endangered, in peril, again, for health and safety. We, I guess, are going to have to reluctantly consider some kind of way to force this person in the most extreme neglect and use of livestock to first of all, I think we need to empower the Sheriff to cite this person for neglect of livestock. That can be done under state statute. We, the county, did not have a specific ordinance as such governing this kind of thing. I talked with the animal control people today, they had some concern as to whether or not they even have equipment to remove some of the livestock, since some of the living things are going to be rather sizable in nature, and they don't have any way of removal. So, they would have to face that kind of a problem, but it is a problem. It is my understanding that when structures were demolished a couple of years ago, that this particular property owner was going to be billed for that. He did not pay that, at that point, his property would end up on tax sale. I certainly want to pursue that because it's my understanding that he has not paid anything toward that and I think we need to research that and move quickly in that area.

Cindy Mayo: Most of the time it just goes as a lien against the property, which means that if they ever sell that property, at that time, we are able to get our money, but I don't know if that can be considered a special assessment where it could actually be put on the tax rolls. That's not normally done.

Alan Kissinger: The potential exists that the county could institute foreclosure proceedings, but Mr. Keith Rounder handled that suit and I told Sunny to contact him, but I'll contact him as well to see if there is anything that can be done on an immediate basis.

Commissioner Borries: Yeah, that's what needs to be done on an immediate basis. I mean, this person is, again, this is the most extreme case of neglect. We're getting residents that are extremely upset in this area and I think, frankly, we need to do whatever it takes to force this person to conform to decent health and safety standards, and when you have animals at risk out there, I mean, it's just not right. If it's going to take an ordinance or whatever it's going to take to force this person to adhere, I mean, there are state laws that govern it. Sometimes, I guess, because law enforcement gets busy with a number of other things, maybe they're a little concerned and confused as to what they need to do, but they need to cite this person. He is in violation of what is state law governing these animals, and if we can contact Attorney Rounder to quickly see what can be done, I certainly want to pursue this because it's just terrible. It's an affront to other persons who keep their property up, again, it's been the only case in my memory that we've had to take such extreme measures, but this person continues to, frankly, at this point, not only flagrantly disregard his neighbors, but now it's disregarding the basic needs of the animals.

Cindy Mayo: Mr. Jim McCampbell from the Purdue Co-op Extension Office said that he thought there was a case in northern Indiana where there was some cattle that was involved and he believes that there is a precedent for this and he was going to check, that there were some state agencies he thought that got involved with it and he was going to check and get back with us.

President Tuley: When did you have that conversation with him?

Cindy Mayo: It was this afternoon.

President Tuley: This afternoon? Good.

Commissioner Borries: That's all the old business I have, but again, that's one that, regretfully, I believe needs to be brought up and that quick action needs to be taken.

RE: NEW BUSINESS

President Tuley: Okay, do you have any new business?

Commissioner Borries: Yeah, one item. We've had some concerns expressed by some residents about a proposed appeal or request to the Board of Zoning appeals regarding the use of a building for either adult entertainment or adult purposes. Although this goes to the Board of Zoning appeals and not this Board, there appears to not be any specific ordinance at this point that we can refer to. So I would like to ask our County Attorney to draw up a proposed ordinance that would look at, perhaps, in county areas, now this would be in unincorporated areas outside the city limits of Evansville, that within a thousand feet of any school, church, or residentially zoned property or residentially used property, there are some instances when you could have an M use that might contain some residents, that type thing or that type of use, so any residential use that any kind of activity or use of the facility that would be harmful to minors, in this case adult entertainment, that it would be prohibited. So I'd like the attorney to see if we could draft up an ordinance that we could get on the books to help clarify some of this. The city is working on it; I don't know what their status is, but that's why I want to emphasize this aspect of unincorporated areas in the county. It could be a different kind of ordinance in an urban area, or at least in the city area, than it would be in the county.

President Tuley: Yeah, I had asked someone from the city to forward a copy of the particular ordinance that they're looking at to Alan for his review and see if there is somehow that it could be worked into the county, as you said, in the unincorporated areas outside the city limits. So if Alan can look at that, I'm sure there will be a bunch of people appreciative of that, including ourselves up here. Any other new business?

Commissioner Borries: No.

President Tuley: I don't have any. Sir, you've sat here quietly through this whole meeting, you don't have any...

Unidentified: No.

President Tuley: Motion to adjourn then?

Commissioner Borries: So moved.


President Tuley: Second and so ordered.


Meeting adjourned at 6:38 p.m.

THOSE IN ATTENDANCE:

Patrick Tuley
Richard J. Borries
Suzanne Crouch
Alan Kissinger
Cindy Mayo
Teri Lukeman
James Sallee
Jayne Berry-Bland
John Stoll
Bill Morphew
Tim VanCleave
Members of the media
Others unidentified

VANDERBURGH COUNTY
BOARD OF COMMISSIONERS



Patrick Tuley, President

Richard J. Borries, Vice President

Recorded and transcribed by Teri Lukeman

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS
FEBRUARY 5, 1996

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VANDEBURGH COUNTY
BOARD OF COMMISSIONERS MEETING
FEBRUARY 5, 1996

The Vanderburgh County Board of Commissioners met in session this 5th day of February 1996 in the Commissioners' Hearing Room of the Civic Center Complex at 5:35 p.m.

RE: PLEDGE OF ALLEGIANCE

President Tuley: Good evening, everyone. If we might, we'll call this Vanderburgh County Commissioners' meeting for February 5 to order. In the manner of introductions for those of you that may not know who we are: to my far right is Cindy Mayo, who is the Superintendent of County Buildings and our Office Manager for the Commissioners; to her immediate left is one of the County Attorneys or the lead County Attorney, Alan Kissinger; to my immediate right is Commissioner Rick Borries; I'm Commissioner Pat Tuley; to my immediate left is Commissioner Richard Mourdock; to Richard's immediate left is Bill Fluty, the Deputy County Auditor; and to Bill's immediate left is Teri Lukeman, who is the Recording Secretary for the Auditor's Office, who will also be taking the minutes of this meeting. Therefore, we would ask since the meeting is being recorded and will be transcribed verbatim, when you are addressing the Board, please come forward to the podium, identify yourself for the record so we know who it is that is speaking. I know there is at least one emotional item that is going to be discussed tonight. Please, if you would, keep your comments from the podium, if we get a lot of feedback, comments going back and forth, it messes us up in terms of trying to transcribe them.

Commissioner Borries: We do have a sign-in sheet, too, we'd also like to have people sign.

President Tuley: Okay, Commissioner Borries has pointed out there is a sign-in sheet that is going around. If you wish to address the Commission, please sign. Failure to do so does not mean you won't be given the opportunity to speak. Agendas are posted along the wall there. I'm trying to think of any other ground rules. When we get into the discussion, I said we would not restrict you from talking, but once a discussion has occurred, if you've got something new, you're more than welcome. We would prefer not to have fifteen people stand up and tell us the same thing fifteen times. If there is a spokesperson for any group of individuals that would like to speak on behalf of that group, that would be nice to know, that I'm here representing such and such group, or whatever, and I will speak for that group. Have I left out anything? Okay, if you would, before we begin the meeting, would you please stand with us and face the flag, and say along with us the Pledge of Allegiance?

RE: APPROVAL OF MINUTES

President Tuley: Under the action items, the first item is the approval of the minutes from the meeting held January 29, 1996, last weeks' meeting. Motion for approval, please, or comments?

Commissioner Mourdock: Since I was absent from that meeting, that will be left to the two of you.

President Tuley: Okay.

Commissioner Borries: Mr. President, I move that the minutes of the Commissioners' meeting of January 29, 1996 be approved as engrossed by the Auditor and dispense with the reading.

President Tuley: I will second and so order.

RE: ANY GROUP OR INDIVIDUAL WISHING TO ADDRESS THE COMMISSION

President Tuley: Okay, Item 4B, this is the opportunity for any group or individual wishing to address the Commission who does not find their topic for discussion or their name listed on the agenda, now is the time to come forward. I see a lot of people out there who I'm sure we all know why you're here. We'll put that first on the list, however, in reference to the Biggerstaff property and the particular problem associated with it. Is there anyone from the state here, State veterinarian service, or anybody that's been down here from the state with an official..? Okay, I was under the impression that maybe someone was going to be here. They went back to Indianapolis? Okay. Who would like to go first?

Unidentified: Is this on the Biggerstaff property?

President Tuley: I'm sorry, yes. We're going to discuss the Biggerstaff property because I think that's going to take most of you that I see in here tonight, will be here for that reason. We might as well go ahead and get that out on the floor and get the discussion rolling.

Brenda Foley: My name is Brenda Foley, I'm the lead investigator for the Vanderburgh Humane Society. County Commissioners, the media, and community supporters, we are here today to speak for those who cannot speak for themselves, the livestock fenced in the fields, the horses locked in the barn and the dog chained in the yard. As humans, we have chosen to domesticate animals and it is our responsibility to care for those animals. Recent events have brought attention to this issue in the community, but this, by far, is not an isolated incident. We receive complaints not only about livestock cruelty, but of cruelty to family pets who are in jeopardy in the county. The sustenance of all living, breathing life is food, water and shelter, yet many animals kept in the county are denied these basic needs. The ordinances adopted and enforced in the city do not apply to animals kept in the county. We asked the County Commission to adopt the ordinance as set forth by the city or to adopt suitable ordinances for the county. We further ask that the ordinances be enforced by an animal control officer, a humane officer appointed by the Sheriff or a private organization given the power to cite violators of the ordinances. We at the Humane Society believe that only through strict laws and penalties, will we end the suffering of all creatures big or small. We also believe we have a responsibility to these creatures to give them a decent life, food, water, a home and a respect of their lives. That's not a lot, but for millions of animals in the United States alone, it means the difference between life and death. Lastly, the Humane Society will freely give our time and resources to the county to help bring about these ordinances and to the enforcement of them. Thank you.

President Tuley: Thank you, Ms. Foley. Basically, we're going to hear your input. We've done some research and the Commissioners, through our attorney, will have some comments back. There's an awful lot of you here. I'm sure there's more of you who would like to speak.

Shirley James: I'm Shirley James and I represent West Side Improvement Association. I would like to say that, first of all, we thank the Commissioners for considering this ordinance. We have several areas on the West side that would apply to such an ordinance that we've seen and that have been major problems and we would like to ask or make a request, if you're considering the ordinance, we have had problems with follow-up on enforcement. At one time, we supported the Vanderburgh County Humane Society in an action against Mr. Biggerstaff. Later on, when we got a lot of complaints, we wanted to find out where the matter stood with the courts. First, I called the Prosecutor's Office because I had understood that he was to be fined and then perhaps a sentence if

he had not met that commitment. When I called the Prosecutor's Office, the Prosecutor wasn't available, so they gave me to an assistant who didn't know anything about it and referred me to the Auditor, which I didn't understand why we would go to the Auditor. Sam didn't understand that either and referred me to a clerk in the court. When I called the clerk at the court's office, she said I had to have a case number. I said well, how do I get a case number? She says, what do you want? I said all I want to know is who followed up on this case. Who did the job? Who is the judge? How am I supposed to know the judge if you don't have a case number? I said, well, can't you just go look in a file and see a name and give me a case number? She said no, you're going to have to come down here and go through all the records and find the case. Well, you know, I was absolutely nonplussed over that and I said, well, can you tell me the judge? She said no, she said the judges rotate and they can't be expected to be following up on this and I said, well, who follows up on it? And nobody gave us an answer. We didn't have a means of finding out what had happened to this case at all. Now, we would like to request, if it's possible, we don't know if this is possible, that if an ordinance is designed, could we build up good follow-up and enforcement and make the fines, like the Vanderburgh Humane Society has requested, make the fines stringent enough that they count for something. We put up a reward of \$500 for vandalism of the flags on Wabash Avenue. We caught the miscreants, paid the \$500, the parents had to pay it, and we have not had any acts of vandalism since then and that has been a number of years now. So we feel that the fast action, the strict enforcement was very good in that case and we would like to see something like that put into any ordinance that the county might consider. We would also like to offer our help if, in any way, we can assist you in any manner, we will be very happy to. Nancy Whitsell is chairman of our Legislation Committee and Wayne Emge is chairman of our Pollution and Conservation Committee and will be very happy to help in any way.

President Tuley: Okay, thank you, Shirley. Jim?

Jim McCampbell: I'm Jim McCampbell from the Purdue Cooperative Extension Service here in Vanderburgh County and I'd like to state that the livestock industry here in the county does not tolerate nor defend mistreatment of farm animals. Good care is simply good business. Livestock producers are dedicated to the responsible production of safe and wholesome food. Their livelihoods depend upon the health, well-being and the productivity of their farm animals which depend upon sound animal husbandry practices and humane care. In tending their animals, producers use a combination of time-proven techniques and the latest advances science has to offer. Animal welfare is the responsible care and treatment of animals that ensure comfort and freedom from unnecessary pain and suffering. Members of both the National Cattleman's Association and the National Pork Producers Council have adopted codes of practice to ensure the well being of their animals. Therefore, I urge you tonight to go forward slowly in adopting a county-wide ordinance. There are issues of property rights, and biosecurity that will need to be addressed as well as writing an ordinance that will be enforceable. I encourage you to appoint a committee to review the matter and make recommendations at a later meeting.

President Tuley: Thanks, Jim. Let me ask you, Jim, as the extension agent, what is your knowledge of the situation in terms of, I understand the state people, they have now, as Captain Ellsworth has indicated, gone back to Indianapolis. I understand there is a quarantine in effect, so where do we go from here with this particular situation as far as you know?

Jim McCampbell: Well, as far as I know, the State Board of Animal Health quarantined the herd until 30% of the animals can be tested for pseudorabies and until the tests are done and the results are back, the herd cannot really be moved anywhere. Pending the

outcome, if it is a positive test, then herds within a certain radius of that property will have to be tested also. If they are positive, the only place that they can go will be to slaughter, so that's...

President Tuley: I guess the reason I'm asking, and Ms. Foley, I don't want to put words in your mouth or Shirley, in yours, this just brought it all to a head. You're talking about a much broader based animal cruelty-type thing that you say is going on in the county or that you know of that is going on in the county to include dogs and different things. I don't know of a particular incident that we've had prior to this other than through this same individual that we've had in the county with regard to livestock. Does anybody else? Is that correct?

Shirley James: We have one on Bromm Road (inaudible - comments not made from microphone) I don't think we've called the Vanderburgh Humane Society so far. We had one --

Commissioner Borries: You're going to have to come to the microphone because our secretary can't pick that up, and identify yourself again, Shirley, for her.

Shirley James: I'm Shirley James from West Side Improvement. We had one on Bromm Road and we have another one that has since been corrected, and there's one that is a suspect case, but...

President Tuley: Anybody have any...

Commissioner Mourdock: Just one question, Mr. McCampbell. You said if, in fact, that they were positive, they would be sent to slaughter. I presume that means they would be destroyed and not slaughtered in the normal sense of --

Jim McCampbell: Well, that's not necessarily true. Positive tested hogs can go through normal slaughtering processes. The disease we're talking about is not transmittable to human beings. It is strictly an animal disease. It is not transmittable in any way to human beings.

President Tuley: There are a couple of people I'm going to specifically ask for, but not necessarily in this order, I know this gentleman over here wanted to stand up and address the Commission, if he may. I definitely want to hear from Dr. John Heidingsfelder, if you've got any comments regarding this matter or your knowledge of it as with Captain Ellsworth, unless Chief, you're wanting to speak. I know, Brad, you've been directly involved in this. I've seen you being quoted, so I assume that you would be the one.

Captain Brad Ellsworth: I don't really have a comment unless you have a question. I can update you on what we've (inaudible - comments not made from microphone).

President Tuley: Yeah, I'd like to hear direct from you guys. Okay, sir, I'm sorry.

Russell Brown: My name is Russell Brown and I live in Newburgh. I am the past president of the Warrick County Humane Society. I am not the president any longer, but I am still involved with them. But in the process of working with the Warrick County Humane Society, over a period time, I've been out on perhaps 150 complaint calls. This is in the summer time, in the winter time, involving all kinds of situations and it is rare that I've ever seen a situation like they had out there on Biggerstaff's property. I've been out there three times. We've got 150 bales of hay out there to help with the animals. We were out there Sunday chopping ice so that the animals could have some water and they were frantic for water. As we were swinging axes to try to open up a pond, they

were almost getting right in the way of an ax to get to the water. The ordinances are really needed in the county. As I understand it, there are no ordinances that exist now outside the city and that's a big area, that's about twenty miles from all the way down in the southern part of the county all the way up to the north, Union Township all the way, that's about twenty miles, and that's about twelve miles wide. So they really need some ordinances badly and you need some way to enforce those ordinances, because if we just have the ordinances on a sheet of paper, it doesn't mean anything. I brought along tonight some of the Warrick County Ordinances that we had a hand in creating to submit to you for your approval. Thank you.

Alan Kissinger: Sir, may I ask you a question? Who does the enforcement on those ordinances in Warrick County?

Russell Brown: Pardon?

Alan Kissinger: Who is responsible for enforcement?

Russell Brown: Oh, we have an animal control officer. He has a building a couple miles to the east of town, animal control officer. He is an employee of the county.

Alan Kissinger: Okay, he is an employee of the county. Is he, in fact, deputized?

Russell Brown: Yes.

Alan Kissinger: So am I correct, then, that ultimately, these cases have to be brought through the traditional methods of the complaint process from the animal control officer to the prosecutor's office and ultimately --

Russell Brown: Well, right now they have -- it changes off and on, but they have times when that animal control officer has the authority just like a deputy sheriff of issuing a ticket and the man is hauled into court without even going through the prosecutor's office, but --

Alan Kissinger: Understood, but ultimately the prosecutor's office is responsible for prosecution of --

Russell Brown: Yes, sir.

Alan Kissinger: Okay. Thank you.

John Heidingsfelder: Gentlemen, my name is John Heidingsfelder, I'm the health officer. I really didn't come here to specifically discuss the animal control problem that we have at hand. I came at the request of the Coroner to talk about some X-Ray equipment. But being that you mentioned my name, there are ordinances on the books for the city for animal control purposes which are enforced by people within the Health Department. They have the authority to issue citations. The citations are followed up by legal process in the courts. The Board of Health, I know from my own recollection as previously discussed, the county animal control ordinances, and I think that I say with some accuracy, that they would be in favor of those ordinances. The concerns that I have and that I think will have to be addressed is that any ordinance that you write will have to dovetail with all the points of state law so that it almost, in effect, the ordinance has to be written by the attorney to make sure that it's not in conflict with any state laws and that it dovetails with the state laws. The other point that was made is enforcement of the law. The issuance of citations by whoever you choose to have enforce the law, that person, I believe, has to have the approval of the Sheriff, because the Sheriff is the law enforcement officer within the county jurisdiction. There should be a mechanism for citations and even more importantly, a follow-up

in the legal courts. Sometimes we've had problems with even the city ordinances of getting our day in court. They tend to take the bottom books in the Prosecutor's Office and it takes a long time to get around to them to make it to the court docket. This is just a practical application problem, but I think that approval of the Sheriff would be mandatory and really, the document has to be scrutinized very closely that it matches with all the state laws. Along those lines, I think that it's long overdue.

President Tuley: There was a comment made by Mr. McCampbell that we should tread, I don't know if I use the right word here, but carefully, and basically, what you're saying as well --

John Heidingsfelder: We have to tread carefully because you're also dealing with the county where there are a lot of farms and farm animals and it's a different circumstance than within the city, so you may have to write it similar to the city, but I wouldn't say identical to it, for sure. You'd have to get a different type of leeway, because you are dealing with farming communities, but I think that an ordinance can and should be written, but there are pitfalls. You know, I wouldn't recommend writing on the back of a brown paper bag and pushing it through.

President Tuley: In the event that, and I'm just saying in the event, I don't know what's going to happen or what's going to come out of this, but if there were ever a committee formed, do you see a reason someone from the Health Department, I'm not saying you, but someone with experience through the city's, shouldn't be a part of that?

John Heidingsfelder: I think that would be a very good idea, but one of our enforcement officers who is familiar with the pitfalls that we already are seeing might be part of that, their input might be beneficial.

Commissioner Mourdock: Before you go, Mr. Heidingsfelder, did I understand you to say that within the city, employees of the Health Department are designated as being responsible for the enforcement of the city's animal control ordinances?

John Heidingsfelder: That's my understanding, for vector control and for trash citations, all of these we can write citations for and we do. They go through the courts.

President Tuley: Dave?

David Ellison: I'm David Ellison representing Farm Bureau Incorporated. I live at 2040 West Baseline Road. We do not support or condone anything that's taken place in Union Township as far as raising the animals that are being raised down there. All we would like, if there is a policy or an ordinance that's going to be adopted, we would like to have some input or at least get to review this document. Okay?

President Tuley: Okay.

David Ellison: That's all I have. Thank you very much.

President Tuley: That sounds fair to me.

Commissioner Mourdock: Are you speaking on behalf of Farm Bureau when you --

David Ellison: Yes, I am, sir.

Commissioner Mourdock: Okay.

President Tuley: Do you want to hear from Captain Ellsworth?

Commissioner Borries: Yeah.

President Tuley: Brad?

Captain Brad Ellsworth: My name is Captain Brad Ellsworth. I represent the Vanderburgh County Sheriff's Department and I can speak to update what we've done to this point. Anything that would involve the Sheriff's Department or what the Sheriff's Departments feeling are, I'd like to defer that to Chief Woodall, who can come up after me, but basically, what we did after our complaint last week was immediately fill out an offense report under a state statute for the neglect or cruelty to animals. Under that statute, it says that they have to have food; they have to have shelter. It was very obvious to my officers that although we couldn't testify as to whether Mr. Biggerstaff was coming down and feeding them and watering them, it was very obvious there was not enough shelter for 70 to 90 pigs, or however many pigs are down there at this point. After the week long, I know you're all aware of that, the week long phone calls and that, the state veterinarian became involved, and as of today, a warrant came down for the Class B misdemeanor which we filed, and also the state veterinarian, they were getting a warrant, the Prosecutor's Office was getting a warrant, for a Class D felony which came under Chapter 15, which dealt with the disposal of the dead animals. So he is supposed to appear in court tomorrow morning on a Class D felony that was filed through the state and our Class B misdemeanor that we filed. As far as the ordinance, we're going to try to enforce, when we get a complaint like this, we're going to try and look through the law books and see what we can come up with. As far as the ordinance that is being proposed here tonight, I'd defer to Chief Woodall about the Sheriff's enforcement of that and how his feelings are on how we would be a part of enforcing that.

President Tuley: Any questions for Captain Ellsworth? Chief?

Chief Deputy Steve Woodall: Steve Woodall, Chief Deputy Sheriff's Department. Regarding the enforcement, obviously, any county ordinance the Sheriff's Department could enforce, obviously, also there might be some limitations regarding the deputizing of an individual, because if we would deputize someone, we would assume some liability, so we would also want to be part of any ordinance and also the selection of an individual.

Alan Kissinger: Chief, I'm not going to put you on the spot, but I just want to ask you one question. In consideration of the situation that exists that has caused this whole thing to occur, and I'm talking about the meeting and I'm talking about, specifically, the property down in Union Township where Deputy Ellsworth indicated that there have been citations issued. Are there now sufficient state laws already in existence in the Indiana Criminal Code, in the Indiana Code on farming and agriculture and the Indiana Health Code to contain that situation and cause the person responsible to come to the attention of the proper legal authorities?

Chief Deputy Steve Woodall: I think under the criminal statutes there are. There's the Class misdemeanor regarding that aspect. Now regarding the livestock and some of the civil means there are, I couldn't answer that.

Alan Kissinger: Specifically, what I'm referring to is, because ultimately, I think I'm going to get to be the bad guy in this whole situation, and I'm going to try to use it as a bit of a crutch, do you feel like you are in any way harnessed or held back from enforcing the law because there are not sufficient laws to apply to this situation?

Chief Deputy Steve Woodall: I think we're not being held back regarding this particular situation. One of the mechanisms that

wasn't in place was the seizure of the animals themselves, because there's not, per se, a mechanism or an area to place them in, I guess.

Alan Kissinger: But you are aware that you do have the right to take physical custody of those animals, and then it becomes where do you take them.

Chief Deputy Steve Woodall: We had the right to take them, but you're right, then the mechanism isn't really in place for where to place them, nor, per se, the monetary funds to do that.

Alan Kissinger: Thank you.

Commissioner Mourdock: Chief, before you go, I want to make sure I understood something. You said if someone was deputized, that you would assume an added liability. I presume by that you mean if someone outside the department were deputized. Is that right?

Chief Deputy Steve Woodall: Right, someone acting under the auspices of the Sheriff, there would be a liability somewhat.

Commissioner Mourdock: Okay, Ms. Foley, in her opening comment made a remark about having an individual within the department identified as a humane rights officer, I don't know what the term is that you used, but something like that, is that in place now? Is there anyone within the force who is in a position to specialize in the type of codes that Alan was just referring to?

Chief Deputy Steve Woodall: No, currently there isn't, and to be honest, standing here, I wouldn't be able to commit an individual. We have, not only the animals, per se, but also we have a population of approximately 165,000 people to serve, and as monetary constraints such as they are, I couldn't stand here and say that we would take one of our deputies and assign that person strictly to take care of animals.

Commissioner Mourdock: And I'm not suggesting that you do that on a strictly basis either, I mean, there's, as you say, a lot of people. In my, what, fourteen months on this Board, this is the first time an issue like this has come up and certainly that would indicate to me that it isn't something that would require the strict responsibilities of one person full time. But I thought it was an interesting comment and I might ask the gentleman from Warrick County, too, who spoke before, if anyone on the Sheriff's Department in Warrick County, do you know, is there anyone authorized or given that special function to enforce the ordinances that you say Warrick County has? You'll need to state your name again, please.

Russell Brown: Thank you. Russell Brown. See the way it works is, the reason the county ordinances, the responsibility is interchangeable. In the absence of the animal control officer, who is deputized, and he's out there driving the truck and picking up animals all day long and bringing them back, he's really involved out in the firing line, but in his absence, any one of the Sheriff's deputies are authorized to do whatever they can do to help out, they're really interchangeable. But 95% of the time, it's not the Sheriff's deputies going out there, it's the animal control officer.

Commissioner Mourdock: I understand. I guess I see that as the difference between Warrick County, which is largely a rural county and Vanderburgh County, which is largely an urban county, so that's something we might have to meld a little differently.

Russell Brown: But Warrick County and the balance of Vanderburgh County outside the city would be somewhat comparable farm wise.

Commissioner Mourdock: Yeah, farm wise, yes, that's true.

President Tuley: Any other questions for Chief Woodall?

Commissioner Mourdock: No.

Captain Brad Ellsworth: Captain Brad Ellsworth, Sheriff's Department, again. One thing I might add and address Mr. Kissinger's question, is that, and he knows how many laws books there are on our shelves and that it's very hard to be familiar with every state statute. I had to dig very hard to get the Chapter 15, that's not even contained in our book because we don't address it that much. What I would like to say is we could look at Warrick County and some other ordinances the other counties have in the city, see if there is anything in there and do the research, and see if there is anything in there that doesn't apply because when we get the complaint, then we start looking through the books to see, can we address it, which is what we did here and we were able to through the state neglect and abuse law. But if they've got ordinances that we can say, hey, we would need something like that, that would be helpful to us. We could come back later and say here's one that's not addressed by the state, that would really be helpful to us and we've had instances like that where it would be helpful to us. The same thing to address your question, Mr. Mourdock, we've got 103 deputies and they're all trained in these same ordinances and state statutes. You've got 103 officers who can enforce these laws. If I'm off, somebody else can do it instead of a specialization in that.

Commissioner Mourdock: Yeah, I guess the situation that I would see where Ms. Foley's designee, if you will, within the department, because there are so many specialized statutes, I suspect you have people on the department who are specialized towards auto theft, who are specialized towards different aspects of law enforcement and I just think it's an intriguing idea if it could be somehow worked in, regardless of what happens here with an ordinance. As Chief Woodall said, there are a number of statutes already in place where, when a call came in, at least it could be immediately referred to a designated person who is up to date with those statutes.

Captain Brad Ellsworth: Correct.

President Tuley: I'd like to kind of interject, maybe take it a little bit further, that if you guys are willing to do a little bit of that research, we have Carl Heldt, a capable attorney, who is assigned to your department that we could ask to research and as you say, compare knowledge with what other counties have and see if there's not loopholes that we need to fill. I'd hate to think that we need to go create a whole new ordinance if there's already measures out there. We don't really know what they are right now, but it would be nice to have a section readily available at your department that says, under this circumstance, this statute would apply or this one wouldn't, identify those and then find a way to fill in any gaps that exist.

Captain Brad Ellsworth: Right, that's where that Chapter 15 deals a whole lot with the animals and that's where we came up with the one about the burial which is a pretty obscure law. You don't come up with them burying them four feet deep and that's not something we deal with every day, but that's the one that happened to work in this case. So, that's what we need to look at and like I said, I'd like to check the Warrick County statute to see if there is anything there that we're not covering in our Chapter 15 or that we can't do with state law.

Alan Kissinger: Brad, I understand it's water under the bridge, but in the future, if you're confronted with a situation like that under those circumstances, feel free to call me or any of the other

county attorneys.

Captain Brad Ellsworth: Okay. Thank you.

Brenda Foley: My name is Brenda Foley and I am an investigator for the Vanderburgh Humane Society. There is a book out that is specifically for Indiana animal law. We have just recently received that from Indianapolis and we would certainly want to help and get that information to the Sheriff's Department.

President Tuley: That would be great. Wonderful. Thank you.

Brenda Foley: Thank you.

President Tuley: Shirley?

Shirley James: I'm Shirley James with West Side Improvement, and I'd like to ask Mr. Kissinger a question. Can our law here, if we develop an ordinance, can it be stricter than state law?

Alan Kissinger: No.

Shirley James: Oh, it can't?

Alan Kissinger: No.

Shirley James: If we find the penalties -- see, I'm having a little bit of difficulty with the fact that quite often, it almost pays people to disobey the law, you know, or to ignore the law.

Alan Kissinger: Well, that's a subject that --

Shirley James: Because penalties are just so minor.

Alan Kissinger: And I understand what you're saying and that's a topic, I suppose, that we could all get into groups and breakout sessions, etc., but the procedure that we must follow is, number one, if Vanderburgh County adopts an ordinance, which is basically a mirror image, or it covers violations the same or similar to those violations covered in the state statute, we cannot, as a county governmental unit, impose penalties that are greater than those imposed by the state statute. So to that extent, we are limited. Now, number two, if we have state statutes already in place, then the effectiveness of passing another ordinance is probably going to make me look good with the Commissioners and perhaps, for a limited period of time, make the community feel better about what the Commissioners did about this immediate situation. But if we are passing duplicitous laws, it still comes down to the same thing. We have to communicate that information to the enforcement people, in this case, the County Sheriff or the Indiana State Police. They must issue the citations, the Prosecutor's Office must prosecute those citations and then the judges in the courts must mete out the appropriate penalties. We cannot dictate by saying there's a million dollar fine that everyone who is cited for this offense is going to have to pay. That is just not the way our system works.

Shirley James: Right, well, I wouldn't suggest anything too excessive, but then, on the other hand, too, I mean, to slap someone on the fingers...I think his first fine was \$100 and that hardly --

Alan Kissinger: I understand that and that's a part of the point that I am trying to make. We have several people here proposing new laws. There are hundreds of laws on the books. Look at your Internal Revenue code; every time a situation comes up for an individual, a new section of the code is written. Every time a situation occurs that someone wants to remedy quickly, some people seem to feel like, if we write a new law, that will settle the

problem. Rarely does it. Usually, what it does is it causes spinoffs into other areas especially here where we have to be extremely careful in the area of farm animals and agriculture. It will cause spinoffs in other areas that will merely cause us more problems. I have researched this and I'm sorry I didn't get together with the Sheriff in the process, but I have researched, I think I know every animal cruelty law and related law on the books in the state of Indiana. And believe me, there's a stack of them probably about two inches thick, and there are sufficient laws presently on the books, under state statute, to cover the situation that we are dealing with. Other situations of cruelty to animals, and I'm sure the people in the Humane Society and so forth have seen, it perhaps becomes a matter of informing and communicating with our enforcement people and talking to the Prosecutor, encouraging the Prosecutor to give these things quick, immediate attention, give them the same attention that they do other criminal offenses, so we don't fall into the situation that Dr. Heidingsfelder knows of. But just to say that if we pass a new ordinance this whole thing is going to go away, it is just -- my experience is that is not an accurate assessment of the situation.

Shirley James: Okay. Thank you.

President Tuley: Other comments on this subject matter? Yes, ma'am.

Jo Ann Moseley: My name is Jo Ann Moseley and I just have one remaining question. I was wondering if the animals that are out there now, if someone is going to provide food and shelter for them until a decision is made on what you're going to do with them?

Alan Kissinger: Does anyone from law enforcement know what the state is doing as far as food and so forth, for the animals during this quarantine period?

Captain Brad Ellsworth: Brad Ellsworth, Sheriff's Department. They told him they'd have the tests done within five days, they did not make any provisions that Mr. Searle advised me of to take care of them during that period.

Alan Kissinger: I guess the short answer to your question is we don't know at this point.

Shirley James: The West Side Improvement might be able to help financially.

Brenda Foley: My name is Brenda Foley from the Humane Society and certainly the Humane Society will continue to go out there and to do whatever we can to take care of those animals. Right now, basically, ice needs to be chopped every day just for them to get water. Certainly the straw that we have out there right now is adequate, you know, gives them some shelter and we'll feed what we have. Again, we just need to know how long this can continue, though. I mean, certainly, the animals can't be moved while they're in quarantine, but somebody still needs to feed and water those animals daily. We'll do what we can at the Humane Society to ensure that's done.

President Tuley: You're being allowed access to the property, then? He's not denying you?

Brenda Foley: The only access, we actually only go on the property if we have the Sheriff's Department there. He did say to us at one point when we were going to give them the straw, that we could enter his property. But certainly if we were to go out there tomorrow, we would have the Sheriff's Department there before we would enter the property.

President Tuley: Do you know, were there any more animals lost?

The last couple of nights when it was so severely cold, does anybody know?

Brenda Foley: I don't know to my knowledge. I was off for a couple of days, but when the state inspectors went in on Friday, we had found another dead animal on Friday. I don't know today, you know --

President Tuley: Hopefully, the severest weather is behind us, but it's still below freezing enough to keep that water from getting...

Brenda Foley: Yeah, I know someone did go out there over the weekend and chop ice so they could at least get water, and with all the hay and straw, that certainly helps, too.

TAPE CHANGE

Shirley James: I'm Shirley James with West Side Improvement. If he sells his animals, will these people be reimbursed for their costs of providing for these animals?

Alan Kissinger: If they are to be in any way reimbursed, I think it would be through a civil action brought by them against him.

Shirley James: Okay. Well, West Side Improvement doesn't have much money, but we'll donate \$150 to the Vanderburgh Humane Society for their fees at this point.

Jo Ann Moseley: When I went out Saturday, there was a dead one laying by the fence and this one guy was (inaudible) putting up the straw, he picked it up. When I went out Sunday, there was another one, it was just part of...it was almost all gone, it had almost been eaten, the whole thing was pretty much eaten. I don't know if there was one back in the back or not, I didn't see. I had seen one back there that never did move, but I don't know...

President Tuley: As I understand the situation, the two major concerns are water and shelter, more than anything else. Is that correct? They're not actually skin and bones to the point that they look like they're starving to death, but they do not have access to water and no adequate shelter? Correct?

Jo Ann Moseley: Right, and they didn't have food that often except what the Humane Society started taking out because they were eating -- we went out one day and there were three dead hogs laying there, and we went back that afternoon and there was only one left. They were eaten pretty fast.

President Tuley: Is the trailer out there still? Is there a way for them to get out of the weather in the trailer?

Jo Ann Moseley: Yeah, they can get in it and under it.

President Tuley: And how do we get on the property to break the ice through? I mean, is the pond behind the fence?

Jo Ann Moseley: Yeah, you can get back there (inaudible) and you can just use an ax or sledgehammer, or whatever, to bust it up.

President Tuley: Okay. I don't see anybody raising their hand.

Alan Kissinger: One more.

President Tuley: I'm sorry.

Carl Schillinger, Jr.: I'm Carl Schillinger, Jr., I live at 1617 Schillinger Road. I am on the board of directors of the Four-County Pork Producers and I do raise hogs myself. I'd like to urge you folks, like the Farm Bureau person said, to go slowly when you

make any decisions about laws or whatever to control this problem, because the Biggerstaff situation, I don't think, is a fair assessment of how hogs are naturally produced in this county by the pork producers. I think that situation is nothing close to the way 99 9/10% of the pork producers operate in this county and would hope that you would not move too quickly or load any pork producers down with any more laws or burdens than they already have because of the situation that's happening down there.

President Tuley: Before you leave, does he belong to your organization?

Carl Schillinger, Jr.: No, sir.

President Tuley: And he is not -- someone asked me, a reporter asked me, what other name would you call him by? He is not a hog farmer. He is an individual with hogs.

Carl Schillinger, Jr.: I think that's very true. I think there are pork producers and then I think there are people that have hogs. I think this fellow is a person that has hogs.

Alan Kissinger: Sir, may I ask you, you probably heard the Sheriff's Deputies indicating that one of the problems they have as far as taking custody of these animals, which they're allowed to do under the law, is that they have no place to put them. How many, what are there, 30 or 40 out there?

Captain Brad Ellsworth: They said they were talking like 70.

Alan Kissinger: What would you, do you have any idea, as a pork producer, what you would do with 70 hogs if you had to move them and take them to a place and enclose them somehow?

Carl Schillinger, Jr.: I can only say that if you had 70 hogs, I don't know how big they are, if they were say, 150 pound pigs, you'd need about seven square foot per pig for sleeping area, so you can do the math on that to tell you how much sleeping area you'd need for those animals for them to be comfortable and in good condition.

Alan Kissinger: But you don't know of any hog lots in the area that have sufficient space to provide for their needs on a temporary basis if they're compensated for that?

Carl Schillinger, Jr.: I would guess not. Most pork producers are very reluctant to bring any other animals into their facility for fear of contamination, and if these pigs have been treated like that and if they do have some problems, no one would accept those. I would guess a slaughter facility would be the place they would end up.

Alan Kissinger: Thank you.

President Tuley: Thanks for your comments.

Carl Schillinger, Jr.: Thank you.

President Tuley: Anybody want to take the lead on this end?

Commissioner Mourdock: I'll throw my two cents in. First of all, to a number of you who left messages on my answering machine when I was out of town all last week, I apologize for not getting back to you. I learned of this whole issue this morning at about 8:00, so I've been deluged with it ever since. I think several of the comments that were made by you are something that we, as a board, need to consider. We are certainly not in a position to define for the sheriff how he can run his department. That's not our job, however, I think Ms. Foley's comments regarding just a specified

officer or something that might want to be taken under consideration by the Sheriff, realizing that there is no way that such a specialized person could be there solely for that function. I think it might help if this situation comes up again, simply in regards to communication, because what I think we have here more than anything else is a communications problem, to be quite honest. Dave Ellison made the comment that, and I think it's very true, that we have to be very careful here because this is a matter of property. We cannot pass ordinances to affect people's property indiscriminately. Someone said it years and years ago, every time a law is passed, someone lost some freedom. So I think all of us on this Board are hesitant to pass new ordinances. Having said that, however, I would also say that I am anxious to read over what the Warrick County ordinance says. I think one of the situations we have is with the animal control board in the city. They seem to be able to do things with greater freedom than what, certainly, we have the capability of doing in the county. Again, I see that as a communications problem. I think that's something we need to study to see if, and when, a situation like this comes up again, we can rectify it much more quickly than we've been able to with this one. Lastly, I would say that I see here two problems. One of them is a short-term problem which is what has been discussed thus far, and the other problem is a longer term problem of what can be considered, I think, nothing less than a common nuisance, to use the phrase that gets bantered about. I know long before I came on the Board, this property was under question, there were actions by the county taken, and perhaps Mr. Kissinger can update us with that, because I think we need to consider some other options to make sure that short-term problems like this don't reoccur.

Alan Kissinger: That particular property does have quite a history of both criminal prosecutions and civil litigation. One of the things I'm going to recommend to the Commissioners, Commissioner Mourdock, you may not recall this, but I know Commissioner Tuley and Commissioner Borries will recall that the county did spend a considerable amount of money cleaning up this very site. We spent more money, as a matter of fact, than we expected we would in taking down a building, attending to some environmental concerns, specifically, asbestos, etc. To make a long story short, the outcome of that court case was that the judge of the circuit court granted the county a lien against that specific real estate in the amount of the clean up cost for the county. I don't have an exact figure on this, but I know that the clean up costs to the county were something in the neighborhood, and probably in excess of, \$50,000. It is a very unusual procedure for the county or for any other entity or individual to foreclose on a judgement lien against real estate. However, I am assuming that it can be done, although I haven't researched it thoroughly. Otherwise, there would really be no reason for a law allowing us to have a judgement lien if we couldn't foreclose on that lien. Assistant County Attorney Keith Rounder was the attorney who handled the civil litigation on this matter and I would request that the Commissioners authorize Mr. Rounder to proceed, to file the necessary affidavits with the court to set the exact amount of the lien, and then that he further be authorized to proceed with the foreclosure proceedings against that specific real estate.

President Tuley: Since Alan couldn't make a motion, I sure would ask for one of the Commissioners to do so.

Commissioner Mourdock: I will certainly make the motion that we direct Deputy County Attorney or Assistant County Attorney Rounder to begin that process so that the county could use its lien to foreclose on the property to end what is obviously a common nuisance.

Commissioner Borries: I will second.

President Tuley: So ordered.

Alan Kissinger: As to the suggestion of a new ordinance, I am still, personally, and although I know that I don't have to be concerned about this, I need to take your instructions and give you advice, but my experience tells me that if we are going to consider an ordinance to control situations like the one that we are presently dealing with, we must be very careful as to how we draft such an ordinance and I think that the people that we need to consult with most closely and directly are law enforcement people, because those are the people who get the complaints and those are the people who see that there is something going on here that shouldn't be, and perhaps because of a lack of communication, a lack of the appropriate legal advice, they don't know that they have the enforcement power or they see a gap in the law where they need enforcement power. They don't have it. If we are going to consider drafting a new ordinance, and then asking the Commissioners to vote on that ordinance, and discuss that ordinance, and have public input on that ordinance, I think that it has to be drafted very narrowly because there is a significant body of state law that deals with agricultural practices, the production of meat and other food commodities that we need not interfere with. I think most of these producers will tell you there's probably too much regulation at the present time. But I think what we need to concentrate on is enforcement of the law that we presently have, and advice of our law enforcement people as to gaps in the laws where we don't have enforcement authority, where it is really needed. Otherwise, we can draft a 50 page document that's going to look very nice that, ultimately, these guys have to go out on the road and enforce and we're not doing them any favors to give them an open door to go out and write citations for violations of an ordinance that the Prosecutor will not pursue, because he sees it as an inappropriate type of citation or that the courts will not enforce because they deem it to be either unconstitutional or practically unenforceable for one reason or another. What I'm talking about there is the classic case of the state law that used to be on the books that said people couldn't allow their dogs to roam at large. Well, the primary duty of the Prosecutor in cases such as those is to prove that the owner intended to commit that offense. The owner intentionally let that dog roam at large. Now, no one can prove that because any dog can break a chain and any dog can jump a fence, so we can put a lot of laws on the books and we're going to be a laughingstock if we put a lot of laws on the books that we can't enforce for reasons just such as those. So I think the people who said walk very carefully through this little mine field gave us very good advice.

Commissioner Mourdock: I think those comments are very well taken and I don't think there's anyone in this room who does not recognize there is a huge difference between a few dogs, a couple of cats, and someone's livelihood that's out there in a farming industry, in the livestock industry. I am certainly not for animal abuse in any way, but I'm also for property rights and there's a big difference between livestock, which is a property right, and the abuse of animals. I think your comments are well taken. I guess I would ask that, perhaps, and I guess I'll make this in the form of a motion, I would move that we direct the county attorney to research what may be available, for instance, the Warrick County ordinance and also other state statutes, and report back to us within 30 days as to his findings regarding open areas where a county ordinance may be required.

Commissioner Borries: Second.

President Tuley: So ordered. I think it's critical that we research and clearly identify those laws that already exist. I think Alan did a much better job as a paid speaker in recognizing that we don't need to duplicate laws that already exist. It's important that we identify, find the offenders, cite the offender and enforce those laws that are already on the books. Through this research, if we find there are loopholes or gaps, then we need to

fill those. If that takes a local ordinance, that's fine. I'm prepared to do that, but I don't want to go out as has been indicated here and create an ordinance because we have a particularly bad situation. I think we're taking a very strong step tonight in trying to address in the long run, if he doesn't have the ground, he can't have the hogs. If he can't have the hogs, he can't abuse them.

Commissioner Borries: Mr. President, just a few remarks because I think everyone here has said things very well and I want to certainly commend all the people here for their sincerity and concerns tonight. I've had a long history with this individual and I'm not going to go into all of it tonight. It is the most extreme, sickening case of abuse, I guess, in some cases, not only abuse of animals in this case, but, probably, abuse of property, because that's really where we hung our hat on this particular individual. For all practical purposes, he was operating an illegal junkyard, and as one who has probably served a bit, and I guess with a bit of frustration with this particular individual, I would concur with Commission Mourdock, because I see very clearly the limited role of government. None of us want government to get into situations where we are unilaterally taking private property. This constitution, our government, was never set up in a way where we have mental tests for those people who buy property and probably, we would strongly object to character analysis on those who have property, but we all must ensure that humane treatment and respect for others is part of what we do, and this individual has not done that. We have moved against him to the tune, as what you have heard, probably \$50,000, but I have heard things such as rare, extreme case, close scrutiny, go slowly, follow state law and, specifically, different than the city. We've had individuals here who are in agri-business and in the farming industry here. This is different than in the city, we're, I support the Humane Society, I have a wonderful little cat from the Humane Society, but frankly, as we all know, cats are different than dogs. When you begin to talk about leash laws for cats, I'll tell you, mine wouldn't go for that too well, and farm animals and farming is obviously different than oftentimes what we see in the city. It is a tremendously complex situation, not one that we're going to be able to all walk out of here and address tonight. So we do have to go slowly and we will move forward to empower and remove any confusion that the Sheriff's Department would have to enforce strong action against this individual, and I hope strong action on the part of the Prosecutor, and strong action on the part of the courts to get rid of this individual once and for all in relation to what he has done to abuse his property rights guaranteed by law and his treatment of animals. So I think we're doing this and we will, I would certainly concur, I think we must go very, very carefully here to ensure that business people are not affected here, that property rights are protected, but above all, that those who do abuse it, pay for it, and that's my statement on it. I certainly want to thank everyone for coming tonight because it is a tragedy we have to deal with and we will deal with it.

President Tuley: Thanks for your attendance; thanks for your input.

RE: PAT SHOULDERS - CONVENTION & VISITORS BUREAU

Pat Shoulders: President Tuley, members of the Commission, thank you for giving me a few minutes tonight to talk to you. I appear before you, Patrick Shoulders as your appointee to the Evansville Convention & Visitors Bureau. I'm vice president of that body and also chairman of our legislative committee. In the county, it appears the county leadership, we've agreed that we need to improve Vanderburgh County Auditorium and we all believe we need some fitting and beautiful facilities. I am here tonight because I hope we can agree on how to pay for them. Just by way of background, you will recall that in the 1980's, we worked together in bi-

partisan fashion and enacted a Food & Beverage Tax which paid for, early, I might add, a bond issue to build our beautiful airport. I say that with Mr. Lythgoe behind me. But anyway, those bonds retired that debt, I mean that tax retired the bond debt and before that tax was allowed to expire, we worked together one more time and we said, now we've got an Auditorium project, let's take that Food & Beverage Tax, switch it and bond out the Auditorium project. At that time, however, it was estimated it might take eight, ten, eleven million dollars to do that and we had a convention center, so we put a ten-year cap on the Food & Beverage Tax. Well, fast forward now to February of 1996, we don't have a suitable convention facility, but we're still stuck with that ten-year limitation. It has been estimated that ten-year limitation will keep our bonding capacity down to about net \$17,000,000 to apply to this project that you've hired an architect to begin planning, and I believe that architect, and a fine one that he is, believes that project is going to cost 25 or \$30,000,000. You visited our meetings a couple of times; I'm here to visit you. You've come to the Convention & Visitors Bureau and said, be a part of this. Perhaps give us some of the Innkeepers Tax. The background there, for twenty years, Vanderburgh County left money on the table. Our citizens, when they visit Indianapolis, pay 5%; Ft. Wayne, 5 or 6%; South Bend, 5%; Chicago or New York, 10 or 15% tax on their rooms. We finally, after twenty years, worked together once again, got that Innkeepers Tax raised from two to five percent. Now, you've come to us and said, well, take some of that 3% that goes into the Tourism and Capital Development Fund and help us on the Auditorium. I'm here to tell you it seems to me that's not the way to do this. We have a tax in place, the Food & Beverage Tax, the public purpose of that tax, I quote from the statute:

"The financing of improvements to a county auditorium serves a public purpose and is a benefit to the general welfare of the county by enhancing cultural activities and improving the quality of life in the county and encouraging investment, economic growth and diversity."

If we let the Food & Beverage Tax do its work, it may have to go fifteen years, it may have to go twenty years, but it'll take care of that project, it'll take care of it fully. If we grab the two percent out of the Innkeepers Tax, however, it's estimated it'll be tied up for fifteen years. Now Commissioners, in two years, that Innkeepers Tax has saved the pavilion and given Evansville what will be a visitors center and a benefit to the Greenbelt project; it is going to build a transportation exhibit and move the train, the most popular exhibit at the Evansville Museum out to the street; build a train station, a long-held dream of the Evansville Museum; it is going to give \$300,000 to the Reitz home, one of the twenty-five most significant victorian homes in the United States of America, and I don't have to tell you how long it would have taken those people to raise \$300,000. It is a tourism facility. If we grab that two percent off for fifteen years, projects like a multi-purpose building at Burdette, a new exhibit at the zoo, a children's museum, the Greenbelt, whatever tourism attraction we chose, will have to wait. It seems to me absolutely silly when we have a tax that can only be spent on that auditorium, not to let it do its job. I hand you a resolution from the Evansville Convention & Visitors Bureau unanimously supporting an extension of the Food & Beverage Tax, a message to our legislative delegation, 7-0, and I ask you tonight to adopt a resolution sending a clear, unified message once again to our legislative delegation to say extend the Food & Beverage Tax. When those bonds are paid off, sunset it again. This is not property tax, this doesn't increase anybody's taxes, this is a 1% tax that's already in place, paid only by people who choose to go out and eat or to have a drink at a bar, I'm just saying that's the tax that should take care of it, leave the 3% there to benefit other tourism attractions in the county. A final comment would be, because Commissioner Mourdock made some excellent points at our meeting about our mission and I've thought

about that a great deal, Commissioner Mourdock. I looked at our mission and our mission is two-fold. It is to support conventions and it is to support tourism. Conventions in Vanderburgh County are about a \$15,000,000 industry. Tourism in Vanderburgh County is a \$150,000,000 industry. So I believe it is a better expenditure of that 3% to benefit all tourism attractions and to let the Food & Beverage Tax do its work by funding this other project. Thank you.

President Tuley: Mr. Lythgoe?

Dick Lythgoe: My name is Dick Lythgoe and I'm a member of a coalition group who is opposed to property taxes used for the Victory Theater. A number of groups are opposed including a segment of the Philharmonic who are opposed to that. I was distressed to see the newspaper clipping that the Auditorium, which doesn't use property tax, is hitting a snag. I agree with what Mr. Shoulders said on the use of the two taxes rather than property taxes for this. I say then, what he said, I disagree with him on his reference to the airport, because my objection to the airport was that it's been on property taxes since 1928. It was put there by the Parks Board, it used to be a park for the city and it will never come off because the two property tax levies will never sunset. Our problem in this county is not the taxes that Mr. Shoulders is talking about, it's the Parks Department taxes where they have cost overruns on everything they've ever done including the airport, the stadium, everything they do. As a result of that, for thirty years, this county has had a decrease in population due to our taxes. Every year we have two pages of people that are too poor to pay their taxes. Many of them live out where the mine blasts have devalued their property, but their property taxes have doubled in recent years. This is killing Vanderburgh County; property tax is doing it, not what he's talking about, the non-property tax. I say, amen, and so be it, this I firmly believe, to his proposition. For your information, while I'm at the podium, the city did a study several times on the comparison of the facilities in Evansville. This one happens to be the city of Evansville Performing Arts Center, and the good 'ol boys, Hafer and those guys, have all contributed to this. Let me quote you a segment of this, and it backs up what Mr. Shoulders is telling you:

"It should be noted that the attendance at these events largely comes from the local area --"

I'm talking about the Victory/Sonntag, moving the Philharmonic away from where it is now, with parking and with seating, to a place where there is no parking and no seating. Members of the Philharmonic are opposed to that and a number of other groups are opposed to it, and I'm part of that coalition. It says here in this study that:

"--the resulting economic benefit to the community is negligible compared to that generated from (inaudible) such as conventions."

This is a city study saying that what they're doing at the Victory is a dumb thing to do. It's revolting, it's appalling and we second the motion that he made, that we proceed full-speed with the Auditorium and do anything you can to keep us from wasting more Park district money, whether it's at the airport, when it's been on taxes due to the Park district since '28, it'll never come off, or the Victory, or any of these other pork barrel, wasteful projects. They're counterproductive, they're regressive, they're damaging to the city, they cause, for thirty years, our population to go down. For thirty years property tax has run people out of this county! They work here, and they go to Henderson and other places. I would suspect that some day we'll have a mayor that lives in Henderson and he would be mayor of the city of Evansville because he can't afford to live here! Yeah, that's what I look for to come next,

they'll have an amendment to do that. So I say let's get off of this property tax debt, let's build up this county, let's have an auditorium, let's keep the Philharmonic at the Auditorium, let's not move it to a place where they have no seats, where they have no parking and charge us for the first-class, some \$15,000,000. I say go with Mr. Shoulder's proposition. Thank you. Any questions?

Commissioner Mourdock: I have a question but not for you, Mr. Lythgoe. I have one for Pat. As you heard me say during the previous session, Pat, I've been out of town for about nine days and I apologize for that, but my sunburned face needs an explanation, I think. At the meeting on Tuesday of this week, this is the principal document that was adopted? Is that right? This resolution you've just given us?

Pat Shoulders: That document pretty much memorializes what we did. The very last paragraph there says --

Commissioner Mourdock: Well, the last paragraph is the one that is of most interest to me because --

Pat Shoulders: It says will commit -- if we can't get this done, we fully support the conventions, and the need for the conventions and if we can't all get together and let that Food & Beverage Tax do the job, we'll commit that two percent, that's a done deal --

Commissioner Mourdock: That was my question because I was of the understanding that the two percent had been committed at this point, and it's committed contingent only upon this, but nonetheless, it is presented contingent.

Pat Shoulders: Correct. We'll do it if we have to, but we don't think it's the right thing.

President Tuley: It's a whole lot better than saying we won't do it.

Pat Shoulders: Well, we need a convention facility.

Commissioner Mourdock: I guess my concern is that, and I know Commissioner Borries was quoted after the meeting, that he felt the gridlock had been ended and I guess I could pick at the word gridlock. I don't know that there's necessarily arguments here that's slowing the process down as much as the process is slowing the process down. We never know how long the "short session" of the state legislature is going to last, the short session they're in now. What we've just done, or what this tells me, is that we've just put some more time in the process again, because until the end of that session, we still don't know what we really have, which basis we're working from.

Pat Shoulders: The article in Sunday's paper suggested that they can't find a home for the bill on the Innkeepers Tax which your bond counsel I think has said you may need to have if you're really going to do bonds based upon our two percent. I've been assured by, well, once removed, from a republican member of our delegation through somebody else to me, and directly by a democratic member of our delegation, that if Vanderburgh County, the Commissioners, the Convention & Visitors Bureau, the County Council and the Chamber will get together, we can get that Food & Beverage Tax extended. It would be very easy. That's the easier amendment, just lift that ten and sunset those bonds when those bonds are retired, exactly the same language that's in that tax for the airport. It just said when the last payment is made, the tax disappears, and that's what this would say.

Commissioner Mourdock: The current law is worded that way, also, is it not, though? It is ten years, but it is --

Pat Shoulders: It has that language, but it says not longer than ten years which would have been fine if we just improve the Auditorium and use the Green. I mean, you can raise \$17,000,000. This is going to be a bigger project. It'll be great, I mean, there's a Grand Wayne Center and there's a convention center in South Bend and we've all paid for Indianapolis' Center. We're excited about this project, but we ought to be able to benefit the zoo, too, or Burdette, or build an ice rink, or build a children's museum. There's no reason to take both of these taxes, combine them together and not let us do both, I think.

Commissioner Borries: Well, I want to commend you for your leadership in this process and Commissioner Mourdock was right, I have, as you know, been involved in this from a number of different angles including the Green Center, which I think was obviously part of the gridlock, so I think that Commissioner Mourdock is very accurate in what I said. I think it did, your motion did end some of that gridlock because there is that clear idea that we're going to have the funding available regardless of which way it goes. But in relation to what you're saying, I think it's absolutely right for several reasons, it is already in place, if there's gridlock or an agenda there by some other people on the County Council, I can't quite understand why. I've heard some that would talk about well, there might be some differences in debt service or whatever, but, you know, if this is in place, and given the nature that one cent there generates two and a half million dollars, and a cent of your Innkeepers Tax generates \$250,000, this tax has ten times more the capacity, that one cent, than your one cent. And, in addition to that, I think it pays off sooner. I mean, no one, really, looking realistically at the history of the airport could say that it's going to be around for, those bonds, I think, were probably amortized out at, Mr. Lythgoe could probably give me the exact figure, but they probably were twenty years and they paid off in about seven, I think, somewhere around there. So, I would predict that given the short run implications of what the riverboat is going to generate with the other restaurant revenues, it's going to pay off very quickly and we get what we need. So I certainly would support that, but certainly want to end the gridlock by saying, if we have to use this two percent, we need to move on. I've looked at this, I regret, I understand, too, I was out of town and I understand that there were some comments made by some members or some individuals who are part of the Philharmonic, regarding our Auditorium. I think that's unfortunate, but be that as it may, that's their decision, their right, and I tell you, I want to get this building done to prove some of those individuals who made some of those comments wrong about what the sound and what that building will be. I think it will be a quality, first-class building, something that we can all be proud of.

TAPE CHANGE

Commissioner Borries: To get back, we, County Attorney Kissinger had shown me a fax, and I think was just received today here, but basically, the bond counsel has asked the PFM person, Public Financial Management person, numbers person, to see how long the available two percent Innkeepers Tax would have to be utilized to supplement the ten years of Food and Beverage Tax, and, you know, how that would have to be extended if no Innkeepers Tax would be utilized. So, hopefully, we will have those answers tomorrow. But, again, I think that your, I commend what you do because I just see logic to what that does, it does tend to free up some other situations there. And again, I've always been focused on the building that has been under the county's watch, so, the Auditorium, the Convention Center, is what I push for in the best interest of the community.

President Tuley: Just real brief. Hindsight is 20/20. Had we known when we were up there two years ago fighting to get this extended, we wouldn't be sitting here today. We would have got it

fifteen, twenty years from the outset. But we didn't know what was going to happen. So now we have to use whatever means are available. You're going begrudgingly, but you're going. I appreciate that and I understand the position that you feel that you're in, but I think we need to make every effort to extend it, here's our fallback if that doesn't happen. It's an election year, we recognize that.

Commissioner Mourdock: Let me repeat the comment that I made over at your meeting, Pat. Maybe I'm dead wrong on this, I don't know, but I just don't think, politically, in Indianapolis that it's going to happen. I'm not inherently opposed to lengthening that out, I do want to see the sunset language, though, regardless, so that if it's paid off early...and to be real honest, if the projections for the growth of the community given the thing down here on the river and the other good things happening, it may well get done early, and I hope it does, and I would want it sunseted at that time. I checked my notes here a moment ago, I said that on January 17th and I feel the same way now. I want to see it sunseted. I also want to see us move on this thing and know where we are at today, and given Rick's final comment there of a moment ago regarding the report we will get tomorrow, I think that states quite obviously that we're not in a position to act tonight. I'm certainly willing to hear what they have to say at next week's meeting.

Commissioner Borries: Well, in the interest of moving forward, I support the resolution. I think we have the two cents, Mr. Shoulders has indicated that it's there, again, I want to commend Commissioner Mourdock because he certainly keeps an open mind about these things, but there are politics being played in the State Legislature, there are some philosophical differences apparently with what some people feel about the use of this tax. We need to get beyond that and get on with it. The tax is already there for ten years. It may not even need 15, it may only need 15, because, again, it may well pay off sooner than ten years. But in order to bond the finance to keep it off the property taxes, as Mr. Lythgoe has so eloquently talked about here, and not impact on the taxpayer, we need to, I think we need to be realistic about this and get beyond the political part of this. Frankly, you're probably in a bit of a bind in that situation.

Commissioner Mourdock: I'm not in a bind, because I'm not reporting to anybody. I'm just telling it and saying it the way I see it. I mean I heard you say a moment ago, Rick, that you had something coming tomorrow that's going to explain from the bonding position, the information that....

Alan Kissinger: A request has been made by Ice, Miller, Donadio & Ryan, Buddy Downs, specifically, who is our bond counsel, to Pam Clary at Public Financial Management, to tell us, basically give us the numbers that we would be dealing with if we have a commitment from the Visitors Convention Bureau for two percent Innkeepers Tax. It's not an if anymore, I think Mr. Shoulders has committed, so now when we get those numbers tomorrow, we can look at them in a very concrete fashion.

Pat Shoulders: All we're saying is, I would just like a resolution here and Wednesday, I am going to ask the County Council to do the same thing, to say that we would ask that legislative delegation to lift that cap, that artificial, that goes out to the year 2005 cap, let the Auditorium be paid for by that Food & Beverage Tax and then sunset those bonds. If we can't get that done, we've got that two percent to back it up. I'm just trying to appeal to your common sense.

Commissioner Borries: That's all I'm saying, as far as--

Pat Shoulders: I don't know what other information you need.

President Tuley: I don't understand the question about, I mean, the information that is coming tomorrow, to me, has no relevance, there's no bearing on this.

Commissioner Mourdock: Maybe I'm missing the point.

Pat Shoulders: The information would help me go to the Chamber and say based on this, the Food and Beverage Tax cap will be ten years, now maybe it will take 17, and there may well be, but on the outside, this ten year cap may go to 17. But even if they say 20, the argument doesn't change. The argument stays the same, this tax could pay for the whole thing.

Commissioner Mourdock: But doesn't it change, Pat, in what you're asking us to do? In other words, let say, that we say tonight, okay, we want the State Legislature to change it to 15 years and tomorrow that comes back to say, no, it will take 17 years?

Pat Shoulders: I'm saying that they should do what they did on the airport bonds. There was no, ten years, five years, eight years in there. It simply said, when the bonds paid, the tax goes away. That's the language that should be in there now. Remove the ten, but sunset it when the final bond payment is made. So you don't need to say 15 or 17 or 12 or 20.

President Tuley: Without refinancing and those kind of things we talked about before.

Pat Shoulders: That's right, exactly. All the same protections that were in there on the airport, which was paid out early as you said. The more tourists we bring in, the more food they eat, it's going to help it pay off early.

Alan Kissinger: I think this will, what Mr. Shoulders has done on behalf of the Visitors Convention Bureau, if you don't like gridlock, I think what it will do is start the communication within this necessary circle moving again, because we had reached an impasse, and Mr. Shoulders has now broken that impasse and we can certainly, those county people will have their computers running like crazy tomorrow. So, we're moving again. From my point of view, from what I'm doing for the county in reference to this bond issue, I am happy to see this happen.

President Tuley: I support the resolution. I think we need to go forward, the Council meets Wednesday. We need the support of the Council and let it get up to Indianapolis. Each time we delay, that short session just got shorter and shorter.

Commissioner Mourdock: The real question here, I guess, then boils down to, quite simply, if the Legislature does this, is the money that is otherwise the Innkeepers money being used by your organization, is it better spent for those other projects or better spent for the Auditorium? That's really what we're saying.

Pat Shoulders: And no project, of course, can be funded unless the County Council approves it. So that, ultimately, the elected officials have the authority to say yes or no. All we can do is go to the County Council and say we would like for you to appropriate \$500,000 for X, they can vote yes or no. If they know that money stays right there in the Tourism Capital Development Fund. So that protection is in place.

Commissioner Mourdock: Well, Commissioner Borries, you said a moment ago I have open mind. And I do have an open mind. Believe it or not, I do. Believe it or not, Pat, I do. As I said over at your meeting the other day, I'm not inherently against the idea of trying to get the Legislature extended as a political reality, my gut instinct tells me it's not going to happen. Maybe I'm wrong. We can bring the resolution up, I will vote for the resolution, I

don't think it's going to be effective unless we get all the players that you mentioned involved. I don't see that happening even locally and if it doesn't happen locally, it certainly isn't going to happen in Indianapolis.

Pat Shoulders: Well, we've pushed that ball up that hill and it rolled back down many times on that Innkeepers Tax. Finally, we got it over the top. I think this will be the second piece, Commissioner Mourdock, I appreciate those comments. We got the Convention & Visitors Bureau, now if you all give me the resolution, I'll go to the next group.

Commissioner Mourdock: I can't imagine there is any argument within your group, because it was simply a matter of holding on to the money you've already got.

Pat Shoulders: I dictated that and forged all those signatures. There's nobody from the media here, is there?

Commissioner Mourdock: No, but the tape is running.

Commissioner Borries: I move that the resolution be approved. Or I endorse it. I endorse the resolution.

Commissioner Mourdock: Do we need a roll call?

President Tuley: Do we need it?

Commissioner Borries: No, not for...

Commissioner Mourdock: Okay, I'll second.

Pat Shoulders: Thank you very much. You did the right thing.

RE: DENNIS BUICKEL - CORONER

Dennis Buickel: For the record, I'm Dennis Buickel, I'm the Vanderburgh County Coroner. Gentlemen, I appreciate you giving me the opportunity to come to you, hat in hand, so to speak. I brought with me Dr. John Heidingsfelder. Dr. John is the Vanderburgh County Health Officer, he is also our Chief Forensic Pathologist for the Coroner's Office. I also brought along one of our Deputy Coroners, John Althoff. John is a Deputy Coroner, he is also a certified radiology technician for about 30 years give or take a couple years. When the present Vanderburgh County facility, Coroner's Office facility was constructed, the Coroner's Office had donated to them two portable x-ray units. Well, when those x-ray units were first received by the office, they were already 15 to 18 years old. Since the time that we received the x-ray machines, one of the x-ray machines, one of the portable x-ray units doesn't work at all. We can get parts for them, for the machine if we want to pay three, four and five times what the original replacement parts cost. It's an outdated, antiquated machine and it isn't even cost feasible or cost effective, I should say. The second machine we have is also a portable x-ray unit, it's functional about 75 to 80 percent of the time, give or take some change. The last time we had it worked on was the latter part of 1995. It was \$350 some odd dollars to repair the machine, when it only took like a \$25 part. If those parts were available. So what they did, they rigged...they took some older parts from several different machines, put them together to make this machine semi-functional. Enter the Vanderburgh County Health Department. Recently, it came to our attention that the Health Department is purchasing a new "permanently installed" x-ray unit. The Health Department has a machine or a unit in place over there now that if we were to go out and try to purchase today, we're looking at, I think Dr. Heidingsfelder will correlate what I'm saying, were looking at a replacement cost between \$40,000 and \$50,000. With them getting their new machine because they can't use their present machine, for

reasons he may want to go into. When they get the new machine, they have to do something with the old machine. Instead of putting this \$40,000 piece of equipment down in the basement of the Civic Center, we got some, we...Mr. Althoff and I, got some prices, if you will, to move the old machine to the facility at the Coroner's Office. To install it, put some support rails up, wiring and everything, we're looking at a total installation cost of \$6,600 or less. So, quite simply, and trying to cut through all this superfluous stuff, I'm asking the Commissioners to approve from CCD funding, \$6,600 or less for the moving of the machine that is presently installed in the Health Department to our facility. That will include the moving, the installation, the extra support rails, and with the permanently installed machine, one of the NRC rules and regulations is there has to be a lead shield put up. That includes the cost of the lead shield also. So that there is no misunderstanding, we would retain this portable x-ray machine, that, well, sometimes it works and sometimes it doesn't, simply as a backup.

President Tuley: Cindy, do you know what the balance is in the CCD, off the top of your head?

Cindy Mayo: There has not been a financial statement received in our office this year but, just from tax money, that will generate about a million dollars and we budgeted not even half. It seems like we budgeted somewhere near maybe \$350,000.

President Tuley: Did you hear her response?

Commissioner Mourdock: I'm sorry, I didn't hear.

President Tuley: There will be about a million allocated for the year, and we've only budgeted about \$350,000.

Cindy Mayo: And a fairly large cash carryover, I don't know what the cash balance would have been, but it would have been at least half a million at the end of '95.

President Tuley: We had trouble the first year trying...

Commissioner Mourdock: My key question in this, I guess I'll refer to Bill Fluty and also to Alan, and that is, those magic words CCD fund, tells me that Cumulative Capital Development Fund, is, in fact, this acquisition, by both of your definitions, considered capital?

Alan Kissinger: This money can be spent for any purpose for which property taxes can be imposed on the municipality under the authority of approximately one dozen different code sections. I did a memorandum on this to the Commissioners sometime back and yes, the money may be spent for this purpose. But this is not considered to be an emergency, therefore, we could not designate it an emergency, but I think it can be appropriately spent for this purpose. However, even if the Commissioners approve, basically, what we will be approving is the right to go to the County Council and fight for this move. The short answer to your question is yes, it may be spent for this purpose.

President Tuley: Dennis, so there are no misunderstandings, this is being given to you and the \$6,600 is the moving and installation. You're not paying for the x-ray?

Dennis Buickel: No sir. The x-ray unit is presently in the Vanderburgh County Health Dept. Dr. Heidingsfelder has indicated the willingness of the Health Department to, shall we say, permanently install it in our facility.

Alan Kissinger: So you do need an appropriate facility in which to house the unit?

Dennis Buickel: Well, no, we have the facility, what we need the \$6,600 for, sir, is the installation cost. It includes the installation, it includes the lead shield, and the wiring.

Alan Kissinger: Okay, I asked my question poorly. You need to prepare the facility for proper installation.

Dennis Buickel: Correct.

Alan Kissinger: And that is a capital development item.

Commissioner Mourdock: Okay, that was the heart of my question. Because, philosophically, as I said at this Board some time ago, we get a lot of requests for Cumulative Capital Development that are expense items more than capital items and, philosophically, I'm not going to vote for those. However, if it is a capital item, I'm not going to stand in the way of the department head and say what his budget ought to be done or what capital is needed for that.

President Tuley: Is that a motion?

Commissioner Mourdock: That was a motion to approve the request for use of the CCD money for the Coroner's stated purpose.

Commissioner Borries: Second.

President Tuley: So ordered.

Dennis Buickel: Thank you, gentlemen.

President Tuley: That was a long wait for \$6,600.

Commissioner Borries: Still, you got a better deal than what we do in the Drainage Board some nights!

RE: JOE PROFAIZER - SCT SERVICES

Joe Profazer: Hello, my name is Joe Profazer, I'm from Computer Services and I am here this evening to renew an annual maintenance and software services support from OCS Technologies. They are the vendor for the law enforcement applications and the computer aided dispatch 911 application software. This was approved at Data Board on January 23, 1996. I have been talking with Chief Gann about paying this quarterly instead of annually due to the fact that OCS Technologies is going through some restructuring. Therefore, they have imposed a five percent surcharge if you want to pay it quarterly.

Commissioner Borries: OCS Technologies is your firm, is that correct?

Joe Profazer: No, it is not my firm. They are the third party vendor which provides the software for the 911 system, the jail management system and the police records management system.

Commissioner Borries: I really don't have any problem with the contract. I guess I know that from bits and pieces I've heard from the Data Processing Board members at some point or another, some expressions of dissatisfaction on some of this. Is this in the process of being revised or redone? Are we looking at a different software configuration, or is this all new upgraded material?

Joe Profazer: No, this has been our software for these pertinent applications since around 1990.

Commissioner Borries: Is it being upgraded or is everyone satisfied with it?

Joe Profazer: I believe everyone is satisfied with the software,

per se, they're not too happy with the company which has been sold two or three times since I've been there. There lowers the comfort level, that's why we propose to pay this in quarterly payments instead of annually, because they're thinking about, or if they have not yet, selling part of this division.

Commissioner Borries: I see. Well, this is your recommendation?

President Tuley: Does it have Data Board approval already?

Joe Profaizer: Yes. And I have the original.

Commissioner Mourdock: I'll move the approval for the annual support and maintenance contract with OCS Technologies for the period of 1/1/96 to 12/31/96 as recommended by Mr. Profaizer.

Commissioner Borries: I will second.

President Tuley: So ordered.

Joe Profaizer: I have one brief other thing to say. This is regarding the CodeMaster project for the city and county, the codification of ordinances. Last week, I believe Tim VanCleave and Suzanne Crouch have given you numbers of what it would cost the county. I think it was requested that the city concur with their payments of upgrading their CodeMaster application, and Mr. VanCleave spoke with the City Clerk last week and she is in total concurrence with this project and the monies allocated respectively for the city. Suzanne Crouch has asked me to bring this up this evening and make sure that the city has concurred with their side of the deal.

Commissioner Borries: So you...

Joe Profaizer: This is a request from the Auditor's Office. I just wanted to bring it up tonight. If Bill wants to elaborate on it a bit, I've done the pricing splits for the city and county; it was just a matter of getting both sides to agree to the monies they would pay for the project.

Commissioner Borries: I move that the request be approved.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

Joe Profaizer: One little other tidbit, the imaging system that was put in the County Clerk's Office received a call from a PR firm out of New York and they're planning to do an article on Vanderburgh County and the imaging system. I said I would talk, do the interview, but based on that, before you put anything in writing, I want to pass this along to the Commissioners for their review. I'm just looking for your advice and comments. But they want to do a little PR for Vanderburgh County, I believe for the document imaging system and I don't see where that would hurt a bit.

Commissioner Mourdock: Nothing proprietary there.

Joe Profaizer: No, but I wanted to get your nod of approval on that.

Commissioner Mourdock: Fine, I move a nod of the approval.

Commissioner Borries: Second.

President Tuley: So nodded.

RE: HARRIS HOWERTON - EXECUTIVE DIRECTOR OF COMMUNITY CORRECTIONS

Harris Howerton: I'm Harris Howerton, Executive Director of Community Corrections. As you know, I come to you each year at this time with a presentation of our ordinance that we have to adopt each year before May establishing a Community Correction fund. In that fund goes money from the Department of Corrections; for one, a misdemeanor fund for housing and providing services for Class A misdemeanor offenders in the community; and two, for our grant. This year is a little bit different on the grant. This year, because it's the second half of the biennium, they've made some changes at the Department of Corrections. What I need from you is your approval tonight to pursue, basically, re-upping our grant. In other words, there are no changes in our operations, the only changes are the monies. The monies are just a little bit different, because we have asked for a few things in a wish list. By no means are we guaranteed that we will get that. I won't know whether we will get those items until the second week of March. When I learn exactly what they will or will not give us in the grant amount, I will come back to you then, and tell you those items and bring to you the final document showing the dollar amounts. But the grant that we're operating under right now will remain the same. It's a little bit less paperwork for all of us. We're operating now under the grant and the grant amendment that you all approved for a total of \$373,634. That included two extra employees paid for by the Department of Corrections and some electronic monitoring equipment. We will not be getting the \$49,500 again for more equipment, but they will continue to fund the employees. In our request for fiscal year 96-97, the second half of the biennium, state's biennium, we have asked for items that are included in the union contract. In other words, we are going to ask them, because of the fiscal impact that was brought about by the union contract, to help us pay for that. So you will see those items that are asterisked. The last part, the computer equipment, we are asking for a stand-alone computer so that we can put all of our state reports on that. Right now, we can't put our state reports on the existing computer system because they have a different set of hardware. They have given that to a lot of counties throughout the state and I thought we would ask and I think they will give us that. So tonight I would ask you for a resolution to one, approve my pursuing the grant for 1996-1997 and two, a resolution to establish an ordinance pursuant to the Indiana Code 11-12-6.

Commissioner Mourdock: Have the amounts related to the Teamster agreement, do those verify, Alan, with all the discussions you've had since there are still, obviously, questions out there? So you've looked these numbers over and you're familiar with them?

President Tuley: What happens, because you've made it very clear that this is just a request and they may give you all, part or none of this request. Election here locally, we've heard about election politics on the state level, if this money is not granted, which you'll know by the second week of March?

Harris Howerton: I've already asked. I've already put in a request with the County Council for the entire amount, approximately \$121,000, for the entire fiscal impact. And I have made it very clear to them I'm also going to ask the Department of Corrections for this. And what can I say, they will or they will not give it to us. I have a good feeling that they will.

President Tuley: They? The state or local?

Harris Howerton: The Indiana Department of Corrections. I have a good feeling that they will. When I brought it to their attention and told them about it, they understood and, in fact, Joe Fistrovich, the Controller for the Department of Corrections said to make sure you put it in your wish list and we'll talk about it.

Commissioner Borries: If that comes true, then you don't need the \$121,000 from the Council?

Harris Howerton: No, we will just reduce it by these amounts, approximately \$7,800, we will reduce that \$121,000 by that amount.

Commissioner Borries: What's the request from the Council? You've gone through the fiscal impact, has there been any movement from this grant over to the General Fund or vice versa?

Harris Howerton: I don't understand your question.

Commissioner Borries: Well, is there some significant increase that we're asking the County Council that we had not anticipated as a result of this? It is my understanding that we had downsized our numbers.

Harris Howerton: Well, actually the request is \$121,000, and when we downsized, it clipped \$250,000 off our budget. Basically we're at a net of plus \$120 in my opinion, and we are doing something that is required by the contract, and that is paying overtime. In the past, we were able to let people off and that sort of thing, comp time, and now we will be required to pay some overtime and that's basically the impact. A big part of it is that.

Commissioner Borries: But, and our attorney could probably advise of this because of fair labor standards and other issues associated with overtime, that probably would of had to have happened whether it was a Teamster contract or not.

Harris Howerton: Oh, sure.

Commissioner Borries: Okay.

Alan Kissinger: We still have the possibility of negotiating compensatory time but we must negotiate it and it must be a part of the contract and agreed to by the membership, otherwise, we must pay overtime at the prevailing rate.

Harris Howerton: And if we're real, real lucky, we may not spend that money. But I can't...

Alan Kissinger: Have we ever been real, real lucky?

Harris Howerton: Well, luck is not my middle name....

President Tuley: But I think it's the key because we have that arrangement in the other units that we've recognized, compensatory time.

Harris Howerton: I think, with regard to the financial impact, I don't see any real difference between any of your other contracts. There are a few differences that raise some eyebrows, etc., but financially, I don't think that they are asking for anything more than any other union employee has in the other departments.

President Tuley: Any more questions?

Commissioner Borries: I move that the ordinance concerning the establishment of funding of the County Correction fund be approved.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

Commissioner Mourdock: I think we need a roll call vote, don't we?

Harris Howerton: The resolution that allows me to pursue acceptance of a second part of the biennium for the grant.

Commissioner Borries: I move for acceptance of the grant for the second part of the biennium.

Commissioner Mourdock: I'll second.

President Tuley: So ordered, but if this one is an ordinance, you are correct, we need a roll call vote. Presentation of the ordinance establishing the funding of Community Corrections Fund so I do back up. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Tuley: Commissioner Borries?

Commissioner Borries: Yes.

President Tuley: And I vote yes.

Harris Howerton: Thank you very much.

RE: LYNN ELLIS - PURCHASING

Lynn Ellis: I came on board when the Biggerstaff property was going on and did the bid to have it torn down and all that stuff removed and I thought it was gone.

President Tuley: We're going to try to make it gone for good this time, or at least move it to another location.

Commissioner Borries: Believe me, I hoped longer than even since you came on board.

Lynn Ellis: The only thing I have tonight is a request to ask for a contract to be extended with Bassemier's and the request is to allow me to contact him in regards to the contract that the Division of Family and Children has with them for transporting their clients. I have not contacted Mr. Bassemier about this. When I approached you last time about continuing the contract for the transportation services, I felt like I needed to come and ask permission to do that before I did that this time.

Commissioner Mourdock: The contract allows for the extension. I move that Ms. Ellis be directed to contact Bassemier's Transportation regarding extension of the Family and Children's Welfare contract.

Commissioner Borries: Second.

President Tuley: So ordered.

RE: JOHN STOLL - COUNTY ENGINEER

John Stoll: The plans you have before you are the revised plans for Sycamore Hills Phase IV. The road now has a curb and gutter section on it instead of the shoulders like it had last week. I recommend that the plans be approved, excepting the portion that covers the bridge, which is approximately station 8.00 to 9 to 9.50, I don't remember the exact stationing, but, approve the plan except for the bridge portions, since the bridge plans have not been submitted as of yet.

Commissioner Mourdock: Except meaning excluding?

John Stoll: Excluding, right.

Commissioner Borries: Let me just ask you about this bridge. I always have some questions about these things. Is this going to be built by the developer according to county specs?

John Stoll: As it stands right now, he says that he wants to build the bridge where it would be a privately maintained bridge so he doesn't have to put in a 24' pavement with shoulders. He wants to go with a narrower bridge to reduce his costs. I've talk to Alan Kissinger about that to ask him if that presents any problems for the county and he told me that it didn't. I don't want to put words in his mouth, maybe when he comes back he can elaborate. Basically, from station 8.00 on, we would never accept the road because the bridge would not meet county standards.

Commissioner Borries: Is it going over Schlensker ditch?

John Stoll: Right.

Commissioner Borries: Isn't that a legal drain?

John Stoll: No, it is not.

Commissioner Borries: Schlensker is not a legal drain?

John Stoll: No, they'll have to get all the proper approvals from DNR and everything still, but they're just looking to construct a narrower width.

Commissioner Borries: I just wonder why, if he's going to that expense, he doesn't go ahead and do it right? I mean, get it where he needs to.

John Stoll: I've heard from some people out there that don't want it constructed to the full width of the county road because they're afraid that would lead to future extensions of the road and further development.

Commissioner Borries: Is he talking about four lanes in there?

John Stoll: No, just be a 24' road, but the bridge--

Commissioner Borries: How wide would the bridge be?

John Stoll: He's looking at 14 to 16 feet, I believe.

President Tuley: John, come up here because I'm not the brightest guy in the world sometimes. Show me where it is that we're asking to be accepted up to what point? All this up to this point right here?.

John Stoll: Right.

President Tuley: Where's that bridge at?

John Stoll: Right through here. We wouldn't be able to accept anything on the other side because it wouldn't be continuous to another county accepted road.

Alan Kissinger: I understand that.

John Stoll: Right.

Commissioner Borries: Who is the developer here?

John Stoll: Gary Williams.

President Tuley: I should have asked that in the first place.

Commissioner Borries: Well, yeah, the thing that happens is, that long after we are gone, as you know, people right across from the Vanderburgh Highway garage, who had no clue years ago that their roads are not accepted and that we can't work on them. We can't find records of it, literally, right across there. I guess what

I'm saying is, can this be brought up either in sub-review or it's got to be put on the plat because there are going to be people that buy lots out there that are not going to have a clue that this road is not accepted. And years from now, somebody is going to come in here and say, you know, I'm willing, I guess, to accept the road up to this point but...

Commissioner Mourdock: Do they have a neighborhood association?

John Stoll: That is what I was going to say. What we would have to do before he'll ever be released from his letter of credit, is provide me with the recorded copy of any restrictions and covenants that is signed, the maintenance responsibilities of the bridge, plus from the start of the bridge all the way to the end of the road to a Homeowners Association.

Commissioner Borries: Can we then get that recorded some way?

John Stoll: It will have to be recorded.

Commissioner Borries: You know, we get too many angry people in some of these subdivisions where we have some maintenance nightmares and...

President Tuley: How far back on that bridge crossing are we accepting this up to? 500 feet?

John Stoll: No, it would be closer than that. It's a.. I don't know what the distance is.

Alan Kissinger: Oh, no problem. It's just the county's responsibility, the county's liability ends where it's responsibility for maintenance ends. We just have to make certain that our portion of the road is in good repair and if they choose to allow the rest of the road to fall away, it is not the county's responsibility.

President Tuley: If somebody comes barreling down this county road, it turns into private right there where it is narrow and hits the bridge?

Alan Kissinger: It's going to be the responsibility of the people that own the bridge for not properly maintaining it, lighting it and marking it.

John Stoll: The one lane bridge is not the best approach by any stretch of the imagination. This is the first time anybody has come up with a subdivision since I have been with the County, where they have proposed building a bridge, so I don't know what kind of precedent there is for allowing something like that.

Commissioner Borries: Not good, not good, not good.

Alan Kissinger: John, do you have any impression as to what the response from the state will be as to building that bridge over that drain?

John Stoll: I don't know what they will have to say other than probably the same things they would say when we build one. They just want to make sure that it's adequate size to pass the water and they probably won't care how wide it is as far as the travel lanes across the top.

Alan Kissinger: We think we have a similar situation out on the westside where we accepted up to the dam of a lake, but we would not accept the dam or anything beyond the dam.

John Stoll: Yes, West Summit subdivision.

Alan Kissinger: Yes.

Commissioner Borries: I wouldn't do that one, either. I don't know.

President Tuley: I don't have a problem accepting it up to that point.

Alan Kissinger: This is exactly the same situation, if that dam should go out, it's the responsibility of the property owners to maintain the dam.

Commissioner Borries: I just want the property owners I guess, to be fully advised.

John Stoll: Right. That's the key, because otherwise ten years from now, somebody will be saying why aren't you fixing my bridge?

Commissioner Borries: Exactly.

Alan Kissinger: That restriction will be recorded with the plat, correct?

John Stoll: Right. Well, not necessarily with the plat, but with the covenant and restrictions.

TAPE CHANGE

John Stoll: Whenever there have been other restrictions assigned to other subdivisions, we have asked for copies of their recorded documents for Homeowners Association to check to make sure they did put the proper restrictions in those documents before the letters of credit are released, so we could do the same thing with this.

Commissioner Borries: That's fair enough. Just as long as the people are notified so they know what they're getting into.

President Tuley: Ten to twenty years from now a few other Commissioners will be scratching their heads saying how did that happen?

Commissioner Borries: I don't know what kind of bridge he's going to put in there, but, I mean, these things aren't cheap. How wide is it going to be?

President Tuley: Fourteen?

John Stoll: I think he said fourteen to sixteen feet.

Commissioner Borries: Just looking at the ones that we were able to do over the legal drains to help those developments go through there on Vogel and Virginia.

President Tuley: Inaudible.

Commissioner Mourdock: I can't imagine to enhance his own property values east of the bridge, at least east on that side as you look at it, maybe it's from the south side as you look at, and given the flack he'll have from the state to get that thing built, I don't know why he wouldn't build a wider one anyway. It would be simpler to him, but that's his call.

John Stoll: The bridge we built upstream on Browning Road, the one that washed out last year, it cost us \$110-\$120,000 and this has another ditch feeding into it so it would be even more than that.

Alan Kissinger: I would suggest that he probably could not afford to build a bridge that the county would accept, because that would be...

Commissioner Mourdock: I'll move the acceptance of the road &

gutter plan for Sycamore Hills up to station 8.00 as recommended by the County Engineer.

Commissioner Borries: I will second. And for the record, request, just as County Engineer Stoll has outlined here, that a Homeowners Association, that we receive documentation and the Homeowners Association is formed, that information will be...I would like to see it recorded with the plat, but if we can at least get it documented on the letter of credit or whatever, I frankly just hate it for the property owners that are going to go out there and not have a clue what they're getting into.

Commissioner Mourdock: I will amend the motion to include that requirement for the notice to the property owners.

Commissioner Borries: I will amend my second. The second is amended.

President Tuley: So ordered.

John Stoll: The next item I have, I would like to request authorization to go before County Council to request an appropriation in the amount of \$187,628.09 for the Baseline Road Bridge number 202. That appropriation request is to put that amount of money back into the Baseline Road account because the first two claims that were paid on that project were paid out of the road and street contractual services account rather than the Baseline Road account, and this would correct that error.

Commissioner Borries: Is that near Azteca?

John Stoll: Yes. The claim was already paid but it had the wrong account number on it. I thought it had been corrected and when we got the printouts for this year, it wasn't corrected. So in order to get that money taken off the right account, this is what we needed to appropriate.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

John Stoll: The final item I have is the request for authorization to close the Schissler Road Bridge and the County Line East Road Bridge. These two bridges were identified in the Bridge Inspection Report as being deficient and they had recommended on the Schissler Bridge that we do some immediate repair work or close the bridge and they recommended immediate closure of the County Line East Bridge. The County Line East Bridge is under contract for replacement, it just hasn't been started as of yet, but with that letter, I think it would be in our best interest to go ahead and close the road and, on the Schissler Bridge, they recommended some repairs to the abutments where some erosion had occurred. That bridge was built in 1908 and we have some plans, I mean, we had started the process in replacing that bridge as well, so, it didn't seem worthwhile to go in and spend a bunch of money to try to repair the bridge when it needs replaced anyway, especially on a bridge that old. We've already got the survey done. Some preliminary design work has been done on the foundations for the new bridge, so probably by this summer, that bridge would be replaced, but, in the meantime, it didn't seem worthwhile to go ahead and throw more money into it, so that's why we felt it would be best to close it.

Alan Kissinger: John, is the Schissler Road Bridge, is this the very narrow road at the first part of the county?

John Stoll: Right.

Alan Kissinger: Is there any plan for widening that bridge or would you just replace it with a similar structure, same width?

John Stoll: We've been replacing them with a wider bridge to accommodate future road widening.

Alan Kissinger: The reason that I ask that is because before, there were improvements made on that road. As a result of those improvements and as a result of the fact that, no fault of John's or Bill Morpew's, and as a result of the fact that the improvements that were made were not designed to, but resulted in an increased speed by people using that road, as a consequence, it was a foreseeable situation. It was a very dangerous road and the county incurred maximum statutory liability as a result of a death that occurred after it was improved. I just want us to be mindful of that fact when we talk about what we're doing here as far as this bridge is concerned. If the provision has already been made for the possibility of widening the road sometime in the future, then my question is basically answered from a liability standpoint.

John Stoll: It would probably go in, since the standard lane width is 12 feet, we would probably have a 24 foot wide pavement across the bridge, which is going to look very strange out there on that road since there are extremely narrow approaches leading up to it, but it would be able to accommodate a future widening.

Alan Kissinger: But one thing that it will probably accomplish is that there will be some place for two cars going in opposite directions to pass. Meet at the bridge.

Commissioner Mourdock: On the other one, I think I asked you this once before, but for some reason it didn't sink in. On East County Line Road over Bluegrass, where is that?

John Stoll: It's up between ...

Commissioner Mourdock: North of Millersburg?

John Stoll: Yeah, south of Boonville-New Harmony. It's right on the county line and then as you go a little bit north of the bridge, then the road takes off totally into Warrick County and then it eventually gets up to Boonville-New Harmony. I don't know what the distance is but it is somewhat east of the interstate.

Commissioner Mourdock: But it is south of Boonville-New Harmony?

John Stoll: Right. We're waiting for SIGECO to clear the power lines out of the way before we can start that project but given the way that letter is worded, we felt it was probably best to close it, even if it's only another week or two before SIGECO gets the lines cleared.

Commissioner Borries: So, to answer the questions that we're going to get when we close Schissler here, you do expect that we are going to be able to do something by this summer?

John Stoll: Yes.

Commissioner Borries: Okay.

John Stoll: If it wasn't so old, it might be worthwhile to try to repair it, but it was 1908 when the thing was built. The scouring is not the only problem with that bridge. To rehab it and give it a substantial life span, we would spend a lot, probably as much money to do that as to replace it.

Commissioner Borries: It isn't built though like Ohio Street or the old one on Heckel Road, is it?

John Stoll: It's a concrete, arch-type structure.

Commissioner Borries: Okay. I move that the closures as per the bridge report and the Engineer's recommendation on East County Line Road over Bluegrass Creek and Schissler Road over Sanders Creek be approved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

John Stoll: One other bridge to give you an update on, we did receive the plans for the Tekoppel repairs, we have forwarded those to the railroad so that way maybe we can progress on that here soon.

Commissioner Borries: Tekoppel?

John Stoll: Repairs on the beam.

Commissioner Borries: Good.

John Stoll: So now we will just be waiting on the railroad's response on what they will require from us as far as insurance and access to the site and things like that.

Commissioner Borries: And have you reviewed them and feel they look good?

John Stoll: What they are going to do is anchor some plates in the beams and then tension a steel, not a steel cable, several steel cables along the side of the beam, to stabilize it and then they'll inject all the cracks with epoxy. The epoxy, there is going to be some temperature limitations on that, so I don't know exactly when we are going to be able to do it as of yet, but it seems reasonable. That's all I have.

RE: BILL MORPHEW - COUNTY HIGHWAY

President Tuley: Let the record reflect Bill submitted a report for the period Friday, January 26 through Thursday, February 1, 1996 for both the County Highway Department and the Vanderburgh County Bridge crew, showing work that has been done throughout the County.

Bill Morpew: Good evening.

Commissioner Borries: Good evening, Bill. Heard some good news?

Bill Morpew: Going to get 60 degrees by Saturday.

Commissioner Borries: Well, that will work. I guess the preliminary, I just heard, I have one bus driver who drives the Union Township routes, who always...he appreciates, of course, what's going on, but he also must have heard that maybe the, hopefully, some of the damage isn't as bad as what we thought in terms of the road washing out.

Bill Morpew: I didn't see any damage. I didn't make it very far, I went to the railroad trestle. The pictures you see there marked Old Henderson Road, that ice was well over a foot deep. There was a tailpipe out there and what looked like several other car parts. People had tried to go through it, the road was closed, had barricades up and signs, flashing lights and everything, but people just decided to drive through it anyway and got stuck. The one there, Cypress Dale, that water is still three to four foot deep, but it's not water, it's all ice. There's water underneath it somewhere, but that's ice out there. Some of that ice is a foot thick. We got all the ice off Old Henderson today down to and just

past Dogtown Tavern. We salted it real heavy this morning and several other areas down there, plus we peeled a lot of debris off the road and with the temperature and the sunshine, the salt out there, we were able to peel most of that up this afternoon. We will continue working on, but I didn't see any actual road damage. There was a lot of debris. We are probably going to spend, we'll spend probably two weeks down there just removing debris off the road.

Commissioner Borries: Let me just ask you here, this is something that I remember we haven't had to consider very often, but gives us one other thing to think about here as we're nearing the end of the night, if the temperature does go to 60 degrees, we do have a frost free law. We are talking some major changes here, we may need to have you review that for certain vehicles traveling certain roads in the county.

Commissioner Mourdock: Do we have a priority list of roads put together where that would apply?

Commissioner Borries: You might want to check on that. I'm only saying that's a pretty quick warm-up, and I don't want to see us have some problems on some roads if we need to take action, and you might want to tell us next week if we do.

Bill Morphew: I would.

Commissioner Borries: That's an awful quick thaw there and I don't...

Commissioner Mourdock: A lot of those roads that are down there are under water now, the extent of damage that they may or may not have hasn't been determined yet. It will depend on how quickly the river drops out. That will wash it out faster when the river's rising as to how quick it drops out.

Bill Morphew: Like I said, I didn't travel the entire road. I did go to the trestle, I turned around there and came back. There is one bridge down there that is completely blocked up with trees, brush and stuff. We will probably spend the rest of the week down there just opening the roads up. We did get Lenn Road opened up and I had a truck on South Green River Road and he plowed that thing probably a half a dozen times today. I mean, it's driveable. That one and Old River Road, Lenn Road, and South Green River Road. South Weinbach we can't touch or Waterworks Road. There is just no way. Cypress Dale, we are not going to be able to touch that one; Duesner, the water is still over; Cypress Dale is still over. Parts of the gravel sections of Happe & Seminary, those are still open. We really can't do anything with those roads either.

Commissioner Borries: Well, let's just review this because we want to avoid any damage wherever we need to. I know we all welcome that warm weather, but coming from zero to sixty...

Commissioner Mourdock: I believe that we are supposed to have, they talked about snow flurries on Wednesday morning, rain Thursday. The temperatures 50's on Friday, 60's on Saturday.

President Tuley: I heard this morning this is the first hint of spring. I guess that's what your talking about.

Commissioner Borries: Yeah.

Bill Morphew: On another note, I have talked with the gentlemen that was hired in December, Mr. Ruffin. Mr. Ruffin has had a back injury prior to coming to work for Vanderburgh County. He will not be able to come to work and there is a real possibility that this man will go on disability. I assume we rescind the job offer and look for another.

Commissioner Mourdock: He has not gone to work for us?

Bill Morpew: No sir, he has not.

Commissioner Borries: I would rescind that offer then or move to rescind the offer.

President Tuley: Need to start the process and get somebody in there because you have had a vacancy for some time. Get some more applications, I know there was at least one other application, a guy that worked at Signal Delivery.

Bill Morpew: Yes, as a matter of fact, I talked to him. I have a large envelope that Sandy Deig had given me for people who had applied for mechanic positions. I was reviewing those today. I will come up with all we can. That's all I have.

Commissioner Borries: Thank you, Bill.

RE: ALAN KISSINGER - COUNTY ATTORNEY

Alan Kissinger: In response to the Commissioner's request last week, I began or continued researching our obscenity ordinances, laws, etc. We have, very much like the Biggerstaff situation, we have state laws in place with criminal penalties. What we do not have, and what we are specifically allowed to adopt by state statute, are zoning restrictions regarding these types of businesses. It is widely accepted that within an urban area, within a city, you cannot use a zoning restriction to make illegal a business that would otherwise be legal. The rule of thumb, or the rule of law, basically, that has been used within the city is that they will restrict that type of activity to no closer than 500 feet from a school, daycare center, etc. In the county outside the corporate limits of the city, however, those restrictions that are generally accepted could go a greater distance to a 1000 feet or someone even suggested 1500 feet. I don't know how far you could go, but that's primarily due to the fact that we have so much more open area in the county, so that you would not make the possibility of engaging in that business illegal or restricted due to zoning in the county. So, if the Commissioners wish, I will proceed to pursue this as a zoning ordinance as opposed to an ordinance that bears a criminal penalty and confer with the people in Area Plan to get their input as to how this ordinance would best be drawn as to distance, etc. Hopefully, I'll have something to present, I would like to make the commitment that I could do it next week, but I have a trial starting Monday and I doubt that I could present it to the Commissioners by that time. If I have something prepared, I may have one of the Assistant County Attorneys handle the meeting next week and if I do have something prepared, I will have them bring it along for permission to advertise, if you authorize me to proceed in this fashion.

Commissioner Mourdock: Alan, I have read through the minutes from last week when Commissioner Borries brought that up, and I certainly concur with the need to do that. In the minutes he reported a 1000 foot, or that was the direction. I would like to ask, and I guess when Pat gets back I'll present this as a motion that we do it at 1500 feet because, as you said, we are talking about the county area and it is more of a wide open situation. I think that's a good way to go to deal with this.

Alan Kissinger: The one thing that I can tell you is that the greater the distance, the closer the scrutiny by the courts. But, what this particular situation, this business that we are immediately concerned about, is now moving from an urban location where it was determined to be closer than or not outside the 500 feet from a school requirement of the state statute, and that was a state criminal statute. I was pursuing it from that perspective. But most appropriately, I think that it should be pursued in the

zoning ordinance because then we don't have to deal with it piece meal, and every case is the same and is judged by the same standard. Assuming that is the wish of the Commissioners Office, I'll pursue that.

Commissioner Mourdock: As Vice President of the Commission here, I'll make the motion that we do it.

Commissioner Borries: That's fine, I'll second your motion.

Alan Kissinger: Everything else that I had was fairly well spent with the group that came in earlier.

Commissioner Mourdock: Excuse me, let me add one footnote. Because that situation is coming up to the BZA the 15th, would you also draft a letter to them stating what this Board's intentions are and your action in that regard?

Alan Kissinger: Yes, if you have no objection at this procedure, I will advise the people in Area Plan to convey that message because they do the staff report for the Board of Zoning Appeals.

Commissioner Borries: When is that?

Commissioner Mourdock: I think it is the 15th, Rick, if we have a calendar here.

Commissioner Borries: You know we may, we have in the past, is it on a Thursday? Well, we have sent letters at least stating our opposition or favor and I don't want to speak for Commissioner Tuley, who is out of the room now, but I don't believe that he would, obviously, have any hesitation about saying that we would draft a letter stating our opposition to this request.

Alan Kissinger: That's all I have.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Cindy Mayo: I guess I'll start out by saying the group of people that are opposed to the bookstore going in at that location are planning on appearing at next week's meeting. They did bring some information in today and so they do plan on attending the meeting next week. My first item of business is, when Jack Waldroup was appointed to the ABC Board, there was one piece of paper that did not get signed and this needs to be signed by you, and Teri, it does need to be forwarded to the County Clerk's Office for her signature. Mr. Waldroup has been sworn in and everything has been taken care of, but this does need to be signed by the Commissioners. The second item that I have is a lease agreement between the Old Courthouse and Veterans Services. It's the same lease agreement as the County Engineer's Office has with the Old Courthouse. Alan has looked at this. Dennis Feldhaus has looked at it for insurance purposes. Neither one of them has a problem with this and it does need to be effective, it's dated January 30 by Faye Gibson, so that needs to be signed.

Commissioner Borries: I move the contract be signed.

Commissioner Mourdock: I'll second.

President Tuley: So moved.

Cindy Mayo: The final item I have is a rent agreement between the city and county. The room in the basement that was vacated by EMA, the Prosecutor's Office last year turned in a request that they would like have 792 square feet of that for storage. So we do need to enter into an agreement with the city, but also, I will then need to request funding for this. It will be about \$11,000 for the rental for the year. So you need to approve or disapprove

it so we can get funding in place for this.

Alan Kissinger: I would suggest to the Commissioners in consideration of previous confusion in these matters, that you approve this subject to approval of funding by the County Council. I do believe that the Prosecutor's Office has a similar fund, so if we run into a problem...

Cindy Mayo: I don't think they intend to fund it out of their incentive fund.

Commissioner Borries: I move the request be granted subject to the funding from Vanderburgh County Council.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Cindy Mayo: That's all I have.

RE: CONSENT ITEMS

President Tuley: We have the consent items, employment change orders, travel requests...

Cindy Mayo: I do have one change on the consent items. The County Assessor's Office called and asked that their request be changed from February to read March 4th and 5th, that was an error.

Commissioner Borries: With that correction, I recommend that the Consent Agenda be approved.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

RE: SCHEDULED MEETINGS

President Tuley: Okay, scheduled meetings, apparently it appears to me there is a Council meeting this week. Do you have Area Plan this week?

Commissioner Mourdock: Yes, on Wednesday.

RE: OLD BUSINESS

Commissioner Mourdock: I have an old business question here. I got a call today on the University Heights Subdivision and they were requesting to talk with me about their need to be tied into the sewer. Obviously, Jack Banks and the city need to get involved in that, but is there any sense of history you can give me before I return the call?

Commissioner Borries: I think University Heights, if I am not mistaken, has their own sewer system out there. The big question is, will the city utility department accept it? It was a deal where the developer went bankrupt and the homeowners have continued to do this. I think that is the question your going to get. I've had a couple questions from some other citizens along the proposed Daylight route, and I'm not sure, we should get Alan back in here, but it seems that...Alan, I was not wanting to talk about you out of the room, but I've had a couple of questions from some folks who are homeowners along that, or questions about that Daylight sewer project. What do we need to do, in your opinion, to move this thing forward so that all of us can probably speak a little clearer in terms of answering questions for some of these people?

Alan Kissinger: We need for the group that is promoting this to provide us with a contract, that the Commissioners can approve.

Now, if the Commissioners want me to do that contract, then those people who are promoting this need to come to me and tell me what they want in that contract and what the city will approve. I don't think it is appropriate for me as Attorney for the Commissioners to go negotiate some kind of a deal with the city. I think that is most appropriately done by the other parties.

Commissioner Borries: Okay. So, really, they need to get their final negotiations done with the city and bring us that agreement and then we're on our way.

Alan Kissinger: Yes, and then if it needs to be put into a certain form, I'm happy to do that. I'm really getting outside the realm of legal advice if I, or legal services, if I go promoting a sewer to the city.

Commissioner Borries: Okay, if it, and I think Councilman Jones, too, I'll make contact with him or he can.

President Tuley: He called in, Cindy, what day was that? Thursday or Friday? Do you remember?

Cindy Mayo: No, I don't.

President Tuley: Maybe it was Sunny I was talking to. He called in when I was talking to Sunny. I told him he really needed to get in contact with you, Alan. You've come up with a wonderful plan, got the ball rolling, now you've got to push it.

Cindy Mayo: Mr. Mourdock, I did speak with Mr. Schmitt today, also, and he had expressed interest and had said that he was going to come to the meeting before, and then he said there might be another source of funding that fell through. But I did speak to him again today and asked him if he would send something to the Commissioners showing the chain of events and what has happened out there and what their request would be. He said that he had spoke with you and he was going to speak with Rick Jones or maybe did speak with Rick Jones, but he would be happy to do that so that you would have that before he appears.

President Tuley: I ran into an old professor of mine at the Mall on Friday, and he stopped and said, "Are you still an elected official?" I said, "Yeah." Dr. Choe. I don't know if he's Korean or what he is.

Commissioner Borries: Korean, that's what it sounds like.

President Tuley: But he said, "I had a discussion about you the other day. I was going to call you." I said, "What about?" He goes, "University Heights." I said, "Oh okay." I said, "Give me a call when you want to talk about it." He said something about a \$3000 tap-in fee or something. There was a guy, I think his name was Schmitt, that was supposed to come before us and he hadn't gotten there yet. He might want to get an update from him.

Cindy Mayo: Well, apparently, they had approached someone else about some funding that they thought they were going to be able to get and it didn't happen.

Commissioner Mourdock: Now I'm confused. Because there is a Schmitt on both ends of this. There is a Schmitt on University Heights and there is also a Schmitt involved on the Daylight one.

Cindy Mayo: No, okay, Schmitt from University Heights is who I spoke with.

President Tuley: That was the guy who actually had asked to come before the Commission.

Cindy Mayo: That is correct.

Alan Kissinger: The University Heights situation is a little different in that they are in a situation that the state is telling them they must improve their system. They're not, it's not going to be a matter of us providing a sewer system for commercial development, it's going to be a matter of providing a sewer system that may at some point be a violation of city law.

RE: NEW BUSINESS

President Tuley: We have appointments to the Burdette Advisory Board. You were gone last week, that might be something...can we put that off a week?

Commissioner Mourdock: Sure.

President Tuley: Connie Kain, I think was, Connie was the Commissioner's appointment. I don't know if she wished to serve or if you wish for her to be your appointment or whatever.

Cindy Mayo: If I might speak, my understanding is that she does not wish to serve, so that might save you a phone call.

Commissioner Borries: I think that Mr. Riney is my appointment and I would move that he be reappointed.

President Tuley: You want him reappointed then?

Commissioner Borries: Yes.

President Tuley: Pat Thomas was mine but she had apparently got to the point where they couldn't even reach her to attend the meetings. They didn't know where she lived or anything else. Kent Reddington has expressed an interest in serving on the board, and being a west side resident, I have no reservations about putting him on there. I don't know if it's appropriate for me to make the motion since I'm sitting here, but...

Commissioner Borries: Generally, each one of us on the Board has appointed one person.

President Tuley: Okay, then I would like to appoint Kent Reddington.

Commissioner Mourdock: I'll move the appointment of Kent Reddington.

Commissioner Borries: Second.

President Tuley: So ordered. If you've got somebody that you want to put on there, just let us know next week.

Commissioner Mourdock: Do you want a motion for adjournment?

President Tuley: I sure do.

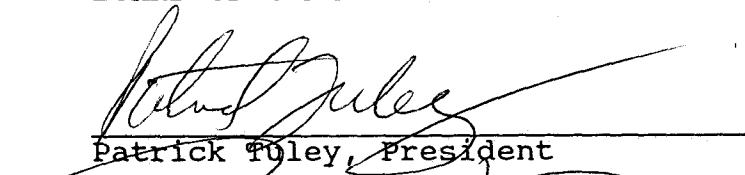
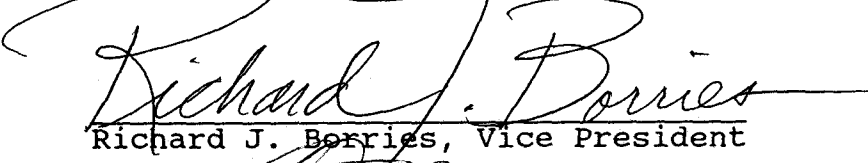

Commissioner Mourdock: So moved.

President Tuley: Second and so ordered.

Meeting adjourned 8:40

THOSE IN ATTENDANCE:

Patrick Tuley
Richard J. Borries
Richard E. Mourdock
Alan Kissinger
Suzanne M. Crouch
Cindy Mayo
Teri Lukeman
Brenda Foley
Shirley James
Jim McCampbell
Captain Brad Ellsworth
Russell Brown
John Heidingsfelder
David Ellison
Chief Deputy Steve Woodall
Jo Ann Moseley
Carl Schillinger, Jr.
Pat Shoulders
Dick Lythgoe
Dennis Buickel
Joe Profaizer
Harris Howerton
Lynn Ellis
John Stoll
Bill Morphew

VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
Patrick Tuley, President
Richard J. Borries, Vice President
Richard E. Mourdock, Member

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS
FEBRUARY 12, 1996

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VANDERBURGH COUNTY

BOARD OF COMMISSIONERS MEETING

FEBRUARY 12, 1996

The Vanderburgh County Board of Commissioners met in session this 12th day of February 1996 in the Commissioner's Hearing Room of the Civic Center Complex at 5:44 p.m.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Tuley: Here we go, we start one meeting late and it just continues on through the night. If we might, we'll call the meeting to order for the Vanderburgh County Commissioners for the evening of February 12, 1996. As a point of introductions, to my extreme right down there is Cindy Mayo, who is Superintendent of County Buildings and the Commissioner's Office Manager; to Cindy's immediate left is County Attorney, Alan Kissinger; to my immediate right is County Commissioner Rick Borries; to my immediate left is County Commissioner Richard Mourdock; to Richard's immediate left is Suzanne Crouch, who is the County Auditor; and to Suzanne's immediate left is Teri Lukeman, who is the Recording Secretary from the County Auditor's Office. On that note, we have a roomful of people tonight. We have several subjects or items that need to be discussed tonight. If you would, when your topic for discussion is being discussed, if you would like to make a comment, we would prefer that you do that by coming to the microphone, identifying yourself and stating what you have from the microphone. The minutes are being recorded. Needless to say, if we're trying to do about thirty pages of minutes, it's very difficult to do that without being able to identify people by the tape recorder. So if you would, when you have something to say, if you would please come forward and identify yourself and speak only into the microphone. If you would, please, stand with us and face the flag, and say along with us as we say the Pledge of Allegiance.

There are copies, I don't know if there's any left, there were copies along the wall of the published agenda.

RE: APPROVAL OF MINUTES

President Tuley: Under item #4 of the action items, the first item up is the approval of the minutes from last week's meeting.

Commissioner Mourdock: Mr. President, I'll move acceptance of the minutes of February 5, 1996 as submitted by the County Auditor.

President Borries: I will second.

President Tuley: So ordered.

RE: ANY GROUP OR INDIVIDUAL WISHING TO ADDRESS THE COMMISSION

President Tuley: We have several items listed here. We also have one item that's kind of a catchall, any group or individual wishing to address the Commission who does not find their item, either their name or their topic for discussion, listed on here. At this point in time, I'm not sure...Mr. Shaw is standing up so apparently we do have someone who falls in that category.

RE: WILLOW CREEK SUBDIVISION

Toby Shaw: President Tuley, members of the Commission, my name is Toby Shaw. I'm an attorney here in Evansville. I represent Willow Creek Subdivision, actually Willow Creek Development Corporation is represented this evening by its president, Bruce Hatfield, who is seated by me on the right. What I would like to ask you this evening, on September 25 of last year, you placed a moratorium on any future building permits in Willow Creek Subdivision until various items had been complied with. We have gone over the list,

Mr. Hatfield has been working diligently to comply with these items, they're all drainage matters. He has complied with the various items as far as sloping the basins, bringing the basins into compliance with the drainage plan as previously filed. The only thing I believe Mr. Jeffers is concerned with, and Mr. Wathen from IDEM, is the fact that the level of those slopes is presently not smooth enough to mow. With the weather the way it is, they've tried to get in there this...as a matter of fact, today, and they couldn't because of the ground freezing and thawing. That will be complied with, the pipe in the one basin has been inserted. They worked over the weekend to put boulders, riprap around each end of the pipe. They had to carry the riprap roughly a hundred yards in order to get it in there. He carried it by hand since they couldn't get any machinery in there. You had a requirement that an easement be furnished as a pipe was located outside of an easement. This is on lot 23 in section B, an open drainage channel. I have prepared such an easement, I have not had it executed and recorded pending Mr. Kissinger's approval of it, but what I did was took the south 42 feet beginning on the 42 feet on the west line of the lot and sloped it down to the end of the present easement to (inaudible) of a present easement. The only other matter that is not complete is the homeowner's association being formed. Now, we can form that. If you look at the restrictions placed on this subdivision at the time of plating, all it takes to form that homeowner's association is for Mr. Hatfield, the developer, to file a notice with the County Recorder that it has been formed. Then it is up to the homeowner's to decide the entity to use, whether to use an Indiana non-profit corporation or to have an unincorporated association. All Mr. Hatfield has to do is file that notice. My question to you, I don't think you want that. You tell me, because once he files that notice, and that homeowners association is established, then you, today, can look to them. Once that homeowners association is established under these restrictions, his responsibilities, his obligations, terminate, and they go on to the homeowners association. So when you want to look to someone to do any type of remedial work, corrective work, you're going to have to look to them, not to Mr. Hatfield. So, if you want it filed, we'll file it. He does not want to file at this time until he gets this subdivision complete. He is working to meet your requirements. Mr. Jeffers is here, Mr. Stoll, I believe, is in the audience and Mr. Lehman is here to answer any questions. What we're asking this evening is that you lift the moratorium on new building permits. He has lost one new home construction now; in the next week he'll lose another. The economic status and the economic harm it's doing to Mr. Hatfield is very substantial, so that's all we're asking. We've complied. The only two items that I know of as of last Friday were the two items of filling the dam, not filling it, but smoothing it for mowing purposes. That is a simple solution and it certainly isn't warranted, the moratorium doesn't warrant the suspension of those permits because of those two actions. I'd ask Mr. Jeffers, he was out there today, and that's basically what we're asking.

President Tuley: Mr. Jeffers, Mr. Wathen and Mr. Stoll -- John, were you ...I'll try to address all three of you at one time. As our technical advisors...Bill, Mr. Shaw has asked for the Commissioners of this Board to remove the moratorium on the issuance of building permits based on completion of the required work that was stated in the moratorium as to why we requested that the Building Commissioners of Area Plan not issue any more. He said with the exception of two items, that they have met those requirements. Basically, I think that all three of you were out there Friday, and I don't know how many of you may have been out there yet today. Were all three of you back out there again today? Basically, I guess, and I don't care where we start, the number one question, I think, in the minds on this Board, have those changes been made, those qualifying things that we said had to be done? We, being this Commission, on the advice of our technical advisors. We can start with any one of you, it doesn't make any difference to

me, and that's what we're up against.

John Stoll: Why don't you get the pictures, Mike, and show the Commissioners what we saw?

Mike Wathen: These were taken about 3:00 today. For the most part those are pictures of the sediment (inaudible - comments not made from microphone) basin two, I believe.

Commissioner Mourdock: Perhaps the most succinct way of doing this would be just for each of you to address in a few short words, address what your concern was as of the meeting of September 9, I'm sorry, September 25, and whether or not the concern you expressed that night has been addressed. I know that's throwing you back to memory unless you've seen the minutes, which I don't have in front of me, either.

John Stoll: The pipe has been installed like the letter from, I believe it was from the 25th, the discharge pipe in the lake, but there's still a substantial amount of grading work that has to be done on that dam before it could be, I think, ready for acceptance by the county, which would, in turn, trigger the homeowners association being able to accept the maintenance responsibility of it.

Bill Jeffers: For the audience, my name is Bill Jeffers and I represent the Surveyor's Office and we are the technical advisors, one of the technical advisors to the Drainage Board. As John said, basin number one, the side slopes on the interior of the dam had been reshaped so that they're a nice, gentle grade of 4:1, or less, but the finished grading has not been accomplished and it's still too rough to be maintained with common yard maintenance equipment. It has not been seeded with grass and there would be no use to seed it with grass at this time because it would still be too rough to mow with a riding lawn mower. The pipe has been put in, but we're uncertain as to the stability of the back fill that was put underneath the pipe, and around the pipe and over the pipe.

Commissioner Mourdock: Would you routinely check that, Bill? I mean, when would you ever know that to be done sufficiently or not?

Bill Jeffers: I personally don't routinely check that. I only mentioned it because of the time it was cut and the amount of water that flowed through the trench into which the pipe was set.

Commissioner Mourdock: Okay.

Bill Jeffers: As Mr. Shaw has pointed out, the homeowners association has not been formed and that is a requirement of the ordinance under which this subdivision is governed. I don't agree with Mr. Shaw's interpretation. I believe that there is a one-year guarantee period between the time that the County Engineer states that the basin is acceptable, during which one-year guarantee period the developer is still responsible for the maintenance and repair of the basin and then it's turned over to the homeowner's association when the one-year guarantee period expires, which, again, begins when the basin is declared to be acceptable. Basin number two, which is down near Strueh Hendricks Road, I have not verified the four foot storage depth, but from visual inspection, I would say it's adequate to store sufficient storm water to meet the volume required by the original plan and the side slopes of that basin number two are sufficiently gentle to be mowed and some grass has begun to grow earlier this year on it. I expect next summer, if it's seeded properly, enough grass will grow on that to make a nice basin bank. So I don't have any negative comments about basin number two at this time except that, again, a homeowners association has not been formed to maintain that nor has the developer submitted a written request as required to the County Engineer for final inspection. With regard to the open drainage

channel on lot 23 in section B, you have the document in front of you that Mr. Shaw represents will enclose that channel in a suitable public easement. Without having looked at it, I can't make a comment on it, but I'm sure if it's 43 feet wide, it's adequate to house that channel, and the only other comment I have on that channel is that as of the close of business today, having viewed that channel sometime around noon, it still lacks stream bed stabilization sufficient to prevent embankment or invert erosion per code 151.36E. In layman's language, the ditch has been excavated, it looks like a good ditch, it doesn't have any grass growing on the side of it yet and it's already starting to erode. The riprap that was placed at the end of the pipe to take the water from the ditch has slumped down into the bottom of the ditch. It is presently slumping down into the bottom of the ditch as a result of frost heave, so it remains unstable.

Mike Wathen: Mike Wathen, Soil & Water Conservation District. I viewed it this afternoon and took some pictures which you've seen. I don't recall which picture it is, but the main problem that I had originally, if you look at the original letter that was written, I stated that it was in compliance between, I think, 12:30 and 1:15. That was the time of the inspection that I made back in September or October, whatever the date was. Since that time, he has excavated the pond considerably deeper and the spoil that came out of the pond, or the mud that came out of the pond has been applied to the back slope and that was not there at the time that I looked at it on the September or October date. What he's done is, he's opened it up for erosion in a spot that wasn't there the last time that I reported to you on it and that has been created by the huge volume of silt that's on the back slope. He's done what I consider an adequate job on erosion control on some of the upper streets and some of the items that he previously had problems with, but in my opinion, the pond, the way it would sit right now, if we would get a rain of any consequence, we would have a considerable amount of erosion. One other comment I'd like to make, too, when the pond was dug, it was dug extremely steep. I saw it when it just had a little bit of water in the bottom. It's got quite a bit now and it was dug so steep that when you saturate a tow like that, the tow of a slope, the weight of the slope is going to cause it to buckle and there's already one small buckle occurring on the north end which would be illustrated in the picture that shows the lake lengthwise. I have concerns that will continue to do so.

Commissioner Borries: President Tuley is going to look at, try to find the letter where we took action. We tend to split hairs here because the Drainage Board specifically deals with the items that we're talking about here today, however, as the Board of Commissioners, in another area here, we take action as to whether or not we can approve subdivisions for various homeowners and developers. So...let's see. Here's one letter dated October 9. During the regular Drainage Board meeting of September 25, it was not in compliance...yeah, this really took action at the Drainage Board.

President Tuley: That's what I'm reading.

Commissioner Mourdock: Refresh my memory, as I recall, while we listened to the issues at the Drainage Board meeting, the action that was taken regarding the cessation of the building permit was actually done in the Commissioner's meeting. Is that not right?

Alan Kissinger: Yes. The Drainage Board made a recommendation to the Commissioners and the Commissioners acted on that recommendation.

Commissioner Borries: Yeah, the Drainage Board items were discussed on September 25. The Board of Commissioners issued the permit stop order on October 10.

President Tuley: Regardless of what body, I guess my concern is, Bill, here are several things you pointed out. In your opinion, have these discrepancies that you listed been changed to meet with your approval? That you are here before whatever body it takes, and stand ready to recommend that we grant his permits to begin again or do you say no, you still have concerns and these things that you outlined here as basin one, basin two...you've also said that it requires a final inspection which has not been met yet.

Bill Jeffers: I haven't seen that.

Commissioner Mourdock: Would you like to look at it right now?

Bill Jeffers: I have it right here. Thank you. I was very careful in the way that I stated these things in the report to the Drainage Board on September 26, 1995, and the reason for that is that the only precedent that I knew of personally for this type of action to be taken against a developer was Mt. Ashley Estates. In 1994, I believe, the Commissioners suspended all building permits for that developer for almost identical violations; specifically, that the embankment of the basin had low places and irregularities in it that would cause the high water to crest over the dam and flow onto someone else's property, rather than through the spillway and down in an orderly fashion into the storm sewer system. Secondly, that he had constructed a drainage channel outside of a suitable public easement and so I pinpointed what I considered to be very similar or identical violations, as well as pointing out what appeared to be items that did not comply with either the Vanderburgh County Subdivision Code or the Vanderburgh County Drainage Ordinance of 1986. As I said, I'm not going to nitpick basin two, down at the bottom of the subdivision in section A. I think if a homeowners association or the developer went out there and mowed the weeds, it would be in compliance with your weed control ordinance and would operate effectively as is if you took a little care to plant some grass seed this spring. I wouldn't be so concerned about the open drainage channel on lot 23 except that there's been no attempt between the riprap at one end of it and the riprap at the other end of it, there's about a 100 feet of drainage channel that is bare mud and will erode just as soon as it starts raining, and already is showing signs of erosion at this time.

Commissioner Mourdock: So, in that sense, item B from your September 26 letter --

Bill Jeffers: On the last page.

Commissioner Mourdock: Yeah, on the last page, and this is a quote:

"The channel lacks bank and stream bed stabilization required in channels where velocity is sufficient to cause bank or invert erosion."

So you're saying that still has not been --

Bill Jeffers: That still is the case in my opinion. Then on basin one, again referring to Mt. Ashley Estates, I believe that's the correct name for it on Old State Road, that developer reworked the earthwork of his basin so that it was nice and smooth. He put down an erosion control mat, he seeded it and the grass was growing when we went back out and checked it. It could be mowed with a hand mower or a riding mower and we gave him the green light at that time. That is not the case on basin one on the earthwork of the dam. I'm not addressing the extensive excavation at this time that's been done in that basin and all the other embankments of that basin, because I did not address that, and didn't even anticipate it to happen when I wrote the report dated September 26, 1995.

Commissioner Mourdock: The extensive excavation, meaning what you cover here as item C, (inaudible)? Is that what you're saying?

Bill Jeffers: No, I did not cover it. I didn't anticipate that they would go to that extent when I wrote this report. As far as item A, and I'm trying to deal with these specifically because these are the specifics we worked on when we put the stop order in effect, A says:

"The side slopes of the interior embankment of the dam are steeper than the specified 4:1 ratio across much of the face of the earthwork."

Bill Jeffers: That has been corrected except that, again, I must say, it's very rough.

Commissioner Mourdock: Yeah, rows and gullies.

Bill Jeffers: Very gentle, but very rough and could not be mowed with a riding lawn mower.

President Tuley: Let's just take them one at a time, then. Item B?

Bill Jeffers: The ten-inch diameter pipe has been installed.

President Tuley: But you made some comment that you're...

Commissioner Mourdock: That the riprap at the discharge end of that pipe is not sufficient or something. Is that...I don't want to put words in your mouth, but is that not what you were implying?

Bill Jeffers: I just questioned the workmanship and the basic integrity of the installation, specifically, with regard to alignment of the pipe, joint connections, proper bedding and back fill according to manufacturer's recommendations for PVC pipe. It is in place.

Commissioner Mourdock: Okay, I had that you had said:

"Riprap placed at the end of the pipe has already started to erode as a result of frost heave. It remains unstable."

Bill Jeffers: I'm sorry, that's on lot 23. I guess I was mixing apples and oranges, there. That's lot 23. That is not on basin one.

Commissioner Mourdock: Okay.

Bill Jeffers: There are 12 or 13 pieces of riprap at the end of this pipe on basin one, but I didn't refer to them until just now.

President Tuley: Has item C been addressed, basin one?

Bill Jeffers: I have not checked that with a survey instrument, but I would say that sufficient storage is available in that basin because it has been enlarged and there is between two or three feet of storage depth.

President Tuley: And the cut has been closed?

Bill Jeffers: Yes. I think we've covered D.

President Tuley: Your interpretation of that is different than Mr. Shaw's, is that what you said?

Bill Jeffers: Yeah, with all due respect to Mr. Shaw, the way I

read the 1986 Drainage Ordinance passed by the Vanderburgh County Commissioners is that, upon completion of the drainage facilities, that the developer is to give written notification to the County Engineer requesting a final inspection, and upon a written report from the County Engineer that the facility is acceptable, there is a one-year guarantee period during which the developer is responsible for the maintenance and the repair of the facility, after which the homeowners association assumes those duties.

President Tuley: Okay, you said you weren't going to worry too much about basin two?

Bill Jeffers: No, I think, like I said, some lawn care would take care of that.

President Tuley: Okay, the open drainage channel A, then, that can be taken care of with the document that was prepared tonight, assuming it's...

Bill Jeffers: Assuming it's correct and I have no reason to assume otherwise, item A should be taken care of by that document.

President Tuley: And you said there's no change in item B.

Bill Jeffers: There is a dramatic change in the channel that was there September 25 and what's there today. There's a much more suitable channel, it's very well shaped, but no stream bed stabilization has been applied to a substantial portion of it and it may end up just like the other one did in the absence of erosion control materials, which may or may not be able to be applied in this kind of weather. I mean, grass isn't going to grow and I'm not sure...I'm sure there's some type of erosion control mat that could be used, but I'm not familiar with it.

Commissioner Mourdock: I heard you say, Rick, down the way there that you didn't feel that we could act on this tonight, and I don't disagree with that. I guess I would invite Mr. Hatfield or Mr. Shaw, either one, to point out why you feel, in light of the comments made by these three gentlemen, that we should do something different. I thought it was quite clear last fall when all this went on as to what we required. Certainly, as Bill said at the end there, there's only certain things the weather can allow you to do, but as long as these difficulties are out there, difficulties isn't the right word, as long as the situation continues to persist, I'm certainly hesitant to do anything different than we did before.

Toby Shaw: You're talking, as Mr. Stoll and Mr. Jeffers both said, on the dam and the easement area, we have a grading and seeding problem. That will be corrected along with the grading and seeding problem on the easement area for which I submitted the easement. As you just stated, Mr. Mourdock, that cannot be done now because of the weather conditions. We will do that. As far as what Mr. Wathen was discussing, the slope of the dam and extensive excavation, Mr. Hatfield did not do this. The homeowners did it. The homeowners...I'm not talking about you, Mrs. Swidron, I'm talking about the homeowners on the lake, itself, not the homeowners association. This will be corrected, we understand that. What I am asking for, based upon the progress that has been made, compared to the progress to be done, which is basically grading, seeding and the removal of some excavation work, some grading and seeding which Mr. Wathen requires. I believe your penal provisions are much too great when you're talking about denial of permits so that Mr. Hatfield cannot begin any other construction projects in this area. If you would like, I would have no objections to reimpose, lift the moratorium for a specific period of time until the weather clears and he can get in there and grade and seed this area and remove this dirt. I have no problem with that. If you want to go 90 days, 120 days, whenever the weather will be nice, May or something, I have no objection to

that. What I'm asking you to do is lift the moratorium at this point. If you want to reimpose it pending an inspection on a date specified, I have no problem with that. But right now with you denying him building permits, he cannot start any construction. If he cannot start any construction, he cannot earn any money. He's putting money into this project, but has no means of getting it out. That's what I'm asking...and, well, there's no use repeating myself.

Dan Swidron: If the Commissioners would so please, my name is Dan Swidron from Willow Creek Estates and you know I've been here maybe a dozen times already. We, as homeowners of Willow Creek, are requesting that you don't lift the moratorium, for one reason, the sun didn't shine in Willow Creek for three years. Nothing has been done for three years and so it hasn't shined for three years. They keep saying whenever the weather clears, they'll take care of the problem. You sent out the report on October 9. On November 9, the Building Commissioner, Roger Lehman, also sent the report to Mr. Hatfield, not only that he has drainage problems in the development and all the conditions that Mr. Jeffers put in there, he also has building code violations on 13 homes and all part of drainage. The slopes are not proper around the homes, there's 13 homes that are in violation. He's had five citations on my home alone, he is supposed to go to small claims court. He hasn't answered those yet. Back in October of '94, the street, John Stoll put out a letter that he's in violation of street codes. The streets are cracked, the curbs don't have the proper back fill. We don't have drainage that goes into the sewer because if it is, it's all plugged up with mud. Those inlets are all supposed to be cleaned out. Now if those ponds are ready for water, what about all the mud that's in those sewers right now? So that hasn't been done. I've got pictures of the street in front of my house that collapsed because the subgrade was not up to the requirement. Now we're asking you that you hold the moratorium on Mr. Hatfield's building permits. I feel sorry for him that he doesn't have the money to do what he has to do, but he should have thought about that when he went into business. We've been living in mud for three years. We have drainage holes around our homes trying to get the water away from the houses. Mr. Wathen, due respect to him, he comes out there, however, come out there on a rainy day, you'll see those sewers filled with mud and the water does not go down. Now we travel and we pick up mud every day when it rains, in our driveways. Do you want to live like that? We don't. Mr. Hatfield, I mean, I can state all kinds of codes here. You're talking about that pond number one at the bottom. Sure, he did the east side, but what about the west side? The west side sticks straight up and there's weeds sticking out of it. It hasn't been mowed, it hasn't been cut all summer. We asked him, we asked Margaret Harp. Mr. Shaw was at my house with several people from the Commissioner's Office, the Building Commissioner's Office, he promised us there, things that he's going to do. We have him on tape. He knows we taped him, Roger Lehman is on tape, however, nothing has been done. Now if he says that Bruce Hatfield has done a lot since the last meeting, well, he just stated that the homeowners dug out the one pond which Bruce Hatfield washed his hands of that one. That was a tricky deal and you all know about that, so he shouldn't have given it to the homeowners. The homeowners waited and waited so long that they had to do something themselves. This is all we get, promises, promises. I've got six inches of water underneath my crawl and there's a lot more homes over there with water. He's going to keep on building homes and keep doing the same things he does. He can make all the promises he wants, he will not conform to the promises. When all the conditions are met, then I say, pick up his moratorium and let him build. We'll stay there. We'll stay there forever the way we are because that's the way the development is going to look. If you read the code number, 151-37, that tells you that the embankments have to be put in place so there won't be any erosion. Those ponds do not have embankments, we don't call that grass seed that he puts

on the embankments. Weeds are what he has there; weeds sticking out three feet is supposed to stop the erosion. Right now, our streets are full of mud, yet, and I don't know... I'll take the pictures, and I'll bring pictures in. I've brought many pictures in before and I'll show you what the development looks like. So all the promises that he makes are strictly, you might as well throw it out the window because we've been living like that for three years. Thank you.

Toby Shaw: If I may respond. It's interesting to me that Mr. Swidron makes his accusations which your technical advisors didn't mention. As far as Mr. Swidron's home, that is a private matter and has nothing to do with this development. It's a private matter, he has filed a \$200,000 claim with Mr. Hatfield's insurance carrier which is right now being investigated. I don't know what this small claims action is. I don't think they have \$200,000 jurisdiction, but we have sufficient evidence, if he wants to go into his house where he created his own problems, I'm just going to give this to the insurance carrier for the defense. But we excavated, we had a drainage plan in place around his home. Here are the bills, I've made a copy for you. There's the statement from the excavating contractors, there's your own Building Commissioners report two weeks after he purchased the home. He signed off on the letter of conditions at the time of sale on February 12, of '92. It was inspected February 28 of '92. It was found to be satisfactory and sufficient. He stated in a letter dated July 7 of '93 that he ordered five yards of dirt. He put the dirt in himself and now he wants someone to blame. That is the sum and substance of Mr. Swidron's claim. He even says in the minutes of September 26 at this Board meeting -- I have Dan on video tape, also -- "I put 20 tons of rock around my house, five tons of dirt, 20 tons of rock -- " and he wonders why the drainage plan that was in place doesn't work. That is a private matter. As far as Mr. Lehman is concerned, there weren't 13 houses in violation.

TAPE CHANGE

President Tuley: To get things back to where they're germane. What's germane to this Board are those building permits based on drainage issues. Outside of that, I have no jurisdiction. This Board has no jurisdiction over building code violations, that's Roger and his department. Those are not germane into the decision process here.

Dan Swidron: He doesn't meet the embankment code. That's one.

President Tuley: You talk about those things and keep it to those things, we'll listen to you, okay? Those are germane to what this Board can do.

Dan Swidron: Well, the last meeting we had, if you go back to your minutes, you all stated that if one condition is not met, he will not get his building permit back. He hasn't met several of them. He doesn't have stabilization, all the riprap he puts in the development doesn't work. He doesn't have anybody that knows how to put it in.

Commissioner Mourdock: Mr. Swidron, in your comment about what this Board did last fall regarding the one action or one bit of inaction, I agree that it's pertinent and I, to the best of my recollection, that's correct. Mr. Shaw was also correct when he said that many of the points that you raised here are not pertinent to the immediate issue of discussion here --

Dan Swidron: Roger Lehman is here and he's --

Commissioner Mourdock: That's fine, but what I'm saying is that the issue at hand, should this Board raise the moratorium that we previously put on Mr. Hatfield, and based upon the presentation of

our technical staff tonight, I think there are a number of issues that are out there that have not been resolved. It's unfortunate that at this time of year they are not easily resolved, and I think we're going to have to wait until the weather improves. From the time of the issuance of that order, however, which was late September, early October, there was some time last year to correct the types of issues that we talked about and, specifically, those that Bill Jeffers talked about tonight relating to the finished grading and the seeding. Having said that, I'll move that this Board act to maintain the present moratorium as issued until those items are corrected.

President Borries: I will second.

President Tuley: So ordered.

Dan Swidron: Thank you.

Commissioner Borries: We might ask, in the interest of moving this on, since it always seems to get more complicated and more heated as we go on, that if our technical staff, Mr. Stoll, Mr. Jeffers and Mr. Wathen, could meet with the developer to begin to resolve some of these issues here to focus in on what Commissioner Mourdock and Commissioner Tuley have said by our regular Drainage Board meeting on February 26, there could be a possibility that we could move forward, knowing full well, as Commissioner Mourdock has also said, this is a bad time of year. So we can't do all things at this point, but at least we could move forward to get some kind of further information. I don't think any of us were prepared for the length and depth of what we still see as, I guess, some unresolved issues here.

RE: P.U.R.E. - PROPOSED ORDINANCE RESTRICTING ADULT ENTERTAINMENT

President Tuley: Again, as Commissioner Borries just stated, we did not anticipate such a long, lengthy discussion. There are several of you here with small children. We're going to switch around here a little bit on this agenda here and if we might, jump down to item E, the group called P.U.R.E., discussion of proposed ordinance restricting adult entertainment in Vanderburgh County. We'll bring your item up now.

Michael Lockard: Thank you very much, and on behalf of the group, we'll try to keep this as short and sweet as possible. President Tuley, members of the Commission, ladies and gentlemen, currently, the members of P.U.R.E., which stands for Pornography is Unwanted by Residents in Evansville, has a concern that we wish to bring to you --

Commissioner Mourdock: Excuse me, would you state your name for the record?

Michael Lockard: I'm sorry, it's Michael Lockard. It's L-o-c-k-a-r-d, and I'm one of the spokespersons for the group P.U.R.E. We wish to bring a concern to the Council and we hope that they will address what our concern is and hopefully support what we have proposed to them for Vanderburgh County. Currently, as we have looked at it, Vanderburgh County, other than the Special Use 29 Zone, has no specific regulations that will regulate the locations of outlets of adult material, and by this we mean X-rated or pornographic material. The county is apparently relying on the state statute which restricts outlets of this type to no less than 500 feet from a church or school. We feel very strongly that strong rezoning is needed for the protection of our neighborhoods in Vanderburgh County. What we would like to see is the proposal that has currently been discussed which is a 1,000 foot buffer zone for any outlet of material that is deemed to be harmful to minors, 1,000 feet from a church, school or a residential zoning. And by that 1000 feet, we want that to be measured from property line to

property line. Also, anybody who applies for this Special Use 29 Zone, that they have to provide a certified survey verifying that their location or their property line is more than 1,000 feet from another property line. We feel that government regulations including zoning codes have proven to be invaluable in preserving the right of citizens to protect against the intrusion of these types of facilities. We've noticed that the supreme court has upheld laws, specifically zoning laws, that control outlets of adult oriented materials which do not violate the outlet's first amendment rights. The supreme court has also specifically addressed the usage of zoning laws to be valid to control where these type of outlets can be located in a community or a neighborhood. While we realize that it cannot be regulated, what you can see or read, the community has a right to control the commerce and distribution of certain types of this material. This can and does include the zoning of certain types of adult outlets and the locations that they can reasonably and safely locate in our community. The community has a right to set standards and enact legislation to protect these standards. We don't feel it's a matter of morality being forcibly imposed on anybody. The basic premise that we feel is very strong here is that a community can reach a consensus to determine what the standards are of public decency. When the consensus is manifested in the laws, rules and regulations of the community, that is a community morality that can be enforced. We feel very strongly that when you look at the statistics for Vanderburgh County alone, that we can point to a need to enact this kind of legislation to control this type of outlet. In Vanderburgh County, child abuse reports more than doubled between 1980 and 1989, from 624 to 1,306. The number of substantiated or indicated reports rose dramatically from 183 reports in 1980, to 625 in '89, which is a rise of almost 350%. We want to reduce these kind of statistics from getting any higher. The members of P.U.R.E. in our community that we have had tell us, feel that Vanderburgh County desperately needs to enhance the current zoning control or the lack, thereof, that regards outlets of adult oriented material. I have stated before, we feel that case law regarding this issue has firmly established that communities have a legal and constitutional basis to protect the public welfare from these outlets. Therefore, we feel Vanderburgh County would be within its power to do this. The location of these outlets can and should be controlled so that their location is both safe and reasonable for them, the residents, and their neighborhoods. For the protection of our community, our families and our children, control of these outlets of adult oriented material is not just a luxury that we want, we feel it is a necessity and we hope that you will ask for a public hearing to further look at enacting these ordinances. We know that the city of Evansville has established a meeting next week to start their process on this and we're asking now that you begin to do the same. Thank you very much.

President Tuley: So that you know, we did ask our County Attorney to begin to look into the matter. We had the city's proposed ordinance forwarded to Mr. Kissinger for his review to see what parts we could use in the county and I think he stands ready to give us some update on where he's at in that regard.

Alan Kissinger: Basically, what the city sought to do, and quite frankly, I don't know what the city is going to do, I haven't asked what their intentions are, what recommendations they're looking for. I do know that the Area Plan Commission has prepared a map for the city which was going to propose an ordinance of 1,000 feet, saying that anything such as the activities described here could be used in an area designated or zoned, C4, M1, M2 and M3 and had to be over a 1000 feet from any church, public or private school, elementary, middle or high schools and residential districts. I am certain of one thing, the Area Plan Commission map indicates that 1,000 feet is going to be totally restrictive within the city limits of Evansville to the extent that probably less than six

percent of any area in the city of Evansville could be used, and as a consequence, they went back to 750 feet. They found that they still would be somewhere in the area of six percent or less than eight percent, and now I think they're going back to 500 feet. Vanderburgh County, in the county outside the unincorporated areas of Evansville, can use a broader zone of restriction or exclusion, if you will. The one thing that we must avoid in drafting these ordinances, and these ordinances should be zoning ordinances, they should not be ordinances which carry a criminal penalty that doesn't have any relationship to any other reasonable planning or zoning feature or authority that the County Commissioners may have. If we just do a criminal ordinance, we're going to be stuck with basically exactly the same restrictions and penalties as we have in the state law. So, if we are going to a zoning ordinance indicating that there must be a special use permit for adult bookstores, adult entertainment, etc., then we have to be very careful not to draw an overly broad area. A 1000 feet, as has been suggested, may very well be appropriate. A 1000 feet, or we can say that it must be an area zoned C4, M1, M2 and M3 and it must be more than a 1000 feet from exactly what was described by the city. But we just, you know, Area Plan Commission said that they would do a map for us and it would show us by color coding that map, what areas were going to be restricted. Quite frankly, I assume that there are areas within the county which could easily be used for this purpose. Maybe, even, there are buildings available. I don't know, but it may require someone to go out and actually put up a building in order to engage in this kind of activity. I don't know if this would encourage them to do so or not, probably not. But, I can prepare an ordinance for advertising. I do think, however, and you know, that's going to take, the advertising process and the hearings and the approval by the Commissioners is going to require approximately three weeks. I think that we should, the first thing that we should do, though, is say to the Area Plan Commission, we're going to propose an ordinance to restrict this activity to no less than a 1000 feet, 500 feet, 750 feet or 1500 feet from these various areas that we want to restrict the activities out of. Then, as the Area Plan Commission, so that later we can defend ourselves if we have to, because I'll tell everyone bluntly, these people do file suit to get an opinion as to whether or not these ordinances are constitutional. We can waste a lot of time drawing up unconstitutional ordinances and it won't get us any closer to our goal. We can write ordinances that everybody will cheer and clap about, but they will be booing us when the Indiana Supreme Court or the United States Supreme Court says you can't enforce that. Then if we have advance notice that we probably couldn't enforce it and drew an overly broad ordinance anyway, we may put ourselves in a position of even having to pay damages for making our zoning too restrictive. So we have to stay within those guidelines. Quite frankly, as far as previous rulings, we can show that the County Commissioners, we can show a legitimate county municipal government interest in restricting these activities from areas where there are schools, day care centers, churches, areas where children are likely to be found to congregate. It is very iffy when you get into residential. As a matter of fact, state law completely avoided residential and went with churches, schools, licensed day care centers in the state of Indiana, etc. That law has held up time after time under constitutional scrutiny. The prevailing opinion seems to be, if we would add residential into that mix of schools, churches, etc., then the constitutional scrutiny is going to be much closer, and within the city, it would not stand up. In the county, perhaps it would, but we can't just say blindly, well, we passed this ordinance without knowing that, effectively, we have excluded every possible building in this county where this type of activity may be located, and we may very well do that by saying a 1000 or 1500 feet, and then putting anyone who wishes to engage in this activity, and I'm certainly not taking a position for this activity or against it necessarily, in representing the Commissioners, here, but the activity is not in and of itself, illegal. So we can't legislate something out of

existence if it is not otherwise illegal. We don't have the authority to do that. So if we are going to draft this ordinance for a 1000 feet from everything including residential, and as I say, I think there is enough area probably within the county that we could probably do that and be safe with our zoning ordinance, but another thing that you must consider is that the portions of Union Township bottoms that flood, cannot be necessarily taken into the mix. There must be an area suitable for buildings of this type of activity to be housed in those buildings. We can't, you know, if the river were within the state of Indiana, we couldn't even include the river as a part of it, either. So we have to think of usable places where someone can, in fact, build. We can't build in the floodplain as everyone knows. So, with those things in mind, I will ask the Area Plan Commission, the representatives in the Area Plan Commission, whom I have already met with and who had supplied me with probably more information than I wanted, although it would be very helpful, I could begin to prepare the ordinance. I can advise them the Commissioners have said, for example, 1000 feet must be restricted to C4, M1, M2, M3, and it must be no less than 1000 feet, or if you say 1500 feet, I will tell the Area Plan Commission that and then I will ask them, prepare us a map and show us if we are going to violate what we already know are precedents in the area of constitutional law that say we've overstepped our bounds. But a part of the difficulty with that is we have a significant amount of agricultural property in the county, so if we say C4, M1, M2 and M3 districts, then we are going to confine these activities to those zoning classifications as they exist. If we find within the county that in those zoning classifications of C4, M1, M2 and M3, that there is less than six percent or eight percent, or that we have completely eliminated the possibility of these establishments locating in the county, then I will tell you up front, don't pass that legislation because it isn't going to withstand constitutional muster. So it's going to be the job of the Area Plan Commission to provide us with a map showing us where these zoning classifications exist, do a color coding of a 1000 feet or 1500 feet, whatever you chose, around those districts to make sure that we're not in one of the restricted classifications of a church or residence or area blah, blah, blah, and then when Area Plan Commission says here is your map, you can or cannot do it, or you should or should not do it based on the percentages left for these activities, then I would make a recommendation to the Commissioners that you need to give favorable consideration or not give favorable consideration for the ordinance. The ordinance process itself we can do in about three weeks. How quickly Area Plan Commission can get this together for us, I don't know. I do know, quite frankly, that there is Board of Zoning Appeals meeting within the next two weeks, is that --

Michael Lockard: It is Thursday.

Alan Kissinger: It is Thursday? Absolutely and totally, completely impossible for us to do anything by that time and probably a good time after that. So if we are looking at this and saying for this particular location that is in question, we probably cannot accomplish anything quickly enough to handle that. But by the same token, these folks certainly have the right to go to those meetings and remonstrate and let the Board of Zoning Appeals know what their concerns are.

Michael Lockard: And we understood that, for the one coming up, that it was not going to be possible to take care of that through enacting legislation. It did bring about for those of us who have become involved with this, it made us very much aware of the processes in our community that possibly do need further scrutiny and one of them being these type of facilities. As you have been able to see, it has mobilized a tremendous amount of output from the citizens, especially on the west side. At last count, we got over 6000 signatures from people who don't want this thing just in the area that it's at. So the main reason that we were here and

the reason that we organized, was to ask the county to specifically look at this and so that the next time this comes up, we've got a little bit more protection than we do under the current legislation and the current zoning laws.

Alan Kissinger: As far as that request is concerned, as we said earlier, and you can tell from what I've said this evening, we have already begun looking into it. I know that the Commissioners have expressed their interest in looking into this to me, and as I said, I have a significant amount of research here, all of which I have been through, but all of which I will go through again in the process of drafting a zoning ordinance for the county.

Michael Lockard: We have lots of items as well, and anything we can do to support you and the Board's efforts, that was one of our major reasons to be here tonight, is to let you know that anything we can do to support you all as our officials, we are here to do just that.

Alan Kissinger: I know that the Commissioners don't necessarily want me to give my opinion, but quite frankly, I think, at this point, what you can do is exactly what you're doing now.

Michael Lockard: We thank you for supporting that.

President Tuley: Should we make a motion for the county to pursue this?

Commissioner Mourdock: Yes, and just to reiterate from our minutes, last week we talked initially about the 1000 feet and then, in fact, we kind of directed Alan to start looking at it from the 1500 foot perspective, not the 1000 foot. Having heard your comments tonight, Alan, I guess I hear the potential of two things out there on the horizon. One would be, perhaps, 1500 feet in regards to churches, schools, child care, those types of facilities and then perhaps something shorter, 500 feet, perhaps, from residences. Constitutionally, if I understood your argument, you're saying that those two individually might survive a constitutional test, whereas if you just had one that said 1500 feet for everything, that probably would not.

Alan Kissinger: It probably would not. If we eliminate residential from the 1500 and make that a 1000 feet, I don't know how Area Plan would react to that, but it probably would require them to do at least two maps for us. But as I said, they volunteered to do the maps for us.

Commissioner Mourdock: They're there to serve.

Alan Kissinger: Yeah, but with the understanding that they do have a significant amount of other work to do. They did not shirk from that responsibility or from volunteering to help, but yes, it's just...it's very simple, the farther we try to extend the restriction, the more likely it is we're going to be told we can't do it.

Commissioner Mourdock: If it's so simple, why did it take ten minutes to explain?

Alan Kissinger: Because I thought the question period would last a shorter time.

Roger Lehman: I just had a couple of real short comments relative to this issue.

Commissioner Borries: State your name for the record, please.

Roger Lehman: Roger Lehman, I live at 1220 N. Red Bank Road. Two things, one in some of the research I've done, I'm not sure that if

the city's ordinance was dependent upon zoning classification as far as the allowable area. I believe in the written case, the Supreme Court said that it didn't have to be zoned that way, it just had to be something that could be zoned that way. In other words, you didn't have to have a building for them, you didn't have to even have a zone for them, you just had to have something that was available to be zoned if the community decided they wanted that area to be rezoned. That was just kind of a minor issue. So I don't think we're regulated or held to what's currently available as far as commercial zones in the county. That was just a little thing. The Plan Commission, when they did the city map, they did it in a two-fold level or maybe three-fold, even, and so I would suggest we just ask them to do a 1000 foot and a 1500 foot on the same map. They can do them in different colors and then you can pretty much go either way with that.

Alan Kissinger: As a matter of fact, they've done 500 and 750, haven't they?

Roger Lehman: In the city, they've done that.

Alan Kissinger: They probably would just use -- oh, they didn't do the county?

Roger Lehman: No, it was only the city that they did. And also, my understanding of the city ordinance is they're only dealing with nude dancing, they aren't dealing with adult bookstores and theaters and that type of thing, yet.

Alan Kissinger: But it will be simple enough for us to say adult bookstores --

Roger Lehman: Yeah, we can just add that in with the other things, I think, will be good. I think that's about all. I guess another question, will you all be making a motion to the effect of pursuing this? I was just wondering because I need to go to another meeting and I was hoping to hear.

Commissioner Borries: So what are you saying, Roger? We're going to talk about this for another hour?

President Tuley: He sat through the last discussion, so he knows there can be some talking going on for some time.

Commissioner Mourdock: I'll move that the Commission direct the County Attorney to investigate the preparation of an ordinance or ordinances to restrict adult bookstores 1500 feet from child care facilities, schools and churches, and to investigate a lesser length, lesser than 1500 feet for residences.

Commissioner Borries: Second.

President Tuley: So ordered.

Commissioner Borries: Individually, as I'm sure as a Board we've expressed our opposition, and we will forward our concerns to the Board of Zoning Appeals and ask them to reject this current proposal.

Michael Lockard: Thank you very much.

RE: MICHAEL SHOULDERS - VANDERBURGH AUDITORIUM IMPROVEMENTS

President Tuley: Mr. Michael Shoulders.

Michael Shoulders: Commissioners, thank you for inviting me here this evening. My name is Mike Shoulders, I'm President of Veazy, Parrot & Shoulders. As you well know, you retained our firm about four weeks ago on January 16 to begin evaluating the project at the

Vanderburgh Auditorium and to do some pre-design and programming for that project. I'm here tonight to give you an update on our work to date. I have a handout for you first. I'll give you one extra here for staff. What I'd like to do, and I'll try to be brief this evening, I'd like to start off by comparing the budget, as the budget for a potential project, as we now see it as it compares to what your task force submitted in their reports. You recall that you appointed a task force headed by Rolland Eckels. That task force did confer with me by phone. I never did meet with them in person or formally, they called and asked about some square foot indices and some cost information of a generic or a general nature and so I did furnish them some information in that regard and I believe they submitted to you two project budgets. I call one the low end and one the high end, if you want to look at it like a range. That first page in your handout is my best understanding of the task force submittal, so this first page is not my work other than indirectly in furnishing them some square footage costs. You'll notice that in both of those budgets, there is a parking garage that's recommended here, four hundred and fifty spaces at the Civic Center and then the high end has a four hundred and fifty space parking structure over on the Robert Green Convention Center site. Now, in studying this, and we're in the midst of studying the parking issue. We feel that the parking issue is probably one of the more urgent issues. If we are to have a successful renovation at the auditorium and a new convention center, we have to deal with parking. In looking at this, at the information, we have one conclusion at the outset, and that is if we do build a parking garage on the Civic Center lot, the day that we begin that, and if we are also building a new convention center, we are three hundred and fifty spaces in the hole, so to speak, because there are one hundred and seventy spaces on the gated parking lot immediately northeast of the Auditorium, the contiguous parking lot on the same block as the Auditorium, and there are about one hundred and eighty spaces in the quadrant of the Civic Center parking lot bounded by Ninth & Walnut, and Locust extended into the Civic Center lot, so that quadrant has a hundred and eighty spaces. So if we start building a parking garage and a convention center, we have wiped out three hundred and fifty spaces, and if we start to try and build a four hundred and fifty space garage for three million dollars, we've only really actually gained a hundred spaces. So there's some complexities to this parking issue that we are studying and that's why I think we have to re-evaluate the budgets in light of that. My guess is that we will probably need, and again, don't hold me to this at this point, because we're in the middle of studying this parking idea, but my guess is if I were to speculate, is that we will need to build, at a minimum, eight hundred spaces, and we could go as high as seventeen hundred and fifty spaces. Again, this depends, ultimately, on the amount of square footage we build and the capacities of the spaces we build in this project. So the second page then is my best grasp at a project budget, and it is labeled preliminary at this time, a project budget range. As you see, my low end of the range is less than the low end that was recommended by the task force, however, please note the footnote at the bottom of page two, I am saying that there are no parking garages included in either budget as yet. I think, ultimately, in a project budget, we will have to account for the means by which we will provide parking for this complex. We just don't know enough yet, in studying that issue, as to what the commitment should be, what the numbers should be, what the costs should be on parking and we will probably have a much better feeling for that the next time I meet with you, perhaps in about four weeks. But looking at the project, then, at a low end and a high end range, parking aside, we're suggesting that on the low end of a range for this project, we could be looking at around \$26,775,000. That includes a complete and full renovation of the Auditorium and Gold Room, an expansion of the Gold Room for breakout meeting type rooms. It includes a convention center of some 140,000 square feet and includes the necessary fees to carry the project through to ribbon cutting. At

the high end of that range, we are looking at a little more intense development, more square footage in the convention center and I'll talk about how we will determine, ultimately, the size in a moment here, and a little more intensive development in the Auditorium. One of the big issues for Vanderburgh Auditorium is the seating capacity. We would like, as a goal, to reach a level of at least 2,500 seats. We believe that seating capacity will allow for much more flexibility in programming. The Vanderburgh Auditorium will allow us to entice or bring into this community a wider range of road shows and productions if we can reach that 2,500 seat capacity in the Auditorium. In order to do that, we're not sure yet, it may require one or two balconies in this building that may also, in turn, require some dealing with the roof over the Vanderburgh Auditorium, and again, we're studying that and we'll have much more detail for you as we go along. That is one element that explains the range on the Vanderburgh Auditorium improvements, the ten to thirteen million revolves primarily around the idea of how we get to the 2,500 seats and what the structure of the Auditorium as it's renovated becomes. The ten million dollar figure would not entail any major structural changes to the Auditorium other than perhaps a two row balcony at the rear of the present space, and then the thirteen million dollars at the high end of that range assumes that we do some major changes to the structure of the Auditorium and that could entail private lounges, box seating, additional balconies and that sort of thing, so that's the range that we're looking at on the Auditorium. Now, on the convention center, you see that I have a range of 140,000 square feet up to 160,000 square feet. That is on page two, low end to high end, second line on each scenario, for the convention center. One of the goals that the Convention & Visitors Bureau has is to be able to seat up nearly 3,000 people in a ballroom or a banquet facility. If you want to compare the new convention center to the Green Center, I will give you some square footage and seating capacities that are not printed in this handout, but they're sort of rule of thumb and they will tell you what we're trying to grapple with here prior to giving you recommendations for sizes. The Green Center is approximately 110,000 square feet. It has an exhibition hall on the main level of 28,500 square feet, it has a ballroom above the exhibition hall of 30,500 square feet in the ballroom, at 15 square feet per person. There is a seating capacity of approximately 2,000 persons. Our option one, or our low end budget option, with 140,000 square feet of total gross footage would allow for an exhibition hall of 37,500 and a ballroom above it of also 37,500 and a total seating capacity of 2,500. The high end project which you note has 160,000 square feet total gross footage would have an exhibition hall of 43,500 square feet, a ballroom of 43,500 square feet and a seating capacity pushing up near 3,000, actual number at 15 square feet per person would be 2,900 persons in the ballroom. So we are trying to do a comparative analysis.

TAPE CHANGE

I'll be talking in a moment about the process by which we will be doing a market analysis to tell what a community of this size and population needs to be able to be competitive in a convention market and that's a part of our services. We'll talk a little bit more about that in a second. The third page in this report is a preliminary project schedule, and please be mindful that all of these submitted today are subject to refinement and updating as we learn more and more about this project. So this is a preliminary schedule. If you look at some of the landmark dates or the benchmark dates here, we think that, given the level of engineering that's required, the level of research, that we will spend most of '96 engineering and having you review this project and that we will try and begin the bid solicitation efforts around December 1st of this year, taking bids right around the first of '97, say 1/4/97 as a target. Then if you look at the '97 - '98 benchmark dates, you'll see that in early '97, along with bond sale, contract execution and so forth, we would hope to break ground about a year

from now. The groundbreaking you see there is 2/3/97. Construction period, then, we're going to be very conservative here and say about twenty months. That is because there is a likelihood of phasing or staging this project whereby we do the new construction first, allow for the present facility, the Auditorium and Gold Room to stay in operation when we do the bulk of the heavy construction of the new convention center and Gold Room expansion. Then once we have the new construction well along, then at that point we will tear in and begin some renovations in the present building. I have been called and asked the question, what does this mean for current tenants in the present structure? My guess is, with this schedule, that we can probably, possibly, allow for certain functions that are ongoing in that building to continue through spring of '97.

Commissioner Mourdock: Spring of '97 or '98?

Michael Shoulders: Yes.

Commissioner Mourdock: For the phasing?

Michael Shoulders: Well, what I mean to say is if we have a tenant who used the present facility on an ongoing basis --

Commissioner Mourdock: Are you talking about the Auditorium or the Gold Room, or does it matter?

Michael Shoulders: No, either one, really. But what I had in mind, frankly, was someone like the Philharmonic whose season is from September, I think, to April. We, at this juncture, we feel that it's very, very possible that we could accommodate the Philharmonic through their '96 - '97 season, which would be through April of '97. Now, they may have some inconveniences; there may be some barricades here or there, but we think we can accommodate their use of that facility. I'm told that the schedule, and this is not official, I was told this in a conversation, but I believe it may be that the Victory schedule is projected to be complete and usable by the fall of '97. So there's a possibility if that occurs, that the Philharmonic can utilize the Vanderburgh Auditorium for '96 - '97 and then begin their '97 - '98 season in the Victory. I think that's at least their game plan from the discussions that I've been involved with. The next couple of pages just basically outline some of the disciplines and some of the subconsultants, as I call them, who may end up and probably will end up on this design team. So the other activity that I've been engaged in over the last three weeks is I have been interviewing and discussing this project with the various disciplines that you see here in order to ultimately assemble the proper expertise and professional consultation on the design team. Now, I mentioned the market analysis, we are talking to HOK, a large firm in St. Louis who is a specialist in doing market research, market analysis, programming for convention facilities. We believe at this point that there's a good likelihood that we will bring them on the team to do our market analysis, and what is involved in that, again, is a look at our population base, our economic base, our geographic location, the targeted types of conventions that may be looked at by a convention bureau, or by our management team at the facility, a comparison of who the competition of those types of conventions might be and how we would design this facility and what spaces should be included, so that we can be the most competitive in our region. So it's an important function and it should be on this design team. At this point, we have talked with HOK and believe that we will bring them on the team. We have worked with Jerit-Boys of Chicago for a while now on that facility, so Bill Conner, the theatrical consultant, I'm fairly certain will be on the team with us. We are talking to three different acoustical engineering companies, one is Paoletti; one is an individual named Stan Roller out of Chicago; and one is the Jaffe Firm. We will definitely, absolutely have an acoustician, an acoustical engineer on the team.

I'm talking to these three and we'll come back to you with recommendations at a later date. We will have to have a kitchen consultant for the food service end of this process and we're talking to two different Indiana food service consultants. These firms do not sell kitchen equipment, they are strictly in the business of consulting, they are not vendors. They are consultants. We are talking to two local structural engineering companies, two Indiana cost consultant firms. These two are both used by the state of Indiana and have a good track record in cost containment and cost prediction. We will likely have a landscape architect on board. We're talking to two Indiana landscape architect firms. My firm will be in charge of architectural design, interior design and mechanical and electrical engineering. We have been talking to another local architect who may be coming on board to supplement our architectural engineering efforts to be assured that we can meet the schedule, and this is still a tight schedule as I've painted it here, because it's a large project. So that is just a brief rundown of some of the disciplines that will go into this design team. Your last page is some of the activities that I and this team will be engaged in between now and the next time that I come back to you and meet with you. I would suggest, perhaps, in four weeks, on March 11 that I do that, if not sooner. I will have completed all my negotiations with subconsultants and I will come to you with recommended final design team members. I would like to review a draft of a contract between my company and the county with whomever, with John Stoll or whomever is designated to do that. Please bear in mind that the idea is that you will have only one individual to deal with and one company that you will be contracted with. I will be the principal in charge and the project manager. You will know who to call, so these ten other disciplines that you read about here, you can have some communication with them certainly, but it will be through me, and so I will be sort of the central point source entirely through this effort. I would like to bring my contract back to you for review at some point in the next four weeks for final execution. We hope to complete much of the market analysis and another work activity that we have ongoing, which is some user group interviews. We've been to the facility; we've talked to some of the staff on site. We will also be open to the interviewing of other individuals and groups in this community such as Aiken Management and others who may have cause to utilize the facility in the future. So we are seeking in this whole market analysis picture and this programming picture, input from the community and we will be doing extensive interviews of those kinds of users and user groups. We would like to complete all the programming and what I call the concept design which pretty well tells us what the square footages are, what types of activities and spaces go on in this project so that we can really, in the next four to six weeks, be totally immersed in the detail design. So, certainly, at all points in this process, we want to give the county adequate review time and we need to build that in so that you have time to digest and review what we're proposing and what we're bringing to you. With that, I will just simply agree to answer any questions that you might have on this document or the process in general here that we're trying to embark on.

Commissioner Mourdock: As a practical matter, Mike, the term you used at one point was "phasing", as far as using part of the facility while it's undergoing construction on the other end?

Michael Shoulders: Yes.

Commissioner Mourdock: Have you had much experience with that for a facility of this size or perhaps some of the other folks you're talking to who you would be bringing into this process? To me, that seems, and I guess this isn't a question as much as it is an observation, but it certainly seems to me that's one of the things that is going to be critical to us, is to keep as much open as we can for as long as we can, and keep it working while work is in

progress.

Michael Shoulders: Right, we want to try to optimize your revenue potential during this process and not have areas shut down that could be producing revenues. We have had a lot of experience in staging projects of this size, many of them in educational settings, large university projects, high school projects, even. We have also done our share of hospitality facilities. We're presently doing the University Center expansion at USI, which has a ballroom, conference rooms, etc. Also, HOK, the market analyst, will also try and, from the standpoint of incoming revenue of our facility, try and come up with a staging plan or assist us in arriving at a staging plan. Now, again, probably one of tactics that's generally used for phasing and staging is to try and maintain the operation of the existing facility while we're doing the new construction so we don't tear into any walls and we'll try to leave the site as usable as possible. We come out here and we get our structure up and our buildings under roof, that is the newly constructed parts of the building: the convention center, the Gold Room expansion, until the absolute last moment and then we have a long period of prediction of when we're going to tear in at that point to the existing building. We know well in advance, and at the last possible moment, now we begin the process of integrating the existing facilities with what we have been constructing as new facilities, and then we tear in and we start the renovation. At that point, that will pretty well shut down the entire operation for any revenue and we will try to make the renovation go as quickly as it possibly can.

Commissioner Mourdock: I assume that one of the Peter Principles that applies in most forms of business, applies in architecture as well, which is: any job takes the amount of time assigned to it. Looking at the, I mean, we're using the rest of 1996 just in design work...

Michael Shoulders: Uh-huh, and detailed engineering, yes.

Commissioner Mourdock: Yeah, that seems excessive to me.

Michael Shoulders: Well, if you look at the benchmarks that I've outlined, and please be mindful that we will try at every stage to try and beat this schedule, but I think it's important, right up front, to be very realistic and not do any wishful thinking and mislead the county or the county's officials, which are you gentlemen. This is a complex, large scale effort. I am told that the original design of the original auditorium was fast tracked, to some extent, the Vanderburgh Auditorium Gold Room, and there have been certain elements and certain aspects of that facility that there have been regrets about ever since. So, I guess our position in this, if you have to have a position, is that we should do the necessary, up front planning and it will pay big dividends if we -- we plan to take some trips in this procedure to other facilities, do the proper research and analysis without hurrying, without making haste, and we think, again, that will pay big revenues in the long haul in terms of, or it will pay big dividends in terms of better revenue and more flexibility of the space to accommodate changing needs as we use this building. So in other words, we think it is wise not to hurry the planning. Now, that said, if we can beat this schedule, certainly, it is something that I created, it's something that is subject to change, it's something that we'd like your input on. If we're fortunate, and we start this thing at the right point, if we have a good bid climate, if we have willing contractors and hungry contractors and people who are interested in this process, we like to think we can beat the twenty month schedule as well, that I've outlined on construction. We will absolutely try to beat that if we can. But knowing full well that there could be some phasing needed, I think we have to be realistic.

Commissioner Mourdock: The last question I'll have is under your item 8, under the different associates you're bringing in. You have, "Tentative discussions with a local architect in Evansville" for architectural engineering. You have listed every other, at least I think, every other company or individual you are talking to. Is there a reason why that's not listed, or do you want to tell us who that is?

Michael Shoulders: Mr. Will Fosse is on vacation this week. He is down on his sailboat. I didn't get a chance to talk to him whether or not he wanted his name used, but he is the individual I am talking about; I've used it now, so he doesn't get to approve or disapprove of that. We have had some discussions with Mr. Fosse; he is very interested in this project. We think that the make up of his staff could be very complimentary to this overall effort and perhaps help us make a schedule, make a better schedule, complete this in a little faster time frame.

President Tuley: Well, Mike, you've done a lot of work in the short time you've been assigned to the project.

Michael Shoulders: We're very excited about this. We want to thank the Commissioners, once again, for selecting our firm. We want you to know that any time there's a question or concern, please call me directly and I will say to you, that if I am out of the office for some reason, that I have two architects on staff who will be assisting me along in this process, and very likely, you can talk to them in my absence. They happen to be married, I hope that's not going to cause any problems in the project; I'm sure it won't. Michael Buente and Charlene Buente, who are registered architects in my office, will be on this team as well.

Commissioner Mourdock: One thing along that line, you had mentioned coming back March 11, I think, or roughly four weeks. I would just like to ask you informally if once a month you, or one of the members of your staff, would report back to us at this public meeting. I'm going to say this as simply as I can and as bluntly, it keeps it in the news and that's going to keep us on our toes as far as what's out there. I've never been involved with building an auditorium before, I don't think Rick or Pat have either, and we're going to learn a whole lot through this process and we need to be informed on a regular basis.

Michael Shoulders: I think that's a very good idea, and we will try to come back and make reports to you on a monthly basis. That's a good idea.

President Tuley: Mike, as a timetable, to make it as short a period of time that you would have to be here, I would recommend that you try to set that up for the first or the second Monday of each month. Those generally tend to be the easier meetings that this Board faces, and maybe you won't have to come up here and sit for --

Commissioner Borries: That being said, tonight...

Michael Shoulders: So March 11 would not be a bad evening, then, for you?

President Tuley: That would be a good evening.

Michael Shoulders: Well, let's tentatively say that we would like to appear again and give you an update on March 11, then.

President Tuley: That would be great.

Commissioner Borries: As one person who always enjoys concerts in the Auditorium and who has really never had a sound problem in the Auditorium, and one who probably enjoys, as many people do, I

think, performances of all kind, I think you certainly should be commended for your work here. It is a minefield, I think, because there are some uncertainties that, obviously, we still have to deal with in relation to trying to get this funding on line and a few things like that. But I would say we're on the right track, except that as the clock ticks on the convention business, we still don't have a convention center, in my opinion, that will suit us in the short term. We are not giving the assistance to one hotel owner who has put up a significant amount of money to invest in this downtown and I regret that we're still, at this point, there's still some holes in our overall, in my opinion, in our overall vision of downtown. But you're to be commended for where we are. I know you've heard, as all of us have, as the petitions are collected about the sound, we will be addressing that. We will have a sound situation over there that I know you will be proud of and that the community will be proud of. This will be something that I know I am going to enjoy very much, going to my first concert in that hall. Thank you.

Michael Shoulders: Thank you, Commissioners.

RE: ERIC ACKER

President Tuley: I don't see Mr. Acker, so we'll skip over item D. Two hours into it and we haven't gotten through item four yet.

RE: BURDETTE PARK LEASE AGREEMENT WITH MCMURTRY MARTIN

President Tuley: Alan, do you want to do the Burdette Park review now or do you want to wait until your report?

Alan Kissinger: This is the agreement with McMurtry Martin. Am I safe in assuming that McMurtry Martin is the authorized distributor for Scott Paper Towels, then? That's what they have here, is that they have a contract with Scott Paper Towels. Let me tell you what this is. I don't know if the Commissioners have read this request, but basically, what the people at Burdette Park want to do is purchase certain paper dispensers from, or enter into a lease of these dispensers with, it appears, it is Scott Paper Products, or Scott Paper Company, yes. The way this would work is there would be dispensers, twelve units of one type of dispenser and twelve units of another type of dispenser and we would enter into a lease agreement of those dispensers. The consideration paid on the lease agreement by the county would be that we would agree to buy all of the paper products that go into those dispensers for a period of five years. At the end of that five year period, assuming that we have honored our portion of the lease, we would become the owners of the dispensers without having to pay the price for them. If we violate the lease, then they have the choice of coming and taking them away from us and making us pay for them, and there are allowable penalties attached if we violate the lease. Before we enter into this agreement, I think it would be most appropriate for us, someone, to contact our Purchasing Department and see if we're going to be violating another agreement for the purchase of these paper products. If we are not going to be violating that and the Commissioners see fit to enter into this type of agreement, then the agreement is certainly in order, but it does bind the county for five years.

President Tuley: The lady on your right can handle that.

Commissioner Mourdock: Yes, I was just going to say that I move we take it under advisement until we hear from the Purchasing folks regarding that issue.

Alan Kissinger: And I suppose that we ought to...should the people of Burdette Park check with Purchasing?

Commissioner Borries: I would think, you know, there are lots of

paper products out there, and it appeared when I looked at that, that it has something to do, as you pointed out, with the dispenser being vandalism proof or it's a sturdier thing. But again, maybe there are models out there that could be bid. I can't quite figure out, either, exactly why we're only talking to one vendor here, so we probably need to take it under advisement.

Alan Kissinger: I can answer that question for you briefly --

Commissioner Borries: They are the ones that have the --

Alan Kissinger: Yeah, this is a lease of the equipment --

Commissioner Borries: I got you, like a lease/purchase?

Alan Kissinger: Yes, it is that type of thing and to enter into a lease under those circumstances, we can do that and it certainly is well below the \$75,000 purchasing limit. That doesn't appear to be a problem, but I am just concerned that we have a contract with somebody else, and we may be stepping on their toes.

Commissioner Borries: Oh, okay.

President Tuley: Okay.

RE: AUDITOR'S OFFICE - BOND ORDINANCE NO. 96

President Tuley: Item G will be deferred for one week.

RE: HEALTH DEPARTMENT - BREAST FEEDING PEER COUNSELOR CONTRACT

President Tuley: Item H, I don't seem to have anything in my packet. Hold on, I do now. So basically, they're just asking us for approval of this contract that they've already approved?

Commissioner Mourdock: I guess. I'm not sure what the contract is for. I've read it a time or two, but --

Commissioner Borries: Some kind of instructional services.

Suzanne Crouch: I think this is a result of your memo asking that all contracts be brought before you. I think this is an agreement or contract that typically the board has approved in the past, but now they're submitting to you. That's what I would surmise.

Commissioner Mourdock: Which board are you talking about?

President Tuley: Health Board.

Commissioner Borries: Well, let's not dwell on that one at this hour. It looks like it's been signed and we've been there and done that.

Commissioner Mourdock: Do we need a motion?

Commissioner Borries: I move that we acknowledge it in for the record, I mean, there's nothing else we can do for it.

Commissioner Mourdock: I'll second approval of the Breast Feeding Peer Counselor contract.

Suzanne Crouch: You need to sign over there --

Commissioner Borries: Oh, I see, down at the bottom?

Suzanne Crouch: Yes.

Alan Kissinger: You may give retroactive approval to this contract.

President Tuley: So ordered. We make a lot of decisions, but watch us bumble through that one!

RE: LYNN ELLIS - PURCHASING

President Tuley: Lynn Ellis has nothing to report, it says here.

RE: JOHN STOLL - COUNTY ENGINEER

John Stoll: The first item I have is a request for acceptance of 140 linear feet of Torrey Hill Road in McCutchan Estates, Section One. The street was built back in 1988, but it was never accepted due to an error back then. The error was pointed out through our recent submittal for another portion of Torrey Hill Road. We had submitted that to the state for inclusion in our accepted road mileage and they told us it didn't connect. This is what we found, that this 140 feet was never accepted. So that's why I am recommending that it be accepted this evening.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

John Stoll: Next, I have a travel request for Tim Spurling to attend a storm water drainage conference at Purdue. He would leave tomorrow and return on Wednesday. He would be taking a county vehicle to the seminar. I recommend that the travel request be approved.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: The next item I've got is also a travel request. It's for David Franklin to attend a driven pile foundations design and construction seminar up in Indianapolis. This will be put on by INDOT. Dave was originally going to attend the seminar this week, but that was cancelled and this is one that they recommend that he attend to get similar knowledge on the pile driving. So, I recommend that it be approved. It also would involve use of the county car. It would be from March 10 through March 15.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: The final item I've got, on the Tekoppel Bridge, the plans have been submitted to CSX. We found out today that the plans had been forwarded from CSX's office in Jacksonville to their district office, which I believe is in Louisville or Cincinnati. They say that their typical review time is four to five weeks, so it will be a while before we see any activity out there.

President Tuley: I'm glad you brought that up because I had at least two people last week ask me about that, where we were.

John Stoll: It's in their hands right now. We've been talking with Dennis Feldhaus to find out about railway insurance and things like that. But until we hear back from the railroad on what they're going to require out of us to be working on their right-of-way, we really can't proceed.

Commissioner Mourdock: And they're (inaudible), so it will be four

to five weeks squared.

John Stoll: Probably.

Commissioner Borries: Just don't make them mad. If you make them mad, it gets worse. Man, they're tough to deal with. We did remarkably well when the thing was constructed, but anyway...just don't make them mad, Mr. Stoll.

John Stoll: We're trying not to.

Commissioner Borries: You're a pleasant person, so I'm sure you won't.

John Stoll: That's all I've got.

President Tuley: That's all? Anybody have any questions for John?

John Stoll: Thanks.

President Tuley: Thanks, John.

RE: BILL MORPHEW - COUNTY HIGHWAY

President Tuley: Bill Morphey has submitted a report from the Vanderburgh County Highway Department for the week of Friday, February 2 through Thursday, February 8, and the same report for the County Bridge Crew showing work...it does appear to be a whole lot of tree and debris removal it looks like, and a lot of (inaudible).

Bill Morphey: Well, we're still working in the bottoms. We've got a couple of roads still closed down there, a couple of the rock roads, but that's not due to water or ice now, Sigeco has a pole line laying on the ground that came over due to the ice, that's Happe and Seminary Roads. I have my paving list ready. I haven't done any estimates on it yet, but I expect to do that in the next two weeks, so I guess we should probably advertise for the public meeting.

Commissioner Mourdock: Do you have a date in mind for that, Bill?

Bill Morphey: April 1.

Commissioner Mourdock: Good, because I had someone call me just last night as to when we were going to do that, and I said probably the first meeting in April.

Bill Morphey: I've had several calls lately. I guess we need to ask the Auditor to have this advertised.

Commissioner Borries: Yes.

Bill Morphey: That's all I have.

President Tuley: Don't run away. I'm going to enter this into the record and then ask that Cindy make a copy of this so that you can read this to your crews in the morning. This is a letter that came from a Mr. Paul Ellis of 9609 Fischer Road.

"I wanted to take a moment to say thank you for the service that the county's highway department provided in cutting down a tree limb that had fallen in the last winter storm we had. The tree had fallen into the power lines and had to be removed prior to SIGECO being able to reinstall the power lines. The county crews worked diligently and quickly to remove the trees so that power could be restored.

I also wanted to express my appreciation, and I'm sure I speak for many county residents, in the snow clean-up that the county crews have been providing. The streets in our area have been, like other streets in our town, covered with snow and ice. The crews have worked around the clock to ensure that the roads are in as safe a condition as possible for motorists to travel. I have heard the trucks at all hours of the night and appreciate so much their diligence in taking care of the snow removal so that the citizens can get to their respective jobs. I know that it takes a lot of work to get the snow cleared, and, again, appreciate their efforts.

Thank you to Bill Morphew and his crews.

Sincerely,

Paul R. Ellis"

Bill Morphew: Very nice letter.

Commissioner Borries: That is nice. Cindy, if he could get a copy made before he leaves, so he might share that with the rest of his crew and his foreman out there.

Bill Morphew: We'll do that.

President Tuley: Good job.

Bill Morphew: Thank you.

Commissioner Borries: Thanks, Bill.

RE: ALAN KISSINGER - COUNTY ATTORNEY

Alan Kissinger: I pretty well used up everything I had to report during the meeting. We are in trial as I advised you we would be last week. I'll be using Mr. Morphew and Mr. Stoll as my witnesses. The trial probably will end on Wednesday, and hopefully, it will end on a happy note. Other than that, I have nothing to report. Oh, I have reviewed, I think it will come up with Cindy, I have reviewed the revised poor relief standards for Knight Township as submitted by Jim Price. Their advisory board approved these on January 12 of '96 and they're requesting that the Commissioners approve these. It seems to cover all the categories that they're required by the statute to cover, and I am assuming that they followed the book in making the various changes, revisions in the standards. I have okayed that for the Commissioners to consider for approval.

President Tuley: Motion to approve?

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Cindy Mayo: Mr. Price did ask that he get the original back on this and he will copy it. They keep the original in their file, so if we could get that back to Mr. Price, he will get us copies.

Alan Kissinger: I guess I'm the housekeeper tonight, but I know that Ms. Crouch from the Auditor's Office is going to request an opinion regarding the Auditor's certification of the petitions and remonstrances filed in reference to the, I believe it's the Victory bonds, if we can call them that.

Commissioner Borries: Is there a war going on?

Commissioner Mourdock: It sounds like it.

Alan Kissinger: Suzanne, I thought that perhaps between things, I could sit here and give you a quick opinion on these. My quick opinion on this is that after the deadline for filing of petitions and remonstrances, you have ten days from that date to certify. Then, I guess, it comes down to when is the deadline. So I'll work on that and hope to give you that answer within the next few days. But I know you're continuing to certify as we go and you're not waiting for me, but --

Suzanne Crouch: Well, we're continuing to process them. We won't certify them until you --

Alan Kissinger: I'm sorry, yes, prepare them for certification. There's a point at which I would say, yes, you can stop, because I think it appears that there is a point at which there is a deadline for filing these things and it has to do with the dates that they were advertised and it's...I'm sure someone from Ice, Miller, Donadio & Ryan wrote that legislation because it's a mess...and I don't mean that in a derogatory sense, they've written it so only they can understand it, which is quite a feat.

Suzanne Crouch: And if I may submit my memo for the record and then get back...and then I'll hear from you, hopefully, within a day or two, or maybe after you --

Alan Kissinger: Not a day or two, you may hear from me Thursday, but hopefully, the latest will be Friday.

Suzanne Crouch: Okay, and in the meantime, I'll be in conversation with Dennis Brinkmeyer.

Alan Kissinger: Great.

Suzanne Crouch: Okay. Thank you.

Commissioner Mourdock: I just want to be sure I understand that, because I'm not totally sure I do. The petitions that have been submitted at this point were subject to a due date, right? There was some date that was out there --

Alan Kissinger: Yeah, and it's really difficult to say, Mr. Mourdock, and I'm not trying to be evasive. It's just that the statute indicates that petitions for and remonstrances may not be filed until thirty days after a certain advertising date, that the Auditor cannot even issue the petition/remonstrance forms until the 29th day after that. Then up to 60 days after the advertising, they must, I believe, submit their petitions for remonstrances. Then, the Auditor has ten days, I believe, after that to certify that these petitioners are, in fact, real estate owners in Vanderburgh County. I beg your pardon, not in Vanderburgh County, in the unit of government, the subdivision, that is seeking to issue the bonds.

Commissioner Borries: That is the county.

Alan Kissinger: Okay.

Suzanne Crouch: I guess that's our confusion, we don't know when the start date really was, so if there are any errors in the memo that I submitted, I'd appreciate clarification on this.-

Alan Kissinger: And instead of doing that myself, I would suggest that what you do is talk to Leslie Blenner, who has requested that this certification be completed by a certain date, and ask her what the operative advertising dates were, and explain to her because

you need to know when your ten day deadline begins. She should understand that and I think she will, because she will know. They were the ones who were responsible for advertising, so they should know when the advertising occurred.

Suzanne Crouch: And I believe Mr. Brinkmeyer has requested that information. I'm not sure he succeeded today, but I will call her.

Alan Kissinger: Without that information, we can't complete the formula.

Commissioner Borries: Is that for both groups, then? This is just for the pro's, those folks that (inaudible). Is that your understanding?

Suzanne Crouch: Unless you know the starting date, it starts and then there are 30 days before it can really kick in. Then --

Alan Kissinger: And then there is...I think if you stretch it all the way out, it's 90 days for everything, that's pros and cons.

Suzanne Crouch: Where the problem comes in is we've been requested to certify everything by 11:00 a.m. on February 21. We don't know if we're within that frame. If we're not within it, do we have more time; if we don't get it all processed, can it be certified later? We just need some clarification.

Alan Kissinger: I think that you are given that ten days because there should be a ten day gap between the deadline for filing petitions and the time that you're required to certify. Otherwise, they could require you to certify up to the hour of submission and I am certain that the statute does not expect you to do that. I think that you need ten free days without any new petitions coming in.

Commissioner Borries: Yeah.

Suzanne Crouch: In which case, if the 21st is the public hearing and that is the end of that time period, then anything receipted in after last Friday would not be processed.

Alan Kissinger: That assumes that the City Controller can satisfy you that, in fact, those are the operative advertised dates, yes.

TAPE CHANGE

Alan Kissinger: I think I've completed almost everyone else's reports!

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

President Tuley: Cindy, is Alan done with your report, or...

Cindy Mayo: A portion of it. I have the holiday schedule for 1997. The two highlighted on here are the additional days that we pick up in a non-election year, so if you would look at those.

President Tuley: Don't call them holidays! You'll get the dander up of at least one Commissioner.

Commissioner Borries: I read with interest where it talked about the holidays, that someone had written in or called one of the newspapers and they mentioned that these are in conformance with the state. Yeah, I guess I have kind of a philosophical problem with our duties to vote and what we consider a holiday.

President Tuley: I assume we need a motion to approve?

Commissioner Borries: I will move that the dates set for 1997 be

approved.

Commissioner Mourdock: Oh, it's '97. I'll second.

President Tuley: So ordered.

Cindy Mayo: Mr. Profaizer last week mentioned that there was a company that was wanting to use Vanderburgh County's imaging system, city and state or city and county, and they did turn that information in today, so I'll pass that down so that you can look at that. Mr. Profaizer said that if you have any concerns, to please let him know about it. He felt that it was fine. The test results came back on Mr. Biggerstaff's pigs. They did come back negative; the quarantine is lifted, which means that Mr. Biggerstaff can move his hogs or do whatever he wishes with them as long as there is no mistreatment or he doesn't, I guess, break any of the laws that he did as far as the neglect. But they have no authority to tell him that he must keep his hogs there now or what he can do with them. I guess this doesn't change the fact that there are charges being looked at or have been filed. But the quarantine is lifted.

Alan Kissinger: It doesn't have anything to do with it. The quarantine was merely a safety factor and I think the Prosecutor is proceeding with their investigation, and the quarantine or the lack of quarantine should not affect their (inaudible).

Cindy Mayo: We have had some calls today from people wanting to know, they have heard that the quarantine is lifted and they wanted to know what happens. The hogs still have no shelter, not adequate shelter, and I did explain that is a matter that would be settled with the Prosecutor and with the courts, and that we didn't really have any authority over that. So if you get any calls on that, that was the statement that I gave people I've spoken with.

Commissioner Borries: Cindy, on that issue, you know, lest I get a little too emotional on all this since I have worked -- I'm using the wrong term, I have not worked with this individual. I don't think anybody can work with this individual and I don't know what you'd call it. I guess I've known him, seen his property, whatever, for a dozen years, I guess, all of which I have continually been appalled at his treatment of the property and his animals. I guess what I'm saying is that last week, lest someone thought that I was either criticizing the Sheriff's Department or someone else, I certainly didn't intend to do that. There is a good deal of frustration regarding this individual because, again, it is an extreme case, the worst I've ever seen in this county. On the other hand, thinking back about that, I believe that the system has worked. This individual has been charged with certain criminal activities now because of his neglect. The Sheriff's Department has enforced the law and delivered these charges to the Prosecutor, who is considering them at this point and, hopefully, whatever the Prosecutor is going to recommend and (inaudible) continues to make the system work. So I want to clear the record that I certainly commend the Sheriff's Department and the sincerity of all the people involved. Everybody is concerned about these animals and it is a frustrating thing, but the system is working. I mean, I don't know what else we could do to this individual. There are things that we probably all dream of and would like to think, but whatever is going on, we must follow the law and that's what we're doing.

Cindy Mayo: The gentleman from the Humane Society that spoke last week from Warrick County, I believe his name was Wallace, his first name was Wallace, did call the office today, also, and say that he's been out there and Mr. Biggerstaff has come out daily and made sure that there is food out there and the ice is broken. So apparently, Mr. Biggerstaff --

Commissioner Borries: Taking a little more active role.

Cindy Mayo: -- we at least have his attention right now. Yes.

Commissioner Mourdock: Did we file, Alan, or is that in progress as far as foreclosing on the lien?

Alan Kissinger: I don't know. I instructed Keith Rounder to do it and I'm assuming that he did. He's very diligent, but, no, I haven't communicated with him since then.

Cindy Mayo: Another item, Burdette came in to pick the letters up today before I had a chance to bring this to your attention, but for the last two or three years, they have sent letters out to corporations asking for corporate sponsorship for the day camp for needy children, for children that cannot afford to come to the camp. They didn't have access to a printer that would do it. This office did print the letters up and I apologize that I did not get to show you the letter before they picked that up today. I was not in the office when it was picked up. It is on Commissioner letterhead and is asking different corporations, there were 163, for donations for their day camp for needy children.

Commissioner Borries: And we've done that in the past, there's been no change I don't think --

Cindy Mayo: No, they added a couple of new companies to it, but other than that, there was no change. The other item that I have, the last item, UPS delivered something from Crawford Door Sales today. I don't think it's a bid, it does not state that it is. I tried to call Crawford and did not reach them before they closed, so with Lynn Ellis not being here, I assume that if it is a bid, it did not need to be opened tonight. I will call Crawford. I just hate to open it if that's what it is. I will find out and see whatever I need to do. That's all I have.

Commissioner Borries: Thank you.

RE: CONSENT ITEMS

President Tuley: Consent items, we have travel requests, employment changes, Auditor's request for approval of vendor claims.

Commissioner Borries: Move that they be approved.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

RE: SCHEDULED MEETINGS

President Tuley: Scheduled meetings, there's a list attached. There is a 2:30 PC-Finance meeting tomorrow. We will not, just for the record, we will not be meeting next Monday night, the 19th, in observance of President's Day, however, we will have our regular scheduled Commissioner's meeting on the 20th, actually our meeting is regularly scheduled for the 19th and it will be held on the 20th, is what I'm trying to say. There will be an Executive Session, Commissioner's meeting and Rezoning.

RE: OLD BUSINESS

Commissioner Mourdock: I have just one item, and I haven't gone back in my file yet to see where we were with it, but I received a call today from the folks that were here about eight weeks ago regarding the sewer situation out off Old Petersburg Road, south of the Hornet's Nest in that area. Do we have anything, obviously, we don't have anything new to report to them. We were waiting to see how everything came together further up the road from there with the Daylight Sewer situation. Was there anything else that we

needed to do or any other information we were waiting on?

Commissioner Borries: Well, I think that the last conversation that I had with Alan Kissinger is to, again, verify what the role of the utility department is in recouping this expense. I'm not sure that has been hammered out yet. There is nothing that Alan can write until we get...obviously, we want to recoup our money, but we're trying to...that's the matter we have to resolve.

Commissioner Mourdock: Yeah, okay. This may be a related subject, and I don't know if this is new business or old business, but I got a letter this week, and I think each of you may have seen this letter --

Commissioner Borries: University Heights?

Commissioner Mourdock: University Heights. I was going to ask John Stoll if he has seen this or knows anything about this. You might want to check into this. This is another sewer question. I don't know that it's much different from what we just discussed.

Commissioner Borries: The only difference in University Heights, Richard, is that there is already an existing sewer out there or at least the lift station, and I think that what we need to do, or it seems to me, based on some of the correspondence and kind of reviewing this is, I still can't get a feeling that the utility department has responded to them to tell these people what needs to be done to bring that whole issue up to a standard that the utility department will accept. I mean there's things in there, a checklist, a punch list that they -- I don't know where they are with that.

Commissioner Mourdock: Would we do well to invite one of the sewer folks to come to this meeting since we've had this same type of issue come up a couple of different times?

Alan Kissinger: This issue, this very issue, the University Heights thing, has come up before.

Commissioner Mourdock: Yeah, that was the gist I got from the letter.

Alan Kissinger: And basically, certainly, I'm not trying to dictate whether or not you should have someone in here from the water and sewer utility, but what they are going to tell you is, no, we will not accept that facility as it is presently constructed and designed, and if you want us to run a city sewer line out there and make it available to those people, we have to have our money up front. That's going to be their answer.

Commissioner Borries: Well, you know, Alan, in one of those correspondences that I think has been circulating through our office, at one time there must have been a punch list developed by the utility department that this is what you must do. Then it kind of trails off. I can't quite figure out what happens there. I mean, did they get through the punch list and then all of a sudden the utility department said, now the rules have changed?

Alan Kissinger: I don't know if that happened, but I do know that there was a period of time during which the State Board of Health was putting some pressure on people to get something done without being specific as to what ought to be done. But the last contact I had with this particular issue was that each resident out there was going to have to pay his or her fair share of the bottom line, to have the city provide them with city sanitary sewer services.

Commissioner Borries: Well, let's, you know, Richard has suggested this and I concur. Let's invite somebody from the utility department to...would you write a letter and just ask them to come

to our meeting next Tuesday? We've got Rezoning, who knows what else will pop up here, that's always the beauty of this Board.

Alan Kissinger: And maybe the folks from Willow Creek.

Commissioner Borries: Willow Creek might be floating...I hope they're not floating back. If they do, they'll be mighty mad.

President Tuley: Why, what changed?

Commissioner Borries: Yeah, maybe if you could, Mr. President, write them and ask them to attend next Tuesday's meeting on the 20th, or the following meeting on the 26th if they can't make that. Two items, University Heights and Daylight.

Commissioner Mourdock: And I guess I can make that 2A and 2B, one is Daylight and the other one is...I can't think of the name of the subdivision...Viehe Drive.

President Tuley: Any other old business?

RE: NEW BUSINESS

President Tuley: Do you have an appointment ready tonight (inaudible).

Commissioner Mourdock: Do you know if she called back yet, Cindy? I have someone they called and had a couple of questions. I had Sunny call --

Cindy Mayo: Mr. Tuley, Mark Tuley, tried to reach her and she was not in. I think she works at the bank and she did not answer, so he did not get a chance to talk to her and relay your concerns.

Commissioner Mourdock: (Inaudible).

President Tuley: Okay. Here is another letter. This one is written...the subject is Benny Gossar and is from Lynn Ellis. Basically, it just says:

"I wanted to take a moment to write a note of thanks for Benny and his services that he provides to county offices. Benny is wonderful to work with. He is very eager to help and is always friendly and cordial in providing services to the various county offices. Benny seems to do the work of five (5) men and I know that he is well appreciated. I don't think he could be replaced - with the level of service and the way in which he provides the service in such a positive fashion.

I wish I could do more than just say thank you, but many times he doesn't even get that. Thank you, Benny."

That is from Lynn Ellis. We'll put that in his file for Benny. Share that with him and put that in his file, if you would. I have one other item here. I have a request from the Vanderburgh County Assessor.

"I am writing to request your appointment of Mr. Gene Hahn as the Industrial Representative to the 1996 Land Commission. As I mentioned to Cindy, Mr. Jerry Fruth, who was previously appointed as the Industrial Representative on this commission, relocated his residence outside of Vanderburgh County, leaving his position vacant.

As the owner of Hahn Oil Co. and a respected member of the business community, I feel Mr. Hahn's credentials make him an excellent candidate for appointment to the

Land Commission.

I look forward to the confirmation of Mr. Hahn's appointment.

Cheryl Musgrave"

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered. The only other item I have of new business, looking through the packet this week, there was a letter in there addressed to the Commissioners from Don Michaels, Executive Director of the Commissioners Association. You may not have seen it, but I picked it up over the weekend and read it so it may still be floating around. Basically, it looked like it was really directed at Vanderburgh County, but I'm going on the assumption that there's 92 other counties that got the same letter. House Bill 1250, which has supported, I guess, the officers of the Commission with regard to the appointment of the Health Officer, Area Plan Commission Director, the County Parks Director if you have one. They did remove, apparently, there was an amendment somewhere along the line, taking out the Executive Director to the Community Corrections program. That person is no longer a part of that bill. Basically, it just stated that they notified us of who all in the House did not vote for it and gave us a list of the Senate people who will be involved in it, and asked us to contact our legislators if we want to support it, and Greg Server is on that committee. They said they would be acting on it this week, so if you want to support that bill, you need to call Greg and let him know. That's the only new business I've got.

Commissioner Mourdock: One last bit of new business, when you mentioned receiving something from Indianapolis...I received a letter from the folks up there complimenting us for our Welfare to Work Committee, for the report that was submitted and perhaps the key words "submitted in a timely fashion" which I read to mean there are a lot of them that they probably haven't gotten yet, (inaudible).

President Tuley: That's good.

Commissioner Borries: I have one item. It appears that my wife might be accepting a position with the ARC of Evansville, and if that is the case, I don't want any conflict on continuing to serve on that board in an active way. I certainly support their efforts and would ask if I could be replaced on that board. I would gladly trade a position with anyone else if we could do so, so that someone could take my place. They meet one Wednesday a month at noon. It's really an excellent group. I've enjoyed it very much, but I want to hand in my resignation at this point.

Commissioner Mourdock: I'll be more than happy to swap you that position for my position on the Drainage Board!

President Tuley: Does that mean he gets two votes?

Commissioner Mourdock: That's right, yeah.

Commissioner Borries: Double trouble!

Commissioner Mourdock: As you know, I currently serve on EUTS and have been on that for a year. I would be willing to swap you there, given the situation.

Commissioner Borries: Thank you. I will certainly accept that. So we can inform --

President Tuley: So moved, ordered and approved!

Commissioner Mourdock: Okay, do we need a motion?

President Tuley: Do we need a motion?

Commissioner Borries: I don't know, I think we just let the record indicate that we just switched positions here.

President Tuley: Any other business? Motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

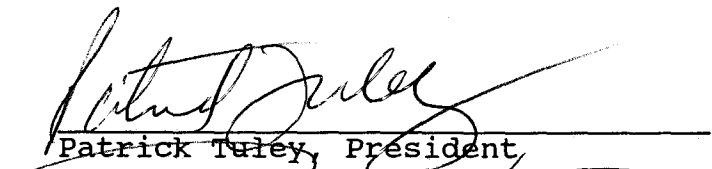
President Tuley: Done.

Meeting adjourned at 8:08 p.m.

THOSE IN ATTENDANCE:

Patrick Tuley
Richard J. Borries
Richard E. Mourdock
Alan Kissinger
Suzanne Crouch
Cindy Mayo
Teri Lukeman
Toby Shaw
Mike Wathen
John Stoll
Bill Jeffers
Dan Swidron
Michael Lockard
Roger Lehman
Michael Shoulders
Bill Morpew
Members of the media
Others unidentified

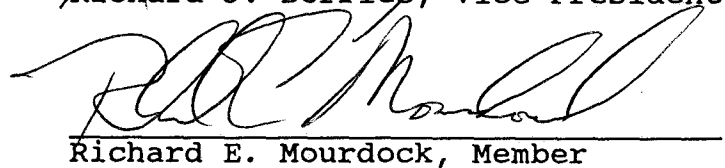
**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**



Patrick Tuley, President



Richard J. Borries, Vice President



Richard E. Mourdock, Member

Recorded and transcribed by Teri Lukeman

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS
FEBRUARY 20, 1996

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VANDERBURGH COUNTY
BOARD OF COMMISSIONERS MEETING
FEBRUARY 20, 1996

The Vanderburgh County Board of Commissioners met in session this 20th day of February 1996 in the Commissioner's Hearing Room of the Civic Center Complex at 5:37 p.m.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Tuley: Good evening. We'll call to order the meeting of February 20, 1996. As a point of introductions, we go through this every week, but in case some of you are new or not familiar with who all is sitting up here at the front desk, so to speak: to my far right down there is Cindy Mayo, who is our Superintendent of County Buildings and our office administrator; to Cindy's immediate left is Alan Kissinger, the County Attorney; to my immediate right is Commissioner Rick Borries; to my immediate left is Commissioner Richard Mourdock; to Richard's immediate left is Suzanne Crouch, who is the County Auditor; to Suzanne's immediate left is Teri Lukeman, who is the Recording Secretary for this meeting; and to her immediate left is Charlene Timmons, who will be assisting with the taking of the minutes, and who will be filling in next week at the regular scheduled meeting. I am Commissioner Pat Tuley. If you would, please, we'll all stand and face the flag, and say along with us as we say the Pledge of Allegiance.

There are agendas posted along the wall over there, as well as, I know there are several of you that are here in reference to item 4C, which is water and sewer projects in Vanderburgh County. Mr. Danks could not be here tonight, however, he did send us a letter giving us an update of the various projects that are going on. So welcome yourselves to a copy of that if you'd like to. We will be having a discussion with reference, it looks like, I see people here from Daylight sewer and University Heights.

RE: APPROVAL OF MINUTES

President Tuley: The first item on the agenda would be the approval of the minutes from the January 16 meeting.

Commissioner Mourdock: I think you mean the approval of the minutes from the February 12 meeting.

President Tuley: Yes, you're right.

Commissioner Mourdock: I will move approval of the Commission minutes from February 12, 1996.

Commissioner Borries: Second.

President Tuley: So ordered. We also have the Rezoning meeting from January 16, 1996.

Commissioner Mourdock: I'll also move approval of the January 16 Rezoning meeting minutes.

Commissioner Borries: Second.

President Tuley: So ordered.

RE: ANY GROUP OR INDIVIDUAL WISHING TO ADDRESS THE COMMISSION

President Tuley: Item 4B, every week we give the opportunity for anyone who is sitting in the audience who does not find their name or their topic for discussion, now is the time to come before this Board and speak what's on your mind. One thing I failed to mention, anyone who wants to speak, you're more than welcome. Please come forward to the microphone because the meetings are

being recorded. Please identify yourself for the record.

RE: VIEHE DRIVE SEWER PROJECT

Jeff Noah: Jeff Noah from Viehe Drive. We had met with you all about six weeks ago, before all the holidays. Mr. Dodd cannot be here tonight and said we needed to make representation tonight, that you were going to have some people here from the city tonight.

President Tuley: We had hoped to, and as you heard, Mr. Danks couldn't be here. There is a letter here...

Commissioner Borries: Have you talked with the city utility department?

Jeff Noah: No, we have not yet. We thought -- we were waiting to hear back from you all to see what the next step is, where we should go.

President Tuley: I'm sorry, my memory is running a little bit short tonight. Bring us, just real quick --

Jeff Noah: Viehe Drive, McCutchanville Community Park out there and Southeast Browning. We were trying to get some backing on some sewers since the line is available out there now.

President Tuley: Okay. Alan, didn't you...

Alan Kissinger: In this kind of project, it's going to be necessary for you to contact the Evansville Water & Sewer Utility Board of Commissioners. For certain limited purposes, if there is going to be an economic development grant or something of that sort, we can front money for economic development with a guarantee that the money will come back through the contracts. If you are talking about the extension of an existing sewer and the ability to tap in to that, then that request has to be made to the Evansville Water & Sewer Utility, and then there are provisions under what is referred to as the Barrett Law for time payment by the various residents. They will know the procedure for petitioning and getting the various people who would be served by this sewer and the various requirements that have to be met before they will consider extending the sewer to you. The Board of Commissioners really has no authority in that area as far as private residential use is concerned. I guess it's --

Jeff Noah: Our next step would be to go down to the city, then?

Commissioner Borries: Yes, write this number down. It's 426-5771. Mr. Danks also, the other gentleman who is actually the fellow, I think, that directs the crews and the installers, his name is Gary Leek.

Jeff Noah: Yes, we've talked with Gary before.

Commissioner Borries: What they will do is, and I think what you have to do is to give some kind of petition in writing so that they can come out probably and identify where that sewer line is and then they pretty well have to size that and cost that out, to figure out what it's going to cost for you to tap in.

Jeff Noah: See, because we had in that pamphlet that we left you all, it has two estimates to have the lines run.

Commissioner Borries: That should have been forwarded to the utility department, because I'm sure we would not have kept that here for any reason.

Jeff Noah: I think we left you every copy we had. I think we left six or seven of them.

Commissioner Borries: I'm sure that they should have had that. But now, without any further contact, there has been no updating on that at least on any of the things here that they mentioned in this particular report.

Jeff Noah: Okay.

Commissioner Mourdock: The one other point we might make, and, Alan, since this is your area of expertise, in the Barrett Law, is it correct that there needs to be a district formed or something done to somewhat assess what area we're looking at so that those costs can be prorated based on a given number of units of houses or whatever?

Alan Kissinger: The costs would be prorated, and then those people who cannot afford the initial tap in fee, can't afford to pay that fee, then they would be allowed to pay it over a period of time. That, in a nutshell, is a very simplistic rendering of what the Barrett Law will do for you in a circumstance such as this.

Jeff Noah: Right.

Commissioner Mourdock: With that comment, Alan, and I'm not looking for you as the County Attorney to necessarily give legal advice here, but I guess what you're really saying is, if there is a district that needs to be formed, probably, these folks are going to need to find counsel to begin to do that.

Alan Kissinger: Ultimately, I think you probably are going to have to do that, but the first place I would stop is at the Evansville Water & Sewer Utility, because this is not going to be something new to them. They're going to recognize this request and they're going to be able to tell you very briefly, step by step, what you need to do.

President Tuley: And I might add, too, you said you gave all the copies to us?

Jeff Noah: Right.

President Tuley: Cindy, would you...you've got a note to go back?

Cindy Mayo: Do you know when you attended the meeting?

President Tuley: Right before the holidays, I think, didn't you say?

Commissioner Mourdock: It was in October, I believe. I can pull it up here. I've got my notes and I can pull it up when we get done. I've got them by dates, so...

Jeff Noah: It was after Thanksgiving.

President Tuley: Then we need to go ahead and forward those down to the water and sewer department --

Jeff Noah: If you can find it, if you can get it down there --

President Tuley: We can do that.

Jeff Noah: We would be grateful, because we left everything we had, which we shouldn't have done.

President Tuley: We'll locate it.

Jeff Noah: Okay, that's what we'll do then. Thanks.

Commissioner Borries: Thank you.

RE: DAYLIGHT SEWER PROJECT

President Tuley: Mike, have you got something to...

Mike Robling: I can give you an update. You're aware that the Department of Commerce has extended a grant to the county for 21% up to \$150,000 of the cost of the Daylight sewer project, which is estimated to be around \$690,000. The County Council has appropriated \$75,000 in January to get the process started. We received proposals from engineering firms; they came in right before Christmas. They have been reviewed by myself and by the technical planning staff with the utility. I think we received five proposals, one of those I would be prepared to recommend for your approval when we're there. I don't think it's appropriate to go ahead and award an engineering contract until we know we have some agreement with the utility department itself. Knowing some of your concerns about owning a sewer system for X number of years and having to maintain it and some things like that, I floated some ideas past Jack and his staff and I sent them that before Christmas. A week and a half ago, I called asking if I was ever going to get a response and they thought they had responded a month before. So, I haven't had a chance to follow up on that yet. There sort of appeared to be some staff resistance to doing these things because they were different than the way they were approaching it with developers right now, but they didn't definitely say no. I think we maybe need to approach the agreement between the county and the utility department as an inter-local agreement rather than as a sewer agreement, so that it's in a different framework than the sewer agreements that they have with private developers. The schedule that the engineering firm that I will likely recommend was based upon awarding a contract by the end of January, and they proposed that the project could be finished by, I believe it was late September or early October. So if we can proceed with this fairly quickly with the utility board, it's still very possible that the project could be finished by the end of the year. Most of the other proposals received were dragging it out until the '97 construction season. The person with the utility that reviewed it felt that the time schedule with this one firm identified was something that could be accomplished, and so forth. So, that's sort of where it stands right now. The points I floated past the utility department, were to get them to accept the system immediately upon completion, providing it was built to the specifications; stating that the county would hire a financial consultant to develop a recoupment plan to see how much could be recouped, and over what period of time; and also proposed that the city collect the county's tap in fee and remit the money a couple of times a year. There are other alternatives if the utility board doesn't want to do these. One of those would be for the county to contract with someone like this EMC company who operates the city sewer system to fulfill the county's responsibilities in owning and maintaining the sewer for whatever recoupment period you're talking about, and for assessing the fees, and so forth, that would be necessary.

President Tuley: You said the city wasn't receptive to that idea or they were?

Mike Robling: No, they weren't receptive to them doing it, taking it over immediately and so forth. Their general policy is that they don't accept the sewers for maintenance until their recoupment period is up and...

Commissioner Mourdock: Now I'm confused, Mike. You're saying that the private company doesn't take them over until the recoupment fees are up? Is that what you're saying?

Mike Robling: No, the city doesn't accept them until the recoupment period is up.

Commissioner Mourdock: Okay, but I heard Pat's question a moment ago regarding the private companies --

President Tuley: I think he was talking in the fee collection--

Mike Robling: I had proposed that the utility department accept the sewers right away, be responsible for assessing the county's tap in fees and remitting the money to the county periodically. Those are things that in a private sewer agreement, the private development company is responsible for until the recoupment period is up.

President Tuley: The response that they thought they sent to you last month, did they give you any indication that it is forthcoming?

Mike Robling: I do have that response. The staff was saying this isn't really how we do it, but they are really policy questions, not legal or technical questions, that's why I didn't go to Kevin Winterheimer with them --

President Tuley: What do we need to do --

Mike Robling: I think, basically, I have their contract in my computer now and what I'm planning on doing is incorporating the things I asked them about into that contract, and it will be a matter of sitting down with them and their attorney and Alan to see whether they will accept it or won't accept it. I have a feeling that some of those things will be kicked to the utility board to decide whether they want to do those or not.

Alan Kissinger: Mike, if you see it coming to the point that the meeting might really occur, just let me know and I'll do what I can to make myself available.

Commissioner Mourdock: And I know everyone hates dates for these kind of things, but we've got a group of folks that are trying to do things out there, a number of development plans and businesses are at stake here, we need some dates. When is this going to happen? When do you expect it will go to the utility board?

Mike Robling: I have not had a chance to put dates to that since I got this back, but it is something that is on top of my desk at this point in time.

Commissioner Mourdock: You got it back when?

Mike Robling: I think it was about a week and a half ago and then I was off most of last week, so it really hasn't been around that long.

Commissioner Mourdock: What would be a reasonable date?

Mike Robling: It would be nice to have something resolved by the end of February, but I'm not...that's not even ten days away, so I'm not sure.

Commissioner Mourdock: Okay.

Commissioner Borries: Have you read Jack's letter? Have you had the opportunity to see it?

Mike Robling: Yeah, it doesn't really say that much about this --

Commissioner Borries: I think, Mike, if you can get what is prepared here, this modification, and what I'm hearing you say is, accept the system immediately, then the county would hire a financial advisor to recoup the --

Mike Robling: No, to develop the financial plan for the recoupment, figure out what the rates would be and how long it would take.

Commissioner Borries: And then the city would collect the fees, is that correct?

Mike Robling: Right, and I propose they would retain five percent of what they collected.

President Tuley: To cover the cost of collection?

Mike Robling: To cover their costs and that they would remit the money twice a year, or the difference, twice a year to the County Treasury.

Commissioner Borries: And then, was there anything else?

Commissioner Mourdock: Yeah, the county was going to fund something.

Mike Robling: Those are the points I raised with them.

Commissioner Mourdock: I'll go backwards about four or five minutes, you said the county would be funding something.

Alan Kissinger: Initial construction.

Commissioner Mourdock: No, no. There was something --

Mike Robling: The county would be responsible for the --

Commissioner Borries: Assessment?

Mike Robling: -- for their engineering and the construction costs and all that.

Commissioner Borries: Okay.

Mike Robling: The county would also have to pay for this financial consultant to do --

Commissioner Mourdock: That's it, that's --

Commissioner Borries: That was the other thing, that the utility department would be responsible for the assessment. Is that what you said?

Mike Robling: When someone came in to hook up to this system, they would evaluate the size of their building and whatever, and say the city's tap in fee is X number of dollars and the county's tap in fee is X number of dollars; to get connected, it's going to cost you X plus Y.

Commissioner Borries: From talking with Jack this morning, I mean, I think if you prepare that, I don't know that there is going to have to be a lot of negotiation. If you can get that to Alan --

Mike Robling: Jack sounds amenable to it; his staff is somewhat reluctant, it appeared, from the responses that we got, because what I actually got was my memo that had been faxed around to his department heads with notes written on it. The reason I don't think they really ever sent it to me a month ago is because some of the writing is still in red ink on the back, so...it looks fairly current, but I am following up on it.

President Tuley: Questions from your group as to where we're going?

Mike Robling: I was told that the Daylight group did some sort of a questionnaire or survey out in the area when they were working on this project independently.

Commissioner Mourdock: I think that might have been the Viehe Drive group. I'm not sure. Is the gentlemen --

Bob Schmidt: You're talking about prior to (inaudible - comments not made from microphone) sewer system similar to Darmstadt. Where are we with all this? I'm drowning.

Commissioner Mourdock: You need to come to the microphone.

Commissioner Borries: You need to give your name...before you drown. I'm not trying to be funny. You need to give your name.

Bob Schmidt: I'm Bob Schmidt representing the Daylight group and the Hornet's Nest. I think I understand what was said here, but the last time we were down here, it was my understanding that, hopefully, by the first of April we would be digging. I've got a problem with the Health Department, the whole corner of two businesses, both restaurants across the street, Ken and all the other business people, and apparently, we're getting mired down or something is happening that we, apparently, are quite a bit behind schedule. Is that correct?

Mike Robling: I don't recall ever giving anybody a date until today, because until I got the proposals back --

Commissioner Borries: You'd better get up (to the microphone) at least so we can get this on --

Mike Robling: Until I received proposals in mid-December I had no idea what kind of time frame the design and construction would really take. As I stated earlier, all but one of the five engineering consultants who responded would not have this project finished until the summer of '97. One of them felt it could be done by late this year.

Commissioner Borries: What would have to happen, if you're talking about the end of February, to get this agreement, I mean, if you can get all of these things we've just talked about, that's why I was trying to get that to Alan. He reviews it, the utility department signs off on it, we could still meet April insofar as some date to begin construction. What else do we have to do once they agree to it?

Mike Robling: It has to be designed, it has to be located and designed, approved by IDEM and approved by the utility board.

Commissioner Borries: What would you estimate that is going to take, how long?

Mike Robling: Probably three or four months at least, to get all that done.

Commissioner Mourdock: Has IDEM ever given you a specific estimate, Mike, for their time?

Mike Robling: The engineering firm had an estimate in there for what all that would take. I didn't bring that proposal with me.

Bob Schmidt: This goes back to something that, again, I'm getting lost on, I think Ken will back this up, the IDEM, the Indiana Department of Environmental -- I think that deal is backed up, it's been our understanding, anywhere from 45 to 60 days to get the permits through there, but Ken and I, Mr. Alvey, checked with Rick Jones virtually every week or two weeks as to the progress of this and...where is he tonight?

President Tuley: He's back there.

Bob Schmidt: Are we stuck on the agreement between the city and county, Rick? Is that part of the problem or what?

Alan Kissinger: If I can answer the question for you. Where we're stuck is, basically, the city calls the shots on this. The county does not construct sewers and we don't maintain sewers. So, up to the point that the city says, the city water and sewer utility says, yes, we will enter into this agreement and the agreement will be structured in this fashion to accommodate both the city and the county as far as recoupment is concerned, the Commissioners are put in the unfortunate circumstance of trying to push what's --

Bob Schmidt: I guess my question to you would be, has the city attorney and the county attorney, have you sat down together with the water and sewer department and said, look guys, this is a special case, this has been going on for some five years. Can we wrap this up today and get an agreement? Has that happened?

Alan Kissinger: No, I have not done that and quite frankly, I don't know how receptive the city would be to me telling them that this was a special case and to hurry up the process because of it. I understand that it's something that is very close to you and something that you need to get done. I don't know how high it is on their priorities because they have to run the sewer system in spite of this, so they have to fit this in where they can. If we go in and do it in that fashion, I'm afraid it might be a negative approach. Mr. Robling has told you we do have progress now, up to a point, that everybody understands what the questions are. I think we can now start answering them, but we really have just identified the questions recently. This is not a quick process. We have at least three governmental units that we have to go through and it does not move quickly.

Bob Schmidt: I understand, and again, I don't mean this in the wrong way, but we have been through this so many times. We had a contract with the city, what, a year and a half ago and, hopefully, this was just going to be a takeoff of that -- the percentages of the tap in fees were all worked out and agreed upon and, again, it appears as though we're bogged down again doing it over. But --

Alan Kissinger: I'm sure, as Mr. Jones is going to tell you, there's also a point at which, I think, we're going to have to go back to the County Council and ask for some more money and, of course, he may be able to help there, but then, by the same token, that is not going to be an easy process either.

Rick Jones: I'm Rick Jones, I'm a member of the County Council. If we can get this project done in '96 before I leave Council, yeah, I think I have enough votes to go ahead and pull the rest of the money off. However, if it happens after 1996, I can't make any guarantees for that. I was excited about this project and the further along, after contacting DMD and the water and sewer utilities, I got disheartened just a little bit. Now we've already lost a month because of whoever didn't get the paperwork. I tried to be as simple as I possibly could the last time I spoke before the Commissioners, that we all understood we didn't want to be on the hook for a fifteen year responsibility. If the sewer utilities are saying that they don't take over projects until all the tap in fee is recouped, that's not true, because they build subdivisions every day. The city of Evansville goes out and inspects those things whether the tap in fees have been paid or not, and the city assumes responsibility for the maintenance on those lines. So, I don't buy that part, and having worked for the sewer department for nine years, I think I'm pretty well versed, unless the laws have changed a great deal since I worked for them. Since we don't have the fifteen year responsibility, the city takes it over after the maintenance, or takes over maintenance after the construction is

complete. The county, the only thing that we want is to recoup our initial cost, whether that's engineering, construction, whatever. If we put up \$400,000, we expect to recoup \$400,000. The city is welcome to the tap in fees. DMD is sitting on five engineering bids right now and we can't let one of those bids out until we come to an agreement with the Evansville Water & Sewer Utilities. So, basically, that's where we sit right now. Mr. Kissinger and the Commissioners, I guess what I'm asking for is your help because this has been a rather lengthy project out there. We're awful darn close to pulling it off or at least getting in good construction weather where we can get this thing done, from what it sounds like now, probably early fall. So if there is anything that you can do for these homeowners and these business owners out there, we certainly appreciate it.

Alan Kissinger: Basically, what I've told Mike is when it gets to the point that it looks like all of the various parties must get together and reach some agreement, I'll make myself available to be there so that I can speak for the Commissioners. In consideration of the information that we have received tonight, it seems to me that we are very close to getting this thing accomplished. As you know, sadly, government projects sometimes are the most frustrating before they get started, and once they do get started, they usually work just fine.

Rick Jones: Mr. Schmidt has stayed in contact with me on a weekly basis as well as Mr. Alvey, and, in turn, I've tried to stay in contact with Mike and Jack, and will continue to do so until we see the last lid put on the last manhole out there.

Commissioner Borries: Well, you certainly are to be commended for this. What, I guess, I heard a little bit from Mike is...Mike, are you dealing directly now with all of the people under Mr. Danks or are we dealing with Mr. Danks? It would seem to me that if he is the administrator and it's got under here he's the general manager, if he can agree to this...everybody can roll hand grenades, but I understand if -- have we got all the grenades now? Have we collected all of them, and all of them have written on the back of this thing? Because if we have, then we ought to get those in there so we can get this to Alan, and I think move forward on this real quickly. If we can get it done by the end of February as a date here --

Mike Robling: I will point out, we haven't actually received a fully signed grant agreement yet. It was returned to me in early January because Suzanne's title wasn't noted under her name. They could have called and asked, so I had to type that on the back.

President Tuley: What is the status of that, then, since you've resubmitted it?

Mike Robling: (Inaudible - comments not made from microphone) seven or eight people from the state government that have to sign, the last of which is the attorney general and it's just a perfunctory thing (inaudible).

President Tuley: Could you check on it and find out where it's at in the process?

Mike Robling: I'm not really concerned (inaudible).

Commissioner Borries: Mr. Danks indicated to me today, he could not be here tonight, but he was favorable to the agreement. I think that, it was my understanding, I mean, if we get these...I don't know if there's any new information here. You've made some modifications; you're going to forward those to them? Are the things in red and everything else that they had put on there, the other folks under Jack, have we incorporated them or are they not anything that is going to delay it any further?

Commissioner Mourdock: Mike, you need to come to the microphone.

Mike Robling: The people under Jack basically said this isn't the way we normally do it, but if you want to do this for another government agency, I guess it would be okay, that type of thing. So I'm going to go ahead and plug my suggestions into their contract and reframe it as an inter-local governmental agreement which I think will help put it in a different context in the minds of his managers. It's not the same -- they're concerned about setting a precedent, a developer precedent, and if we call it an inter-local agreement, maybe it will overcome some of that.

President Tuley: Mike, you said seven to ten days. Can you get back here two weeks from tonight and tell us exactly where we are in regard to that agreement and that we have a meeting set or that we met already and this is where we're at? I can see the frustration growing out there, and I'm hearing some things that sound like explanations, and I hear some things that sound a whole lot like excuses. I'm not saying with you, but downstairs, and we need to have some cooperation.

Commissioner Mourdock: For the time it took Jack Danks to write the letter, it sounds like he's already agreed to what this whole thing is about, he could have written this up in the contract and we could have done that tonight instead of still being here talking about it.

President Tuley: If you can report back to us in two weeks, then if necessary, we'll follow up again. I'll get on him myself, again, and say, let's push this thing and get it going again.

RE: UNIVERSITY HEIGHTS SEWER

President Tuley: University Heights, do we have a spokesperson?

Ralph Schmitt: Good evening. I'm Ralph Schmitt; I'm representing University Heights Utility Corporation. We serve approximately 77 homes in the University Heights subdivision. This corporation was actually formed after Grauby Utility had went bankrupt. I don't know if all or any of you are aware of that situation --

Commissioner Borries: Yep.

Ralph Schmitt: Well then, I'll move along to --

Commissioner Borries: I don't know if they are. Unfortunately, I am.

Ralph Schmitt: Well, over the past approximately seventeen years, this utility has been in business. It has been in violation of state IDEM regulations, the Health Department, and whether the corporation should have ever been formed, I'm not sure. It's possible it could have come to the point that the county should have taken responsibility. I'm not sure. But we have tried to maintain and operate the plant for the last seventeen years. Since the 25th of January 1994, IDEM has imposed on the community three alternative solutions for long term and proper treatment of waste: to connect to the city sewer; to build an adequate plant; or haul the waste on a daily basis. Looking from what we've seen up to this point, connecting to the city sewer is the most logical long term solution that there is. With that in mind, we have taken steps to move toward this accomplishment. We have applied through the city to have our existing sewer inspected, manholes, camera work internally, we've also been provided, after inspection of the camera work, a punch list which would require us to repair whatever existing problems there are in our existing sewer lines. We've also had a study completed by a private engineering firm, Andy Easley. We are, basically, at the point where we're now stuck with the situation of how to pay for the situation. We're already up to

the point within the community when we've spent about \$17,000 or \$18,000 of the homeowners' money. We would like to see from the county at least an effort, and it's not that I've been down here to ask before, because I haven't, to provide us with any money possible through county, state or any agencies that will allow us to complete this project and eliminate the health hazard that's been going on for almost twenty years.

President Tuley: What, if you know or have an idea, does this description, and it sounds like it pretty well matches what you've just said, that there's been ongoing conversation, a punch list provided that says you need to do this. Now we're at a point where the association is asking for some help to accomplish that in order for the city sewer system to take it over. Is that...

Ralph Schmitt: That's correct.

President Tuley: Do you have any idea what we're talking about in total dollars?

Ralph Schmitt: Total dollars, we're probably close to about \$225,000 to \$240,000. We have taken the punch list and we've actually sent it out to four private contractors and we're looking to receive bids back from them for repairs of the existing lines in the subdivision. We actually have a figure from Andy Easley on the study to run from our subdivision over to Key West, which is the easiest route to run.

President Tuley: Alan, do you know of any provision off the top of your head?

Alan Kissinger: I know of absolutely nothing in this circumstance because it's not economic development, so I don't know of any state grants that are available. You might check with Mike Robling, the gentleman who addressed the County Commissioners just a few minutes ago, from the Department of Metropolitan Development. The county does not have any, we do not build or maintain sewer systems. We're just not in that business. As a consequence, grants through the county are just not available, even loans, to my knowledge, are not available through the county, perhaps through the Evansville Water & Sewer Utility. It is just, you know, the fact that your homes, your property, is located in the county merely means that this is happening within the county where the Board of Commissioners does have authority, but we don't have any authority over water and sewer utilities. We're not in the business of providing water; we're not in the business of providing sewers, so we have nothing. We have no way of assisting you or approving a grant application, anything such as that to help you with that. As I said, if it was an economic development project, then there are state grants available.

Ralph Schmitt: Is the health hazard not an issue with the county?

Alan Kissinger: Yes, it is an issue to the county and our Health Department, of course, would perhaps point out the problem. Ultimately, the Indiana Health Department and the Indiana Department of Environmental Management would become involved there then, because we don't have an enforcement arm for that type of situation. Yes, it is occurring in the county, but we don't have - - for example, the county does not have the authority to come to you folks, as homeowners, and say fix this or we're going to do something, because there is nothing we can do. We don't have any enforcement authority; we cannot impose a penalty or anything else. So, by the same token, we can't go to the city, the people who provide the water and sewer services, and say do something for these people. We are without authority there as well.

Ralph Schmitt: What if there was no corporation?

Alan Kissinger: I'm sorry, what?

Ralph Schmitt: What if there was no corporation? This corporation was formed, and is not obligated to run it.

Alan Kissinger: It would still be a matter of fact that the county would not have any enforcement authority. My understanding in reference to this is that the streets out there were accepted for county maintenance, but the sewer system was never accepted by anyone because it was a private sewer system. Apparently, it was approved by the Indiana Department of Health, at one point. Even at that, the county did not approve the system. It did not approve your original sewage disposal system, they didn't have the authority to do so and no one had to come to the county for that approval. So we are without authority. Being sympathetic, I know, doesn't help you a bit, but we just don't have the authority to give you money; we don't have the authority to help you with grant applications, petitions, etc.

Commissioner Borries: How many homeowners are in the area served by that?

Ralph Schmitt: Right now, actually on the system, there's 77 homes on the system with three additional lots that are not tapped in. There are no homes on it, but actually, probably, in the subdivision, there are close to 140 to 150 houses that at the time, the lots were big enough to provide an adequate lot for septic and field bed when the subdivision was developed. There are houses other than us actually back there that could be involved in this and really, probably should be involved in it. But we're asking for help for the houses that are actually on the treatment plant themselves.

TAPE CHANGE

Alan Kissinger: Yes, but they could access the Barrett Law. Mr. Borries' question was whether or not you folks could use the Barrett Law, at the time you actually tap into the sewer. The answer to that is yes, but that is for the purpose of tapping in. The Barrett Law gives you that opportunity to pay over a period of time for your tap in if you can't afford it initially. I do not believe that they can access the Barrett Law at this point for the money that it will take to bring this system up to the point where the city will accept it.

Ralph Schmitt: So you're talking, an actual tap in fee, possibly that money could be obtained, but the expense of laying the forced main and upgrading our system, that's not--

Alan Kissinger: I think, then it becomes an economic decision that the water and sewer Utility would make. Basically, it comes down very simplistically, if we run this amount of line, it is going to cost X number of dollars. If these people tap in, we're going to recoup X number of dollars. If this is bigger than this, yes, it's economically feasible for them to do it. What I am saying is, if there are people there that will be served by this sewer who want to tap into it, or are required to tap into it and can't because they just don't have the money, then the Barrett Law would allow them to pay that tap in fee over a period of time. Your initial problem, your immediate problem now is just getting sufficient funds to bring this system up to the point where the city would even accept it, if they brought a line over to it. Am I correct?

Ralph Schmitt: Well, they're not going to bring a line over to it unless we pay for it.

Alan Kissinger: Okay. So they want you to pay for the line to come over?

Ralph Schmitt: They want us to pay for the line; they want us to upgrade the system. Basically, they want to have absolutely no money involved. The realistic end of it is when we set the pump station in, or set our forced main pump in, in that subdivision, there is the opportunity for probably another 75 houses to tie into the pump station.

Alan Kissinger: Right.

Ralph Schmitt: All they have to do is pay for the additional upgrading and line when we lay it over to Key West. We're really bearing all the expense.

Alan Kissinger: Right. I guess the short answer to your question is, or your request is, that the Commissioners do not have anything at their disposal to offer you as far as assistance is concerned financially. We have no authority to regulate, as a consequence, we have no means or methods of seeking financial assistance, grants or aids.

Ralph Schmitt: Well, anytime you're involved in government, I know that there is always the possibility that a certain branch can't help you, but we would like to see some direction, if nothing else, from this meeting to push us in the right direction, if it's not here.

Alan Kissinger: It seems to me that you are in the right direction, but the route seems to be overwhelming at this point, at least financially. It seems to me that you have done your homework.

Commissioner Borries: Were you able to get a copy of what Mr. Danks had written here?

Ralph Schmitt: Yes, I read it briefly back there. I kind of skimmed through it. More or less, it says what I've stated up here, that we got a bad situation out there and we're limping through it. We need to connect to city sewer. I have talked to Dick Weisfeld and he said that there is a possibility, now this was almost six months ago, that if there was a government entity involved, that possibly we could get some money from the state.

Commissioner Borries: Well, we can check with Mr. Robling to that effect. If you can give us his name and a number--

Ralph Schmitt: I do not have it with me but I will--

President Tuley: You can call it back into the office.

Ralph Schmitt: --I will call back into the office. We attempted to do this with the city. We thought it was the logical situation. Obviously the wrong one, to have them involved since it was going to be their line once they assumed or took over the line after we brought them up to grade. We thought that they would be willing to be involved, but they weren't. Possibly, is the county willing to work if the money is put forward, to be a government entity, to apply for the money?

Alan Kissinger: If they merely want us to be identified as the government entity that the petition--

Ralph Schmitt: That is what they're looking for.

Alan Kissinger: --then I would certainly advise the Commissioners when we receive the application, the petition, whatever they happen to be, if we can be, I don't think any of the Commissioners have any objection--

Ralph Schmitt: I know they don't.

Commissioner Borries: No, there would be no objection. We just do not have, as it says here, Evansville Water & Sewer Utility...it's a terrible situation out there, one that was created through no fault of yours obviously--

Ralph Schmitt: Well, I think IDEM--

Commissioner Borries: Whoever the developer was at the time, who had indicated when he sold the lots and developed that subdivision, that he was going to maintain this sewage plant--

Ralph Schmitt: Well, to be honest with you--

Commissioner Borries: --and then he went belly-up.

Ralph Schmitt: He went belly-up but I think, honestly, the ones that are wanting to whip us are the ones that are guilty of the problem. There was no backup system in case the private owner filed bankruptcy: who was going to maintain the plant; who was going service these people. It actually ran raw for seven months. Had it not been for the responsibility of people within the community, it might still be doing it.

Commissioner Mourdock: Your comment of a moment ago, I think is certainly accurate. There is no one on this side of the table that wants to do anything other than enhance the progress here and get the situation cleaned up. I guess I would urge you to do two things. Number one, to get the name of the IDEM folks in here, but even if all we can do is put our name jointly on a resolution, or whatever, in support of what you're doing, that's a good thing. I would urge you, even, as you consider that and act in that direction, that Mr. Kissinger's comments that were made both to you and to the gentleman from Viehe Drive, give that some consideration as far as the Barrett Law and the possibility of using that to help make the tie in. I understand, from what Alan was saying, that is not going to help you do the upgrade you need, necessarily, to your system, but I would think that at least the tie-in, that would be a way to fund that part of it. It sounds like it's a large enough subdivision out there, with as many tie-ins that they have, that the amortization cost per individual lot may be relatively reasonable.

Ralph Schmitt: Alright, I would ask one other thing, that I have copies of the minutes of the meeting.

Commissioner Mourdock: This meeting? Sure, they're publicly available.

Ralph Schmitt: Well, of this agenda. I did ask Rick Jones to speak on behalf of us earlier. I've talked to Rick, and if he wants or feels like there is any need to comment on this further, he can. If not, I think we understand the Commissioners' views.

President Tuley: Before you leave, if you will provide that name, let's direct Cindy to make some calls to that individual to find out is there...again, you're looking for direction, I don't have an answer for you, to be honest with you. We can assist by calling up to the state and trying to find out if there is some mechanism that we're not aware of that someone in state government can maybe point us in the direction to help you. I don't know, Cindy, you can call that guy, what was his name?

Ralph Schmitt: Dick Weisfeld.

President Tuley: I don't know, maybe there is something out there, and if we're the catalyst or we can sign on to help, I think you heard at least the two, and our attorney, and I'll throw my name on there as well, to work with you any way we can. But Cindy Mayo is the person--

Ralph Schmitt: Cindy Mayo is the person I need to ask for?

President Tuley: Yes, we'll get that information to Cindy.

Ralph Schmitt: Yeah, I'll get it to her.

President Tuley: Yes, Cindy can also make available to you a copy of tonight's minutes.

Commissioner Mourdock: There are few things we can guarantee, but one thing that we can flat out, positively guarantee, by next Monday, the minutes will be here for this meeting, thanks to Teri here. Now the pressure is on her.

President Tuley: Rick has his hand up.

Rick Jones: Rick Jones, County Council. I told Ralph in the canteen before we came in here, that under the circumstances, I doubted very seriously if the County Commissioners or Council was going to have money for that. There are a couple of concerns that I have. Number one, we've put together a great effort to try to clean up the Ohio River and Pigeon Creek. Okay? Now, the seven months that thing ran over, and it ran over into Wolf Creek, guess where it ended up? So, it does this, it's like a dog chasing its tail here. I am concerned about the health part, but more concerned of why, if this subdivision was built 20-25 years ago, what I'm asking the Commissioners, and I guess I'll have to ask the water & sewer utilities as well, is why in the heck they would let somebody build a subdivision in no-man's-land, put it on a treatment plant in the first place, then this guy goes belly-up and then the residents, the 60 residents at that time, are responsible for that sewer system. If they just wanted to throw up their hands and say the hell with it, let it run across the creek, or let it run into the creek, they could have rightfully done that. Now, if they would have done that, what position would that have put us in as county officials?

Alan Kissinger: Basically, Rick, they can't rightfully do that because if that occurs over a long period of time, I can guarantee you that the Indiana State Board of Health is going to be there, they do have the authority. Why was it allowed to happen initially? It was very common, and the Board of Health inspected that system, I guarantee you, before it was approved. Basically, the Board of Health was responding to developers saying, what do you mean we can't build a subdivision with a lot of houses because there is no sewer system? We'll build a sewer system. Then after that, people broke their promises and went back on their word, and here we are.

Rick Jones: But it concerns me because we've heard from three different groups this evening now that are in a position of no-man's-land, and I don't know if there are any safeguards to prevent that from happening again. These are subdivisions that have been around for a while.

Commissioner Borries: And that's the problem. There are certain restrictions, much tougher. Things change, they just don't stay the same, that's why Area Plan Commission no longer even allows any kind of development unless you have five acres on a septic system. Before, frankly, we had plenty of land. What's happening, Rick, and we've heard this and said this to people a lot, frankly, it's an ordeal to go through one of our Drainage Board meetings anymore. It's the best bargain, I'll tell you, in government in terms of the hours spent, because we have a much tougher drainage ordinance and one of the reason is because, frankly, as they've said, all the good spots in the county are gone. Now everything has changed to the point where you really have to, we literally go through the hoops. So I guess what I'm saying is, in kind of a very loose, years ago structure, we inherited...it's the same thing as the

gentleman that I have referred to Bill Morpew, his name, where there were roads built and for whatever reasons, the developer at the time never asked for any inspection, they were never approved by the county. There are some right across from the county garage, Vanderburgh County Garage, they're in terrible shape. For whatever reason, years ago, no one ever bothered. We have no records of them ever being approved. We don't receive a dime of state allocations, or one penny of state allocation money on it. It just happens and it's a terrible situation. What happens is when persons...it sure has driven the point home to me. There are lots and lots and lots of things that we need to study when we buy a home. I really, really worry about it. I mean, I don't know how in the world you could ever prepare a person to actually go through what these people are doing, plus a whole bunch of other people, because when you see that house, and the Mr. or the Mrs., whatever the case, not to be sexist here, says, isn't this lovely. There are trees here and this is where we are, the last thing we sometimes think about are the roads and the sewers, that are literally...we don't see them. We see the roads, but we think, what the heck, you know, the government takes care of those. Somebody...I'll tell you one thing, I would always ask, is this an accepted street? How many citizens are ever going to worry about that? They'll get on a county highway, and say, by gosh, I'll tell you one thing, I don't know why this thing...and we don't know either. We are very limited in what we can do from that aspect. I would tell you that we'll make every effort to access state situations, they are IDEM, and the state agency has cited you in this situation. In the county, Rick Jones or no one else could ever allow us...we cannot set up a county sewer system. We don't have the money. We would be duplicating services ultimately, and it is absolutely the most important thing, economic development, that we could ever do. But, insofar as getting a county sewer system to access with the Evansville city utility, we just couldn't do it. I don't know how we would ever, we would have to hire staff. We would have to have a budget. We would have to then go into all the certain things that the utility department is doing, and it is literally a pay as you go thing. They recoup their money, literally, from the tap ins; it is a user fee, plain and simple. They're there, I won't say necessarily to make a profit, but they're certainly there to recoup their expense, because it is strictly a pay as you go operation. I pledge to you, I think our Board is, that we'll certainly help you to access that situation, but it's just really an unfortunate situation. Frankly, I don't think we ever, this County Board, as long as I was ever known on, other than I began to see, literally, some kind of reports that used to come through IDEM about the University Heights sewer system. For awhile, apparently, somebody turned in reports, not to this county, they were turned into the state. Literally, at that point is when we began then years ago, to figure out that there was a thing, because whoever the developer was, didn't even notify county officials. They just, as Mr. Kissinger pointed out, said, we built it. You probably didn't ask, how would you have known that there was going to be a sewer system that you were going to have to maintain out there? I don't know how you ask those questions. I tell you one thing, you learn the hard way. It's terrible, but there would be questions I would ask before I ever bought a house again. There are lots of heavy situations out there and financial obligations, that on a pretty day when the birds are singing and we walk through that house and say, isn't this pretty, that isn't all the questions we should ask. Fortunately, some of, unfortunately for you, but some of the developers who went belly-up, folks who were perhaps either unethical or started with the right intentions but didn't have the financing or whatever, are no longer with us. And the homebuilders who are out there, I think the ones who have gone through some pretty trail by fire and everything else, are doing a good job of telling people and getting responsible cooperation and making sure that sewers and streets and everything else, are installed correctly. Unfortunately, that was not the case when your subdivision was built. It certainly wasn't

the case when the roads were built years ago across there, that again, no one even bothered to inspect or ask the county to approve.

Rick Jones: Mr. Borries, not that it is going to help this situation, but I mean, do they require contractors now that go in to develop a subdivision to have surety bonds?

Commissioner Borries: Oh yeah.

Rick Jones: What is the limit on the liability? Or minimum?

Alan Kissinger: Depends on the project basically.

Commissioner Borries: Depending on probably the size or scope of it. But, yeah, you have to have that.

Rick Jones: For this reason?

President Tuley: (Comments inaudible - several speaking at once)

Commissioner Borries: Things, a generation ago, literally, were pretty fast and loose. There were lots of homes built, financing that took place, interest rates shot sky high in the late 70's. Folks disappeared, left town. Again, maybe saying that they had the best of intentions but, literally, walking away from a whole bunch of obligations.

Rick Jones: Okay. Thanks for your time.

Ralph Schmitt: I think that Rick hit something right there at the end. There needs to be some kind of assurance, whether it's through bond or whatever, whether it's working with the county and IDEM, that there is some kind of assurance to somebody that buys a house, and if a private operator files bankruptcy, that those people are going to have a system that's operative. We had a system that was dumped on us.

Alan Kissinger: Most of those, Mr. Schmitt, are now taken care of through homeowners' associations that are developed as the subdivision is developed. But on a long term basis, there is no long term insurance policy for all of those eventualities. At least now, people are being advised, we have a homeowners' association to take care of this street, or this street--

Ralph Schmitt: Right, I'm familiar with that.

Commissioner Borries: And there are still heavy responsibilities. I am very reluctant. We are faced with some tremendous responsibilities that this county would have to maintain for a long, long, long time. When roads are placed over levees, when roads are planned and culverts are planned to where vehicles would pass under a county accepted road or right-of-ways, the questions are there forever. Years after this Board is gone and somebody else could say, when that dam breaks, who is responsible for it? That's exactly what goes back...that's why we are very clear with people anymore, that when you're talking about water and who is maintaining it, someone needs to understand that if you buy a lot on a lake, that lake may be yours to maintain, period. The government has no responsibility for that.

Ralph Schmitt: Well, I may be wrong, but I don't think that's the situation here.

Alan Kissinger: Your situation here is, I think, the sewage system, the septic system, was built and approved. What provision was made for long term maintenance for that system, I don't know.

Commissioner Borries: Exactly.

Alan Kissinger: But apparently, if appropriate laws were in place at that time, they weren't observed, or if they weren't in place, the developer probably did what he was required to do.

Commissioner Borries: But didn't the developer, if I'm correct on this, go bankrupt on this?

Ralph Schmitt: Yes.

Richard Tanner: My name is Richard Tanner, I'm also a resident of this subdivision. I would like to have it on the record tonight that the county did own this piece of property that this sewer plant is on. They did acquire it through back taxes in 1983, and at that time, Mr. Kissinger, they did refuse to operate that plant.

Alan Kissinger: The county didn't have any obligation to operate the plant. We're are not, the county isn't even authorized to operate a water and sewer utility.

Commissioner Borries: That's what I was talking to you about. We don't have...your county taxes... we do not have a county utility department.

Richard Tanner: Right. Even though you were the property owner?

Alan Kissinger: You said were? Is the county still owning the property?

Richard Tanner: No, no, no. We do own it now, as the association. But at one time the county did own it and they gave us two options. The options were that they were either going to let it shut down or we could continue operating it as a homeowners' association. That's what we've been doing since--

Alan Kissinger: I think the county owned it by default.

Commissioner Borries: Yes.

Richard Tanner: Right.

Commissioner Borries: Just as the county inherits property, literally inherits, I'll tell you, we don't go out and solicit it. I mean, blocks at a time.

Richard Tanner: I understand that.

Commissioner Borries: We have to have our highway department to seal it up, I mean, it's pitiful. You know, you're exactly right--

Richard Tanner: I understand that, but the county did own it and they were going to just walk away from it. Basically, it is what they did do and leave us holding the proverbial...that we've still got. Like Mr. Schmitt said, we're looking for some direction here to try to get away from this thing.

President Tuley: And again, I reiterate that we will get Cindy on the phone and call some state agencies and just see, I don't profess to know what we can do here locally in terms of all the laws, and I sure don't know what's out there in the state. I mean, we can be the contact and make some calls and try to find out and get some kind of direction. I'm afraid, deep down, my gut reaction is, I don't know what kind...there's not much help out there for you, to be honest with you.

Richard Tanner: You know, we've been the scapegoats on this thing now for some odd 16 or 17 years, and then we are required by the city to up-front all the costs to extend this thing when it is virtually going to open up a considerable area of revenue for them at our expense.

Commissioner Mourdock: How far are you from the city line?

Richard Tanner: About three miles...are you talking about the boundary?

Commissioner Mourdock: Yes.

Richard Tanner: About three miles, yes. Red Bank Road is approximately the city limits.

Commissioner Borries: He's saying the public sewer, to extend it, would be in the Key West Subdivision approximately up one and a half miles.

Richard Tanner: Yes, that's close. That's an approximation. I think it's like 7000 to 8000 feet of forced main to get to the city sewers, either by Key West or by USI. But with USI, then you're negotiating going underneath the highway which adds considerable expense. We're trying to make this thing right and we appreciate any help we can get on it. None of us want to be in the sewer business full time.

Commissioner Borries: I understand.

Richard Tanner: We've all got other jobs. Thank you.

President Tuley: Is there anyone here from BSH? Anyone here from Keystone? You know, I'm sorry those weren't the answers you wanted to hear, but we will try to make some calls for you, see what we can find out. See if we can find out anything for you.

RE: MICHAEL LOCKARD - P.U.R.E.

President Tuley: Item 4D. Mr. Lockard.

Michael Lockard: I would like to start off by thanking all the people of the Board. Last week, whenever we were here, that was my one and only first experience of dealing with anything in government. On behalf of me and all four of my children who were here and said, "Is it always this long?" I said "I don't think so."

President Tuley: Now you know your truth.

Commissioner Borries: Actually, that one was a short one, really.

Michael Lockard: After this week, I think I'll go back and say, yes, it is boys and girls. On behalf of our group as well and the 7000 some odd individuals who signed the petition that we have, we would like to thank you all for the vote, both votes that we had last week. It was very much appreciated and we appreciate you addressing our concerns so well and so quickly. After discussing it with some of the individuals on the west side at our meeting last week, we had already received word that the people who were going to operate this facility are considering looking elsewhere. We are not sure if it is in the city or in the county, but we have already received word that they are looking elsewhere. So after doing some research on some different cases in other states, other locales and other municipalities, we would like to ask if we could receive, or if you would vote to have a temporary moratorium on any new permits for any adult entertainment facilities. The only reason that we would ask for this would be on behalf of the ordinances that, not only you all are looking into, but also the ordinances the city is looking into, that somebody could not come in underneath those ordinances and basically bypass all the good work that you all did last time by voting to look at enacting an ordinance to restrict those.

Alan Kissinger: Mike, I kind of anticipated what your questions were going to be, and we discussed this just briefly before, and I

am going to be able to briefly answer your question. I don't know what your research indicates as far as the moratorium is concerned. At the stage that we are in and developing the conditions that we are going to have to build into our ordinance, we are not ready to say that we have an ordinance prepared that will go into effect by such and such a time, and therefore delay your petitions up until that time. To put on a 120 day moratorium, I don't think...it would act like...I don't know if you're familiar or if you have come across the term, ex post facto law, which basically is the reason of grandfathering in certain existing businesses. Because if you went in and forbade a certain activity or behavior in a certain area where those activities and behaviors were already taking place, and were otherwise legal, basically that's an ex post facto law. In otherwords, you have made a law retroactively effective and thus put people in an otherwise legal business, out of business. I think a moratorium would prospectively serve the same purpose and I think that if challenged, basically, the challenge would be on the same basis, not that it is ex post facto, but that it was prospective. I can tell you that we have made some progress. The Area Plan Commission is going to provide us with a map that is going to give us the basis, as you know...I think you probably found out in your research...if a government entity jumps in and just enacts an ordinance or a law, knee-jerk reaction type thing, those laws usually go down the tubes pretty quickly because we can't show a community standard. We can't show where these businesses might locate otherwise. We are trying to do the legwork and trying to lay the foundation that will give us an ordinance that is enforceable. The moratorium, quite frankly, I don't think at this point in our preparations, would stand up, as I said, for the very same reason that I don't believe an ex post facto law would stand up to legal scrutiny. If the Commissioners were to ask me, should we do this? I would have to advise them, no, I don't think we can do this. I think it would be...it would not stand constitutional muster and we would be inviting litigation that we probably could not prevail on. Quite frankly, that is a fool's path to follow.

Michael Lockard: That's why we weren't sure. I know on existing business you can't legislate somebody out of business who is already there and operating. That's why we were curious just for new petitions, if it was possible.

Alan Kissinger: New petitions, all new petitions have to be treated the same and they have to be based on established ordinances or rules and procedure. This would be basically an ad hoc moratorium that we could not show any legal basis for or any pressing or compelling government need to enforce at this time, and therefore, I am relatively certain that it would not stand constitutional scrutiny.

Michael Lockard: I do hope the additional research that I gave--

Alan Kissinger: I haven't been able to go through this. I guess I'm going to have to do a little more work. I'm getting a little embarrassed because your stacks are bigger than mine now. I do appreciate this, I really do. It is amazing, and after we have finished the process, perhaps you and I could sit down and I'll show you the process that we have gone through to get to where we are going. I have written a tremendous number of ordinances for the county and none of them have required the type of research and preparation that this one is going to require.

Michael Lockard: That is why this one here...I assume you've got the stuff that Mr. Winternheimer put together.

Alan Kissinger: Yes, I do have that.

Michael Lockard: I actually pulled off three ordinances from the computer network, the Internet, that had present ordinances already

in, that are, I hate to be exaggerative, but they are light years ahead of what Indy has. Extremely descriptive in terms of what they are doing.

Alan Kissinger: Right.

Michael Lockard: They are all included in there.

Alan Kissinger: And all of that is going to be helpful. Basically I have the city's original purposed ordinance that I am using as a model merely because we have to refer to our present county code as far as our code sections and so forth are concerned. Everything that I'm doing is subject to being a brand new product when we are finished with it. Quite frankly, if I can plagiarize on someone else's hard work, I'm glad to do so.

Michael Lockard: I understand that. Conservation of effort.

Alan Kissinger: Right.

Michael Lockard: One of the things that we wanted to tell the board as well, then I'll quit for today, is that one of the things the city was looking at was only looking at live adult entertainment.

Alan Kissinger: Exactly. We have addressed that.

Michael Lockard: Okay. That's what we wanted to really go on record as being very strongly in support of that, but also feeling like that leaves a lot of area open for other types of facilities to come in, like the one that was going on the westside. Adult entertainment, while it needs to be controlled, so do the bookstores, and the theaters and the coin operated arcades. This one thing has about ten different descriptions in there that I never knew existed.

Alan Kissinger: We're going to try to talk about live adult entertainment, bookstores that deal in predominately adult themes, and video stores and display centers. Hopefully, those four categories are going to cover everything until someone thinks of something else.

Michael Lockard: In that case, I'll refer you to look at addendum number one and two, which is the Salem ordinance and the Utah ordinance. When you get a chance to look at that, I think that will help you tremendously because they go through and they have about 12 different descriptions of just about anything that you could ever imagine for the adult theme, from live adult entertainment on down to cabarets, massage parlors, everything.

Alan Kissinger: I appreciate that, Mike. I honestly do appreciate your research because research is the bane of every attorney, but the absolute essential of his trade. You've done a lot.

Michael Lockard: As I get more items, I will be forwarding them to you so if something else come up--

Alan Kissinger: Appreciate it.

Michael Lockard: Gentlemen, ladies, I thank you very much. We appreciate everything you all have done.

Alan Kissinger: Thanks for coming.

Commissioner Borries: Thank you for all your work here. Again, that's tremendous research.

Commissioner Mourdock: Before you leave, Mike, maybe we can just ask Alan the same question that was posed to Mr. Robling a while

back. I know you're working on it, you gave the report that mentioned it; as far as that ordinance, can you give us an expectation--

Alan Kissinger: I can't. No, I can't. I would love to say we'll have it ready by X date. Quite frankly, I don't even know when our map is going to be ready. That's going to give us some idea if we can use 1500 feet or 1000 feet. No, I just a...with all due respect, I refuse to be put on a deadline on this. I can't be put on a deadline on this. Every time you get over one hurdle in approaching an ordinance such as this, another one pops up. Now we have gone from adult bookstores to expanding into the entire area of adult entertainment. So, no, I can't give you an approximate time, and I don't want to work on a deadline on this.

President Tuley: You may have said this, Mike, and I apologize to both of you, I was talking to Commissioner Mourdock, but you have made the request--

Alan Kissinger: Oh, yes.

President Tuley: --and they're all working on it now. So once we get that, and he gets all his research together, we will act as fast as we can. But the whole point being, once we act on it, we want something that we are reasonably, very certain that it is not going to be shot down in court.

Michael Lockard: I understand.

Alan Kissinger: The wheels that grind exceedingly slow, now are at least grinding.

Michael Lockard: I know from looking at the Renton Case, you know, the Supreme Court case, they kind of put the basis on a lot of the zoning issues. It's in there. The architects of the Renton Ordinance have gone on record saying that they would be glad to assist us. Not only the city planner, but also the attorney that drafted the Renton ordinance is in there.

Alan Kissinger: Is that Renton, Washington?

Michael Lockard: Yes. They said they would be glad to--

Alan Kissinger: Maybe I can get permission from the Commissioners to go out there?

Michael Lockard: They told one of my colleagues that they spent, by the time it got to the Supreme Court, they spent almost a million dollars defending that ordinance.

Alan Kissinger: Yeah.

Michael Lockard: Of course, you know it was found to be valid.

Alan Kissinger: Yes.

Michael Lockard: I think a lot of everybody's basis is, that worked, so why reinvent the wheel?

Alan Kissinger: I agree.

Michael Lockard: It's a good ordinance. Obviously, the Supreme Court Justices agreed with it.

Commissioner Mourdock: We'll give you permission to go to Washington to check it out, but we won't tell you when.

Michael Lockard: No deadline on that?

Alan Kissinger: Right after you tell me that, I'll tell you when I'll finish the ordinance!

Michael Lockard: Well, thank you. My name and number is in the copy that I gave you.

Alan Kissinger: I have your card as a matter of fact, Mike.

Michael Lockard: Okay. If anybody ever needs anything, please let us know. PURE always stands ready to help with this. That's what we've formed for. We will continue to forward information that we find.

Alan Kissinger: I'm pleased to say that you have come forward with a lot more than just complaints. You've helped.

Michael Lockard: That is something that I took on very strongly myself and I don't want to sit around and whine about something, pardon the cliché, but if I'm going to say something, we feel like we want to offer the support, not just stand around and look at you all to say, do something about this. We want to assist, because the more we assist, we figure the easier it is on you, and the quicker we are going to get the end result of regulating these facilities.

Alan Kissinger: You are helping and I appreciate it.

Michael Lockard: Thank you very much.

RE: WGBF-FM ROCK AUCTION AT BURDETTE PARK - WAIVER OF RENT

President Tuley: Okay. We have a request here from Mike Sanders, Program Director for WGBF-FM. It is addressed to me as President.

"WGBF will be holding our fourth annual Rock Auction for Charity on Sunday, June 16, 1996 at the Burdette Park Pavilion. Proceeds from this event will be divided equally to benefit two very worthwhile causes or charities, namely, The Santa Clothes Club and the local chapter of the Muscular Dystrophy Association.

WGBF requests a waiver of the rent for the Burdette Park facility and approval to sell concessions which would be strictly non-alcoholic. These requests are being made in the best interest of the two charities which would benefit from this annual event.

We feel that Burdette is an excellent facility and the ideal location for the Rock Auction for Charity. We also feel that the traffic created by this event will increase community awareness of all that Burdette Park has to offer.

Thank you for your consideration of our request.

Mike Sanders"

Commissioner Mourdock: Is there a precedent that we have set regarding that specific event, and the use of the facility?

President Tuley: On a case by case basis. It seems like a worthwhile cause. The rent isn't real expensive, I don't think, in terms of revenue for the county. But I know, in the past, we have made exceptions, so to speak, in granting certain waivers.

Commissioner Borries: Specifically, in cases of a definite charitable event, no profit making or personal kinds of things, and they happen on a case by case basis.

Commissioner Mourdock: Alright, I'll make a motion that we direct the Burdette Park Board to waive the fees for the facility to be used for the Fourth Annual Rock Auction for Charity for MD and Santa Clothes Fund.

Commissioner Borries: I will second.

President Tuley: So ordered.

RE: USI - 15K RUN

President Tuley: The next item is a letter signed by Bill Stegemoller from USI.

"Gentlemen,

I am writing to request permission to use county roads for the Personal Finance/USI 15k Run planned for March 16, 1996. I apologize for the lateness of this request and hope that we can still run the proposed route. The Sheriff's Auxiliary, Civil Defense and REACT personnel will provide traffic control. I have enclosed maps that outline the proposed course.

Thank you for your consideration."

Again, this is a request that we get several times a year. Normally, I believe what we do is forward these down for the Sheriff's review and cooperation.

Commissioner Borries: I think they have done so, because I believe he has mentioned in here that they will be providing traffic control during that time. I move that it be approved.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

RE: WAGE ADDENDUM TO UNION CONTRACTS

President Tuley: Item G, this is the addendum to the agreement. This is in reference to the Teamster's contract. This is to allow for the salary increase that was approved by County Council when we established the budget for 1996. It affects various employees at the Auditorium and Convention Center, Burdette Park, County Highway Department, county maintenance individuals and Cum Bridge personnel.

Commissioner Mourdock: And this, as proposed, does coincide with the county's budget and with the terms of those contracts?

Cindy Mayo: Yes, it does correspond with the salary ordinance that was approved. There are a couple of titles, job titles, that do not match. Those are noted on the President's copy, but the salaries are correct.

Commissioner Mourdock: I'll move acceptance of the wage addendum to the union contracts as submitted.

Commissioner Borries: Second.

President Tuley: So ordered.

RE: WILLARD LIBRARY AGREEMENT

President Tuley: The next item is Item H, Willard Library agreement. It's the local government archives service agreement between Vanderburgh County and Willard Library of Evansville.

Cindy Mayo: If I could speak on this just for a minute, I checked the amount that's listed in here for January through December, which is \$53,184. We were granted \$46,200. The bottom line of page three states that they will accept that for this year with the understanding that there is a signed agreement in place by January 1 of 1997. The other thing that was not in the old agreement that we had with Willard is the \$11,900 that is also listed on page three for supplies or things that they feel that they need to provide the county with good service.

Commissioner Mourdock: Did the previous agreement include the PERF for the archivist? The question has come up, is that person a county employee on the PERF program?

Cindy Mayo: I believe all of the employees at Willard are under PERF. I don't know if this was under the old one, but they are funded and they are on the PERF program. So if this is a full-time employee, they would be entitled to PERF.

Commissioner Mourdock: So I guess then the next question, is the archivist a full-time employee? I would certainly assume so given the nature of the way this is --

Cindy Mayo: From the salary, yes.

President Tuley: The only thing that bothers me a little bit is it says they agree to do it for the \$46,200 that was budgeted with the understanding that a signed one year agreement will be in place by the end of '97.

Alan Kissinger: By the end of '96 for January of '97.

President Tuley: Before '97, right.

Alan Kissinger: If that is a provision or if that is a stipulation, then I think that we must inform them that they are going to have to be prepared by the time of budget hearings to help us justify their expenses, because we can't approve that unless the County Council has appropriated it, and we cannot anticipate that the County Council will appropriate it unless they have come to us with their figures in advance of the budget hearings.

President Tuley: They have a budget prepared for '97. I guess what my concern is, I mean, it sounds like to me, we'll do it for \$46,200 with this understanding. If we don't come to terms with a '97 contract, will we have a '96 contract?

Alan Kissinger: Right, that's why I say, we're going to have to tell the Commissioners or someone from the Commissioner's Office, Cindy, I guess, you'll have to tell the County Council that this is part of the Commissioner's budget. I think the Willard people need to be prepared to appear before the County Council at budget hearing time to justify the additional cost.

Commissioner Borries: It's my understanding that their '97 request, which could easily be forwarded to the County Council as Council will always request budgets, will be within the guidelines of a five percent increase. So I would think that up front, they need to know that would be the maximum they could get, and certainly they could get less. It would seem to me, that in order, I think it's a very good point, in order for us to sign this, we're either going to have to cross out this business "with the understanding that a signed one year agreement will be in place on or before" or simply put in here, subject to the County-Council's approval, because we can't sign it.

President Tuley: Yeah, that's right.

Commissioner Borries: We could do that. I would think after the

Council sets the budget, and they review their request for '97, I mean, we'll have a real clear understanding if we will be able to sign the contract. But we'd have to put that provision in here, in my opinion.

President Tuley: I agree. Right now, they're making us sign a two year contract with money in place for one year.

Commissioner Borries: We can't.

Commissioner Mourdock: And that being the case, all we can do is send this back to them and take it under advisement this week. We can't insert language into their contract without them knowing it in advance. So take it under advisement for a week and send it back?

President Tuley: That's a good idea.

Commissioner Borries: Well, yeah, I would move to defer if for one week and at least to add, Cindy, if we could put that, you know, subject to the approval of the Vanderburgh County Council.

Commissioner Mourdock: And since that was a motion, I'll second.

President Tuley: So ordered.

RE: LYNN ELLIS - PURCHASING

President Tuley: Lynn Ellis isn't here, she does have an agenda request. Cindy, did you have any contact with her?

Cindy Mayo: No.

President Tuley: She has apparently, just one item --

Cindy Mayo: The agenda request is for February 26. I apologize, that's why she's not here.

Commissioner Borries: Alright, we won't do anything with it, then.

RE: JOHN STOLL - COUNTY ENGINEER

John Stoll: The first item I've got is a change order for the Strueh Hendricks culvert replacement project. It results in an increase of \$1,953.23. There are two reasons for the increase. One, when the discharge pipe for Willow Creek Subdivision was installed, they cut the dam on the day that we had started our culvert projects, so it flooded out the project site, which required more backfill, and it also washed out an old wall to the culvert that we had intended on leaving in place. That was an increase of about \$1,000. Then the other part of the increase was the result of an adjustment in the grade of the culvert. I recommend that the change order be signed and approved.

President Tuley: Why do I cringe when I hear Willow Creek?

Commissioner Mourdock: I move acceptance of the change order as recommended by the County Engineer.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: The next item I've got is also a change order. This is on the Ohio Street bridge project. This results in an increase of \$75,263.94. The reasons for that change order are that the cofferdam could not be sealed properly, so what they're going to do is put a foundation seal in the bottom of the cofferdam, which is basically a five foot thick concrete slab, and that was a

substantial portion of the increase. Then there were also two other changes. One, we've got to install the driveway for Mulzer's property as a part of the agreements that were signed for the right-of-way, and the other was due to the original plans calling for guardrail with 12'3 spacing for the posts. It should have been a 6'3 spacing. All in all, that totals up to the increase, and of that increase, 20% would be our cost.

Commissioner Borries: Do you recommend...

John Stoll: Yeah, I recommend that it be approved.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

John Stoll: In order to pay our local sheriff for that change order, I'd like to request to go before Council to appropriate \$15,053 in the Cumulative Bridge line item for the Ohio Street Bridge.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: The final item I've got is also a request to go before Council. I'd like to appropriate \$655,000 in Cumulative Bridge and \$100,000 in Road and Street to fund the portion of Green River Road, Section B through the Lynch Road intersection. This would be built as part bridge project and part road project since the statutes on Cumulative Bridge Funds allow us to install culverts and this would fall within the 500 foot approach of that culvert.

Commissioner Mourdock: How far north of the... where the four-lane ends on Green River, at this point, how far north will that go past, I mean, it goes to Lynch Road and then it --

Commissioner Borries: Actually, you go to Hirsch, isn't it?

John Stoll: This wouldn't go all the way to Hirsch.

Commissioner Mourdock: Yeah, I wouldn't think so.

John Stoll: Probably about halfway between Lynch and Hirsch.

Commissioner Mourdock: Which would still be short of Pigeon Creek?

John Stoll: Correct.

Commissioner Mourdock: I'll move approval of the Council Call as requested by the County Engineer.

Commissioner Borries: Second.

President Tuley: So ordered.

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

President Tuley: Thanks, John.

RE: BILL MORPHEW - COUNTY HIGHWAY

President Tuley: Let the record show that the County Highway Superintendent, Bill Morphey, submitted a progress report for the period covering February 9 through February 15 for the Vanderburgh

County Highway Department as well as the Bridge Crew. Apparently, you're still doing work all over the county. It looks like a lot of it down in the bottoms, though.

Bill Morpew: Quite a bit on Old Henderson Road. We're trying to get the rock roads in shape, also. We're running a dozer almost every day out on Old Henderson trying to reshape the shoulders back up.

President Tuley: Bill, in an earlier conversation I had with you, though, you indicated with all the paving we do, we sustained very little damage with all the water, debris and stuff in terms of surface damage.

Bill Morpew: The road held together real well. There were just very small spots that we had trouble with. One was an area about the size of this platform here and then the other was an area about 2' X 8'.

President Tuley: It just dawned on me. Didn't we try to do something with the state? Is that this year, will we get a grant to use some old tires --

Bill Morpew: It was last year.

President Tuley: (Inaudible)

Bill Morpew: No, we didn't get that.

President Tuley: (Inaudible)

Bill Morpew: We put down two and a half inches of base on there, plus another inch of surface. We edged the road first and then we went over it. Prior to doing that, we had crack sealed down there and put a mat down on the cracks, which I think helped save that road. It was expensive, but the road is still there, where it usually washes away. So, it was well worth the money. I need to ask for permission to travel tomorrow, two vehicles and six people to go to Henderson, Kentucky. There is a paving seminar being put on over there by CMC and I'd like to send some laborers and also some equipment operators over there tomorrow.

Commissioner Borries: I move the request be granted.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Commissioner Mourdock: Is that going to be at the Henderson County Museum for Culture or in the pole barn, or where do they have that?

Bill Morpew: No, it's at the Days Inn.

Commissioner Borries: Bill, I think I gave you, well, I know I did, an individual's name who had contacted me about, again, this sounds very repetitive here to one of our earlier requests, but there's a road that has been unaccepted for the county. The road's name is --

Bill Morpew: Westwood Hills.

Commissioner Borries: Westwood Hills. This individual contacted me to see where we were in relation to getting a price and if we could just get you and John to maybe look at those figures. I had the unfortunate thing of telling him, he wanted to know if there was some way they could pay by the month. I said I don't know of any way we can do this. I didn't even want to talk to him in terms of any kind of payment schedule or what it's going to take until, again, I referred the matter to you and see what you could do to

report to us to see what we need to do to assist them or what we can do at least in targeting what needs to be done to get this road up to a point where it could be accepted by the county.

Bill Morpew: Yes sir. I'll get in touch with him this week.

Commissioner Borries: Thank you.

Bill Morpew: I've given each one of you a copy of the, actually, an actual cost or part of the cost on some work that we were asked to do. I had talked with Joe Profaizer about some software for the payroll system out there at the Highway Department among other things. One of them is to go over the entire manual payroll system that we have, complete with time cards and everything, and go with some sort of a digital system with a time clock. When an employee punches in, it would send it right to the computer; when the payroll clerk draws this up on her screen, it would log not only the hours and the day of the week, overtime hours, personal days, vacation, what have you, it would also be extended out to cover any overtime that was worked, holidays, so forth and so on. It would track it. That information would also be put on the employee's service record. That would reduce the payroll bookkeeper's work at least 40% or better.

Commissioner Mourdock: This is not my area of expertise, by any means, but whenever I hear the words "develop software", it sends kind of a shudder up my spine because there is so much software that is out there right now. Rather than have something designed like this, I'm wondering, have we checked to see if there isn't software out there that cannot be used to do this or that would tie in with whatever you need?

Bill Morpew: That was my first question to Joe and he indicated to me that this was the best way to go about doing it. We were looking at a complete system. We have a very old time clock that punches the card and there have been a couple of instances where an employee has punched another employee's card, whether it was intentional or what, I don't know. This would also be a security system and, of course, we would have to replace the clock along with a new PC.

Commissioner Borries: Did Joe Profaizer review this, Bill?

Bill Morpew: Yes, sir.

Commissioner Borries: And he feels this is the way to go?

Bill Morpew: Yes, sir. Joe sent this to me last week and...

Commissioner Mourdock: The other thing that is striking to me here is not what it says, but what it doesn't say. It says the fee for this phase is \$2,400, which I assume is the first phase?

Bill Morpew: Yes, sir. It will be two phases.

Commissioner Mourdock: The second phase is conspicuous, the cost, by its absence.

Bill Morpew: I asked for a ballpark figure on that, also, but I haven't got that figure yet.

Commissioner Mourdock: I'm hesitant to commit to a first phase, I mean, we could easily spend \$2,400 and then find out that phase two is so much more expensive that we don't want to do it, in which case, we've just thrown away \$2,400. So, I have a concern there.

President Tuley: Bill, this is a stand alone, right? Will that tie in, in any way, to the county's computer system?

Bill Morphew: No.

President Tuley: I tend to agree with you (inaudible) when we could end up wasting \$2,400.

Commissioner Mourdock: It's open ended, and especially the fact that it doesn't tie in to any existing software, tends to make me think that there's probably a software package out there that's...

Commissioner Borries: I can't quite understand why Joe...I'm a supporter of this. I think you need to upgrade your system and I really am for this. But I can't quite figure out why he kind of farmed this out to someone else. I don't get it. I thought he was supposed to --

President Tuley: Why couldn't he develop it?

Commissioner Borries: Yeah.

President Tuley: It's part of his contract.

Bill Morphew: I had a meeting with Joe out there at the garage and I simply stated what we would like to do and this is what they've come up with.

Commissioner Borries: Well, again, certainly you're on the right track. I'm not sure that we're at the end of the tunnel here. Maybe we need to get Joe here and ask him.

Bill Morphew: I asked him to come and he couldn't make it tonight.

Commissioner Borries: Okay, could we defer this and maybe ask him next week?

Bill Morphew: Yes, sir. That's all I have.

Commissioner Mourdock: Last week you told me, but just to reconfirm, you're trying to do your annual highway meeting, is it the first or second week in April?

Bill Morphew: It's April 1.

Commissioner Mourdock: I was afraid you'd say that. Okay.

President Tuley: Is anything wrong?

Commissioner Mourdock: I won't know until I get home tonight.

Commissioner Borries: If you could let us know --

Commissioner Mourdock: Okay. It's the 20th anniversary, you see.

Commissioner Borries: We've talked about it, but I don't know if we're at the point where we've advertised it yet, Teri?

Teri Lukeman: No.

Commissioner Borries: So we still have a little time, then.

President Tuley: Questions?

Commissioner Borries: And let the record show one of our employees, Mr. John Culver, is here. He's a valued employee of our Vanderburgh County Highway Department. We're glad that he's here to sit in on the meeting tonight and see what not to do, in some cases. We're glad you're here, John.

ALAN KISSINGER - COUNTY ATTORNEY

Alan Kissinger: I have reviewed the refinancing ordinance for the 1989 bond, discussed several aspects of it with the Bond Counsel; I think that all of the questions have been answered. If the Commissioners have any further questions, I'll try to answer them or get them answered, but I think, basically, that the ordinance is in proper form and I will admit candidly that I depend on Bond Counsel, to a large degree, to advise me. But if the Commissioners have no additional questions in reference to the bond ordinance, I would recommend that you give it favorable consideration for approval tonight.

Commissioner Borries: I will move it be approved.

Commissioner Mourdock: I'll second.

President Tuley: Roll call because it is an ordinance?

Alan Kissinger: Yes.

President Tuley: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Tuley: Commissioner Borries?

Commissioner Borries: Yes.

President Tuley: And I vote yes as well.

Alan Kissinger: I guess this would come somewhat under the category of tooting my own horn, but as I once heard my father told by Joe Reis, who was the founder of Reis Tire, "He who tooteth not his own horn may not get his horn tooteth." So I would advise the Commissioners publicly that the lawsuit in reference to an automobile collision that occurred on Orchard Road has been tried; it started last Monday and finished last Wednesday. There was a jury trial; there was a jury verdict for the county, who was the defendant and against the plaintiff, which means, briefly, the county doesn't have to pay any money. So, from my point of view, that's what you hired me for and I would like to report that job has been completed in the manner that the Commissioners expected for it to be completed. Now I have to toot someone else's horn because I had a considerable amount of work to do on that case as we went through normal preparations, and then at the last minute, this case took a strange turn and I needed significant assistance from John Stoll, from the Engineering Department, and from Bill Morphew, from County Highway & Garage. I don't know if, without their help, we would not have received the same result, but I certainly felt much more comfortable with their help. I asked them for help at the last minute, kept them standing by for long periods of time and I want to publicly thank them for their assistance. I think that it had a significant effect on the outcome of the trial. Other than that, I have nothing to report.

Commissioner Borries: Well, thank you. Thank you and thank you to all of our folks.

President Tuley: Where did John go?

Alan Kissinger: He was embarrassed.

President Tuley: Congratulations to all three of you.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Cindy Mayo: I only have one item. Late this afternoon Barbara Cunningham did bring a request into the office. She would like to attend the Evansville Metropolitan Chamber of Commerce Equal Conference to be held March 6. They do not have funding in their

budget for this. She is requesting the \$100 registration fee for the one day that she would like to attend.

President Tuley: I, personally, don't have a problem with it. She comes before this Board several times a year with travel requests and always has funded her own. That's just one opinion.

Commissioner Mourdock: I'm planning on going to that as well, not that it's coming out of the county's budget in any way. But part of the thing of interest, I suspect, for Barbara and certainly for me is some of the presentations there that will be related to the T-word --

Cindy Mayo: And she does mention that in the letter. I'll pass it down and you can look at it.

Commissioner Borries: Move that it be approved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Cindy Mayo: That's all I have.

RE: CONSENT ITEMS

President Tuley: Under consent items, employment changes; travel requests; Treasurer's Office: acceptance of the January report; reappointments to the License Examining Review Board in the names of James Merrill, George Hoffman and Carl Shepherd, three members who are sitting there now that have asked to be reappointed and the Building Commission has asked that they be reappointed.

Commissioner Borries: Move that the consent items be approved.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

RE: SCHEDULED MEETINGS

President Tuley: There is a steering committee meeting on Thursday, the 22nd, at 9:00 a.m. The Commissioners will be meeting at the regular time next Monday night, the Executive Session beginning at 4:00, Commissioner's meeting at 5:30 and the Drainage Board immediately following. We'll have a Personnel & Finance meeting on Wednesday, the 28th.

RE: OLD BUSINESS

President Tuley: Any old business? Apparently not.

RE: NEW BUSINESS

President Tuley: Are you ready with your appointment to Burdette?

Commissioner Mourdock: No, Cindy and I have both, and Mark Tuley as well, have all tried to make contact with the lady who has expressed interest and we keep missing each other, so, hopefully, next week I will have that appointment.

President Tuley: Okay. There is a letter in here that I think Cindy said it came in rather late this afternoon. Hopefully, you got a chance to look at it before the meeting started, from Shirley James in reference to the Pigeon Creek Advisory Board. They've had some people that for various reasons moved out of state, illness and different things, and can no longer serve. She has made a recommendation of, I think there's about four people here. It looks like Theo Boots, of Center City Corporation; James Mosley,

former aide to Representative McCloskey; Eric Reek, a teacher from the Evansville Day School, so there's three recommendations and then there's a note on here that Don Hunter used to serve on the Board as a Commissioner representative, but since Don has moved out of state, she is wondering if one of the Commissioners would like to replace him. I guess we can act on the three recommendations if the Commissioners are in agreement to accept the recommendations.

Commissioner Mourdock: I'll move acceptance of the three recommendations to the Pigeon Creek Board.

Commissioner Borries: Second.

President Tuley: So ordered. If you want to take a week to think about which one of us, if one of us wants to serve over there.

Commissioner Mourdock: That's fine. Personally, I will respectfully decline. I've got a bunch of boards here and a bunch of other things, and I don't know if either of you feels intensely that you want to do it.

Commissioner Borries: I have difficulty getting there. I'm wondering if we could ask Mrs. Mayo or someone from our office to represent us, to report back if that's agreeable?

President Tuley: It's agreeable with me if it's agreeable to Cindy.

Commissioner Mourdock: Are you suggesting that, Rick, in the sense of as a board member to that group?

Commissioner Borries: Yeah, to represent us.

Commissioner Mourdock: I think that might be more appropriate since there would be potential funding questions, zoning questions, all kinds of things related to Pigeon Creek that, perhaps, would be better done with someone other than a Commissioner.

President Tuley: Cindy, does your time permit you to do that? They do meet in the evening, do they not?

Commissioner Borries: No.

President Tuley: I thought they met Wednesday afternoon.

Cindy Mayo: No, well, they have so many different boards and subcommittees and committees, but I believe that this particular one is during the day. I know there are two meetings that Sarah Happe does tape and I believe that this would be during the day. I will talk to Shirley and see.

President Tuley: We'll wait a week if you'd like to.

Cindy Mayo: Okay.

President Tuley: Any other new business?

Commissioner Borries: I did have a request from USI to appoint a person to their Prevailing Wage Committee. At this time, I would ask that we appoint the person who has been our nominee to this, Mr. Jerry Ramsey, a resident of Vanderburgh County.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

Cindy Mayo: Do we need to send another letter out to Mr. Ramsey? Is this --

President Tuley: No, I left Sunny a note with a phone number from a lady at USI, who would like to get the name of the individual and she then will send a letter to the --

Cindy Mayo: Okay.

President Tuley: Any other business? There are no scheduled -- normally, this would be the evening for Rezonings, but tonight we do not have any Rezonings to be heard by this Board. So, I'll entertain a motion for adjournment.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

Meeting adjourned at 7:36 p.m.

THOSE IN ATTENDANCE:

Patrick Tuley
Richard J. Borries
Richard E. Mourdock
Alan Kissinger
Suzanne Crouch
Cindy Mayo
Teri Lukeman
Charlene Timmons
Jeff Noah
Mike Robling
Bob Schmidt
Rick Jones
Ralph Schmitt
Richard Tanner
Michael Lockard
John Stoll
Bill Morphew
Members of the media
Others unidentified

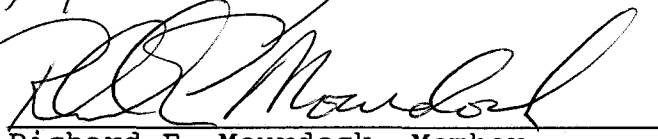
**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**



Patrick Tuley, President



Richard J. Borries, Vice President



Richard E. Mourdock, Member

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS
FEBRUARY 26, 1996

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VANDERBURGH COUNTY
BOARD OF COMMISSIONERS MEETING
FEBRUARY 26, 1996

The Vanderburgh County Board of Commissioners met in session this 26th day of February, 1996 in the Commissioners' Hearing Room of the Civic Center Complex at 5:40 p.m.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Tuley: Once again, for those of you that are here every week, bear with us as we do our introductions. To my far right is Cindy Mayo, our office administrator and Superintendent of County Buildings; in the empty chair next to her, joining us momentarily is County Attorney, Alan Kissinger; to my immediate right is Commissioner Rick Borries; to my immediate left is Commissioner Richard Mourdock; to Richard's immediate left is County Auditor, Suzanne Crouch; and to Suzanne's immediate left is Charlene Timmons, who will be the Recording Secretary for this meeting. If you will, please stand with us and face the flag, as we all say the Pledge of Allegiance, please.

RE: APPROVAL OF MINUTES

President Tuley: I believe there are agendas along the wall there. Again, I will ask anyone who wants to address the Commission to please do so from the podium and identify yourself for the record. The minutes are being recorded and some of us have voices everybody will know who they are in two weeks, but it would be nice to hear your name for the record so that Charlene can get the minutes done. Speaking of minutes, the first item for action tonight is the approval of the minutes from last week's meeting.

Commissioner Mourdock: Mr. President, I move the approval of the February 26 meeting of the Vanderburgh County Board of Commissioners as submitted by the County Auditor.

Commissioner Borries: I will second.

President Tuley: So ordered.

RE: ANY GROUP OR INDIVIDUAL WISHING TO ADDRESS THE COMMISSION

President Tuley: The next item is item 4B. Any group or individual wishing to address the Commission who does not find their name or topic for discussion, now is the time to come forward. Darrell Rice had asked me earlier if he could go early; he has another meeting to attend. I told him that was fine, we would take him first.

RE: DARRELL RICE - NATIONAL RESOURCE CONSERVATION SERVICE AND CITIZENS FOR THE IMPROVEMENT OF PIGEON CREEK

Darrell Rice: My name is Darrell Rice, I represent the National Resource Conservation Service here in Vanderburgh County. I'm also representing the Citizens for the Improvement of Pigeon Creek steering committee and some of the members are on their way, we got on the agenda a little sooner than I anticipated. I have a packet of information I would like to pass out to the Commissioners on the progress of the Citizens for the Improvement of Pigeon Creek. There is some correspondence in there addressing some things that have been going on. To bring you up to snuff real quick on the Pigeon Creek Watershed, Pigeon Creek is a channel that flows from Princeton, Indiana all the way through Warrick County and into Vanderburgh County and outlets into the Ohio River, approximately 30 miles of channel. The watershed contains 250,000 acres of a combination of 120,000 acres of agricultural; 65,000 acres of mining areas; 40,000 acres of urban; and another 25,000 acres of other types of land uses. The Citizens for the Improvement of Pigeon Creek has developed a mission statement to coordinate

efforts to improve the natural resources of the Pigeon Creek Watershed for present and future generations. The Citizens for the Improvement of Pigeon Creek has created a Steering Committee of five members from each county, encompassing Gibson, Warrick and Vanderburgh. This Steering Committee has been meeting for the past year and there was an excellent article, if you can get your hands on a National Geographic February issue, there is an excellent article in there on watersheds, and tells you a little about various projects that are in progress throughout the nation. It's an excellent article. We had met two weeks ago, the Steering Committee, with the US Army Corps of Engineers and had addressed a few of the concerns that the Pigeon Creek Steering Committee had on Pigeon Creek as a drainage way. The US Army Corps of Engineers informed us that they have responsibility for all, and jurisdiction over all waters in the United States and they define waters in the United States as any channel that would float a 2 x 4 down. That encompasses just about any waters in the United States. So they do have jurisdiction over every part of Pigeon Creek, in general, and would require some permitting to do any work in Pigeon Creek because it would encompass water quality issues. They also, Rob Miller, from the US Army Corps of Engineers, said they do have some potential project ideas for Pigeon Creek and it could come to the Corps through two routes. One, by local people bring it to the Corps, and he said funding for that would probably be nil because there is such a long laundry list of other projects ahead of them, or the other route would be a more direct route through a Congressman. We need to be thinking about approaching our Congressmen to see if they would carry this project to the Corps, and see if they would do a special project for Pigeon Creek. That project would be a three phase project. The first part would be a reconnaissance study, which would be 100 percent federally funded, if we can get on the docket; the second phase would be a feasibility study, and that would be a 50/50 federal and state local funding; and the third phase would actually be the project implementation which would be a 75/25 type funding, so it would be an excellent opportunity. The only thing he warned us ahead of time, is that it is a slow process. The feasibility study takes two to three years. The actual project idea might be five to six years down the road, but it would be something that would work hand in hand with the greenway concept and that is what the watershed group is trying to do. What the Steering Committee would like to ask the Commissioners to consider, Pigeon Creek is a legal drain through Gibson and Warrick Counties. Most of our drainage problems occur from the Vanderburgh County line down, caused by log jams and different things occurring from the county line to the Ohio River. The Steering Committee would like to request that Pigeon Creek become a legal drain to give us easements to maintain the channel, the log jams and things through the county. We have done a little research through the Farm Bureau Co-op or Farm Bureau, Inc., and they have put together environmental laws on regulated drains. It does fall within the responsibilities of the County Surveyor's Office. The petitions may be filed by owners of ten percent or more of the acreage within the watershed, so really I don't think it would be as big a deal as it used to be. What we are requesting is to consider making the Pigeon Creek channel a legal drain through Vanderburgh County.

President Tuley: Darrell, you say it already is through Gibson and Warrick?

Darrell Rice: Yeah, and has been for many years. They're not requesting that it look like the ditches through Gibson and Warrick, because they are pretty much open channels with no vegetation but grass, they've pretty much denuded all trees, and they are straight channels and Dick, I know, has worked in much of that area, so he knows what the look of the channel is up in there. It works great for agricultural drainage, but it's terrible for wildlife and aquatic life that might exist from those points south. What we are trying to work out, we've been approved for two or

three different grants, to where we will be doing some environmental things to the channel to show some best management practices for making the channel more flowable, but not actually change the looks of it too much. There is a lot of work that needs to be done, it's going to be a challenge to make it some type of legal drain, but the easements are needed to really do the maintenance to help the flow and to help the improvement for the greenway also.

Commissioner Borries: I think it has to go, we fight all the time over jurisdiction as to who should do something on Pigeon Creek, and, frankly, what you say is, I think, probably, one of the most clear and efficient ways to get this done.

Commissioner Mourdock: The ten percent number that was quoted, Darrell, was that ten percent of the number of property owners, representing ten percent of the acreage of the watershed, or ten percent of what?

Commissioner Borries: I thought it was ten percent of the property owners on the Watershed--

Commissioner Mourdock: Within the county I guess--

Commissioner Borries: Yeah, yeah, and I think that the difficulty here is going to be how we define what the watershed is.

Darrell Rice: Yeah, the petition may be filed by the owners of ten percent or more in acreage.

Commissioner Mourdock: Oh, it's of acreage?

Darrell Rice: Right. Ten percent of the owners that own--

Commissioner Borries: Acreage in the watershed isn't it?

Darrell Rice: Right.

Commissioner Mourdock: That's not what it said--

Darrell Rice: No, it says the petition may be filed by owners that own ten percent or more of the acreage in the watershed.

Commissioner Mourdock: --so if you have a 1000 acres, you have to have the owners of at least 100 acres to--

Darrell Rice: Yeah, the watershed would be easy to define--

Commissioner Borries: You think it would?

Darrell Rice: --the borders. The boundaries? Oh, yeah we've got that now.

Commissioner Borries: The boundaries of the watershed?

Commissioner Mourdock: And even ten percent of the acreage, I would not think would be that difficult to get--

Darrell Rice: No, because you've got a lot of farm ground in the watershed that would encompass ten percent real quick within the county, and that's what we're dealing with, is only Vanderburgh County.

Commissioner Mourdock: Alan, we've discussed this before, and forgive my failing memory here, but, tell me about the way the easement process would work for this. Essentially, that's what you're doing when you're declaring it a legal drain, is providing or creating an easement of a certain width on either side.

Alan Kissinger: Yes, and, quite frankly, I can't give you the numbers but you have to create the easement for maintenance on either side.

Commissioner Borries: I'm trying to think if it's 60 feet.

Darrell Rice: Seventy-five. County Drainage Board may reduce the 75 foot requirement to any distance--

Commissioner Borries: And we have done so.

Darrell Rice: --yeah, of not less than 25 feet, anything from 25 to 75. The standard is 75, but you can reduce that and have done that in some situations in the county.

Alan Kissinger: I think one of the problems that has been seen in this situation before, because I think we discussed this in reference to Carpenter Creek, and...is that what we're discussing now? I'm sorry.

Darrell Rice: It's Pigeon Creek.

Alan Kissinger: Okay. The problem is that the petitioners have to understand and agree at the time that they're petitioning, that they're going to pay the annual maintenance fee for this, and it can be significant. That was one of the problems with Carpenter Creek.

Darrell Rice: Yeah, with Pigeon Creek, with the populous, the taxation would actually be a pittance, really, to spread it out over that many people. I know Gibson and Warrick pay, I want to say 75 cents to a dollar an acre for maintenance, which is really minor, especially for what they do in those counties.

President Tuley: Isn't there a minimum now, though?

Darrell Rice: It doesn't really address that in here.

Commissioner Mourdock: But since so much--

President Tuley: Isn't there a minimum tax bill of five dollars on the ditch bill--

Darrell Rice: Oh, okay. Yeah, if it's less than an acre. Yeah, right, still five dollars per year.

Commissioner Mourdock: Because so much of the acreage is actually within the city, then a lot of those individual homeowner lots would be also be--

Darrell Rice: Right, and that's the way Princeton handles it. They just pay an assessment into the city and then the city pays the Drainage Board a set amount every year. So the other cities in the watershed, some of the small towns are already doing that.

Commissioner Mourdock: As a process then, for this Board's consideration, it is my understanding that the first thing that has to be done is this ten percent declaration, and until we have something back from that, there is nothing really we can do.

Alan Kissinger: Correct.

Commissioner Mourdock: If that were handed to us, at that point, I presume it is simply an ordinance that we would be passing?

Alan Kissinger: Well, I honestly don't know, but by the time the petition gets here, I guess I will.

Darrell Rice: Yeah, and the Steering Committee would help you

carry that petition and do whatever it takes, so they are there to help.

Commissioner Borries: I think we have to agree to start the process.

Darrell Rice: Right.

President Tuley: I think I hear agreement amongst the two of you, and I would concur with everything that is going on along the creek right now, an asset that we see to this community, I think it's moving in the right direction. As you indicated, there is no way we are ever going to keep it clean unless we do this. We're not even going to have access to it.

Darrell Rice: Right.

Commissioner Borries: We just continually fight this battle over and over again.

Darrell Rice: Right, and the easement doesn't need to be a clean easement where you have to be able to travel the whole thing, it can be some easements in and out of the channel. Like to remove a log jam or something, it might be just a case where they need to get into it, cut the log jam up, float it down to another point or collection point, cable it off and leave it there for wildlife habitat. So, it wouldn't have to be totally denuded of all vegetation to be a usable easement.

Commissioner Mourdock: I certainly am willing to take a look at it and begin the process. I'm going to reserve final judgement, obviously, since it's an ordinance, we all have that opportunity anyway. I certainly want to see what it would be doing tax wise, what the minimum effect would be. Without question, Pigeon Creek can be more of a resource to the community than it has. The West Side Improvement has been trying to do things out there, and that is to be applauded, and I think this is a reasonable first step.

Darrell Rice: I think it's an opportunity, with so many people behind you willing to help, I think it's a great opportunity, especially people even outside the county are willing to support whatever it takes.

Commissioner Borries: Well, I think that with your group, as you point out, with supporters, and I can think of several ditch associations that we have, particularly Big Creek, which has been a very successful endeavor, and basically what the county does is administer the funds. Their funds that are put into it--

Darrell Rice: Basically, they're the subcontractor--

Commissioner Borries: --their leadership, their input, they have a lot of projects that go along there. They have made that particular Big Creek area very viable. It has been a very workable kind of situation, particularly when you get...again, I think, a very actively involved association that are a group of people that would support the aspect of a legal drain. To look at the other thing, because Carpenter Creek, there are no legal drains west of Pigeon Creek.

Darrell Rice: Right.

Commissioner Borries: Carpenter Creek was at one time--

Darrell Rice: Right, and then it was--

Commissioner Borries: --and for whatever reason they had some folks, I won't say got either narrow-minded, but were concerned about a few pennies here or there, and there were no other

assessments that were given. So when you have situations pop-up on the west side, as we call it, or western part of the county, west of Pigeon Creek, they are a problem.

Darrell Rice: Right.

Commissioner Borries: There are no funds, no mechanism, at this point, to do anything about it.

Darrell Rice: Right, and we can't make every ditch a legal drain, but I think something the size of Pigeon Creek should be.

President Tuley: Then where do we go from here?

Commissioner Mourdock: I don't know that we need a motion tonight to act. I think you certainly hear the consensus of this Board. If you present us with a petition that has ten percent of the acreage holders saying they want to do this, that will certainly start us on that process. But until we receive that--

Darrell Rice: Do we need to go through the Surveyor for anything? It addresses the Surveyor a lot.

Commissioner Borries: Yeah, well, he is the technical advisor, I mean, he is the administrator of the legal drains.

Commissioner Mourdock: And he would be the one who, in fact, I think that would be a two way process; he would have to certify that the acreage is within the drainage area, and of course, the County Auditor would have to certify the property owners.

Darrell Rice: Okay. We can start the petition process if that is your wish, then we'll present that petition as soon as we get that collected and then we can go from there.

Commissioner Borries: Yes, I definitely think you have to have the Surveyors involvement, and he is the technical advisor--

Darrell Rice: Absolutely.

Commissioner Borries: --and since his ex officio on the Drainage Board which, in effect, works on legal drains.

Darrell Rice: A couple of other tidbits, the gentlemen from the US Army Corps of Engineers also mentioned that there is an Ohio River Greenway Commission that has been created for a number of years, that are interested in greenway projects, and we didn't know there was such an animal, so they might be able to help this Pigeon Creek Greenway concept. Our next meeting for the Citizens for the Improvement of Pigeon Creek is March 19 at 7:00 p.m. at the Sheriff's Training Center. We would love to see you all come. Be a great time to shake some hands and get to know some people in the watershed. Typically, we'll have upwards around 40 people attending that meeting, so it's a good bunch of people.

President Tuley: Is that the Sheriff's Command Post?

Darrell Rice: Training Center.

President Tuley: Training Center, I'm sorry.

Darrell Rice: Yeah, out on Kansas Road. Good facilities, they've been very receptive allowing us to use their facilities. We did have one of the Steering Committee members just walk in, Manfred Stahl. And Marlene, is she on her way?

Manfred Stahl: I'm Manfred Stahl, I'm a taxpayer and property owner in Vanderburgh County. On legal drains within Vanderburgh County, on the east side, I know we are taxed \$1.50 per acre that

drains into legal drains. Are all legal drains in Vanderburgh County assessed the same way for their annual maintenance?

Commissioner Borries: No, it depends...there is a rural factor and an urban factor.

Manfred Stahl: Okay.

Commissioner Borries: For example, east side urban, which is along Burkhardt Road, is assessed at a different factor than rural.

Manfred Stahl: Okay, but agricultural land, is it \$1.50 for each...wherever there is a legal drain involved in Vanderburgh County?

Commissioner Borries: I believe so, but we can ask the Surveyor to factor that in. I know we changed an assessment that probably didn't please some people, particularly, the levee authority, but when we had a cave-in on Waterworks Road, we later declared it a bridge. We assessed those property owners along that bridge and Eagle Slough, which is a legal drain, an urban assessment, because it drains mostly east side anyway. I know that factor is available, insofar as whether or not there are any changes on the other, I can't tell you for sure.

Manfred Stahl: One other question and I'm finished. Do all legal drains in Vanderburgh County, do they receive annual maintenance like the east side? Ours gets mowed every year.

Commissioner Borries: Yes, what it is, the Surveyor prepares the specs for those, sometimes they require more maintenance than others. Sometimes he has to administer how much is in the fund, and what is not in the fund, because you can't spend more than that. Some years, some of the ditch associations themselves, such as Big Creek, come forth with projects, and sometimes I think there has even been an assessment in order to get part of their project done. But there are, yes...the Surveyor is in charge of inspecting them, and then putting out the specs for maintenance on that.

Manfred Stahl: On the east side, they have been doing a relatively good job of that annual maintenance. It always seems kind of unusual that we have legal drains that go into Pigeon Creek that are maintained annually, and then when it gets to Pigeon Creek, nothing is done. Thank you.

Commissioner Borries: Mr. Stahl, what is your feeling about this effort here that Darrell Rice is describing? Are you supportive of the effort then to--

Manfred Stahl: I'm sorry I got here late I thought I was supposed to be here at six, but I guess I should have been here earlier.

Commissioner Borries: Well, essentially, he was talking about supporting Pigeon Creek and at least begin the process to consider Pigeon Creek as being a legal drain in Vanderburgh County.

Manfred Stahl: Yeah, I'm supportive of that, unless it gets to be a cost prohibitive thing where we're spending too many bucks and not getting a decent return ratio.

Commissioner Borries: Right, thank you.

Darrell Rice: I appreciate your time. I wanted to introduce the other Steering Committee member, Marlene Obert, from Gibson County. She is a teacher at Gibson Southern and is part of the Steering Committee and also a landowner in the watershed up in Gibson County. Do you have anything you want to say, Marlene?

Marlene Obert: We appreciate your support.

Darrell Rice: Looking forward to seeing you on the 19th.

President Tuley: Okay, thank you, Darrell.

RE: DAYLIGHT SEWER PROJECT

President Tuley: Ken, are you guys here for an update on the Daylight?

Ken Alvey: Well, I was here because somebody said Rick Jones...my name is Ken Alvey, owner of Alvey Sign Company. I was here because someone said Rick Jones was going to present the contract or something to--

Alan Kissinger: Rick is supposed to be here tonight with a contract and we are supposed to get that coordinated with the City Attorney, who does the legal work for the water and sewer utility. If we can get that approved, hopefully, we will bring that back to the Commissioners next Monday for their approval, and get this thing started.

Ken Alvey: Okay, that's all I was here for--

Alan Kissinger: If you just want to hang around, that is fine.

Ken Alvey: Not particularly. Thank you very much.

Commissioner Borries: Thank you, Ken.

RE: WILLOW CREEK SUBDIVISION

President Tuley: Toby I guess you and your group, and counter group are--

Toby Shaw: --are assembled. Mr. President, members of the Commission, my name is Toby Shaw. I'm an attorney in Evansville and I represent Willow Creek Development Corporation. We were here two weeks ago requesting that you lift a moratorium on new building permits in Willow Creek Subdivision. Since that time, you basically had concerns with what you described as basin number one, which was the upper basin. It was rough graded and needed some other contour improvements. There was an easement on Lot 23, which we have provided to you...I am ready to record that at any time. There was a question on erosion control. Those matters, all matters, as a matter of fact, have been completed by Mr. Hatfield. Your technical staff consisting of the County Engineer, John Stoll, and Mike Wathen, performed an inspection at 2 o'clock this afternoon. My understanding is that everything has been complied within your September 26, 1995 requirements except for the filing of the homeowners' association. If you desire that, I have prepared the notice, Formation of Homeowners' Association, which complies with the restrictive covenants. I will give that to Mr. Kissinger for his review. According to section 24 of the covenants, if this is filed in the office of the Recorder of Vanderburgh County, then the homeowners' association has a responsibility to perform the developer's requirements under the restrictions, primarily maintenance, upkeep, etc. We know we are going to have a homeowners association, the question is when? The way I view the covenants, all common areas except what he has a responsibility of maintaining for a year, become the responsibility of the homeowners' association, which he would be a part of, because he is a landowner. I will give you an example, the streets are not accepted by you. According to the restrictions, that is a common expense, so when it comes to ask that the streets be accepted for maintenance purposes by the county, the homeowners are going to have to pay any corrective action to get them up to standards, which means that everybody is going to share, today it's Mr. Hatfield. If you want the homeowners' association, that's fine. Under the restrictions, it can either be, once this notice

is recorded, then the restrictions state that the homeowners' association will either be an Indiana non-profit corporation or an unincorporated association. It is up to the homeowners to decide then what they want, whether they want a non-profit or whether they want an association. Everything that has been required, has been completed. We would ask you this evening to lift the moratorium on new building permits, so Mr. Hatfield can continue building. He is here, by the way, if you have any questions of him, or Mr. Wathen and Mr. Stoll, who are here this evening.

Dan Swidron: I would like to say good evening to the Committee. My name is Dan Swidron from Willow Creek Estates. I represent the homeowners. I have heard what Mr. Shaw has said, with all due respect, we come here tonight, and I know this is not the Drainage Board meeting, so we are not going to talk about drainage until the next meeting. We came here tonight...we, as the homeowners, are requesting at this time, and we will put it in writing, and we will have all the signatures of the homeowners, we will have individual letters from the homeowners, asking that Mr. Hatfield's license be revoked, Willow Creek Marfield Development be revoked and his license be suspended until we can have a hearing, a regular general hearing on revocation, at whatever time that might take place. He has practiced and engaged in deceptive, fraudulent and poor building practices, and we can back it up with documents. We can go through violation after violation. Mr. Hatfield has been cited many times by the Commissioners' Office, by the Building Commissioners and by the City Engineers. I have letter after letter. He is in ventilation violations, he is in crawl space violation, he's in slope violation. He has a house out there that he put in just recently, and it was a Parade Home, and he has the erosion control procedures dated October 14, 1994. One of the slopes, eight percent or greater, shall be sodded. Right now, that homeowner has a lot greater than eight percent, and he has nothing but moss on his lawn, because Mr. Hatfield put seed down there. He doesn't follow this erosion procedure at all, so that's just a violation, that's part of drainage, and we will bring that up with Mr. Wathen. The building violations, that is part of this committee, we had three violations that were made by Jack Hille back on November 14, 1994. He hasn't corrected those violations yet. We have another list of violations, July 5, 1995, which part of that was also the pond issues; however, there were 23 homes that were still...crawl space and exterior grade order that was not corrected. We have letters from Mr. Bruce Hatfield saying that, yes, he will be out to correct the conditions. He wrote, himself, we is waiting for the weather to clear up; however, he deceived us again, that is part of his deceptive practices. We have a letter here from the Engineer's Office dated October 21, 1994; there are eight violations on the streets in that area. Again, that same letter came out on October 2, 1995. A year later, he still has the remaining eight violations. We have numerous letters here and minutes of the meeting that say the Commissioners did say that he cannot turn it over to the homeowners until we are totally satisfied with all the building code violations corrected and drainage is corrected. He comes here tonight requesting his permit be given back; however, I don't see a letter that he put it in writing. The County Board Building Code Chapter 150-121.37 states that he has to put in writing a written notice by the subdivision developer to the County Highway Engineer, that the retention basins for the subdivision have been completed. The County Highway Engineer will, within 21 days, inspect and issue either a written approval of the retention basin or listing all the inadequacies. I see Mr. Hatfield gave Mr. Stoll a letter now. Also, Mr. Jeffers was not out at the site to approve any corrections that he did do this last week, and that is part of the Surveyor's Office, because it is in the Building Code that the Surveyor's Office has to make the approval. Mr. Stoll works for the Engineering Office. I know that this is the County Commissioner's Office and the Drainage Board Office is the one who recommended that the permit be taken away. We're kind of backwards on meetings here; however, if his

license is going to be reinstated, I hope that it is not going to be reinstated until next week. By that time, you will have a letter from all of the homeowners asking for the revocation of his license. Thank you. I would like to say one more thing, we do have an attorney representing us, Mr. Paul Wallace, and he stated that we do not have to accept the conditions of the covenants, or as a home ownership, based on condition of the development as it stands.

Bart Gander: Bart Gander, 9209 Marfield Court in Willow Creek Estates. Just a few points. Acceptance of the homeowners' association, I would like to ask Mr. Kissinger if we do have any obligation to accept the association that Mr. Shaw has drawn up once it is presented to us. Do we have the right to deny that?

Alan Kissinger: I don't want you to take this in the wrong way, but I give legal advice to the County Commissioners--

Bart Gander: That's fine, well, I'll ask the Commissioners--

Alan Kissinger: --I understand that you have legal counsel and you should rely on that legal counsel.

Bart Gander: Okay, so as the Commission, we won't be given any direction in that matter?

Alan Kissinger: I didn't say that, I just said that I cannot answer a legal question for you, in consideration that you aren't my client.

Bart Gander: Okay, so as far as the building code goes, as it reads, do the homeowners in a development have to accept an association when it is presented to them, as far as the building code and the ordinance are written?

Alan Kissinger: There are certain preconditions to acceptance and you should discuss those preconditions with your legal counsel.

Commissioner Mourdock: Let me, maybe, really make the water muddy, but, Alan, the subdivision that they moved into, undoubtedly, as it was platted, as it was recorded, whatever preconditions for a homeowners' association existed at that time, are probably part of the covenants.

Alan Kissinger: Probably, and I realize that you haven't--

Commissioner Mourdock: I'm assuming that they were, I don't know--

Alan Kissinger: That would be normal.

Bart Gander: Mr. Shaw gave you the dissertation on what happens when we get the subdivision, this, that, and the other. We're going to be responsible for maintaining the common area, the streets; that it is being done now by the developer. The streets haven't been touched. He's giving you a lot of fluff on what's being done right now and what we are going to have to do once we take over the association. But it is not being done right now. They are giving you a pretty picture about what is being done, and we're the bad guys out here trying to make it difficult on Mr. Hatfield. We just want these things to be done right, so once we do get the association, we can take responsibility for them, and the things that were promised to us will be fulfilled.

Alan Kissinger: Basically, what I think Mr. Shaw said in reference to the acceptance of the streets, is that the county will require a specific standard or set of standards to be met before the streets will be accepted by the county for maintenance by the county. I think what Mr. Shaw said in reference to that is, that it may be the homeowners' obligation to share in the cost of

bringing those streets up to that standard if they are not already there.

Bart Gander: That's our whole point. That will be a point of contention when we look at the homeowners' association--

Alan Kissinger: Understood.

Bart Gander: --but these things have not been met.

Commissioner Borries: Thank you.

Bernadette Swidron: This is for strictly, Mr. Shaw. We spoke with our attorney, Mr. Wallace, and we do not have to accept the homeowners' association as Mr. Shaw puts it, unless it is up to standards. Plus, we have warranties that have to be guaranteed to us for a year by Mr. Hatfield, in case his streets and everything else, again, go wrong. Mr. Hatfield thinks he is going to send a letter now that he (inaudible), we were advised that we do not have to accept it or his covenants, we can change it. Margaret Harp wants us to pay her \$500 a year to maintain our treasury and everything, and pay out for the grass and hold on to our dues. No, Margaret Harp, Mr. Hatfield, will not. When we do become a homeowners' association, we are going to have it that when Mr. Hatfield wants to build, which we don't even want him in there, hoping his license will be revoked, he will pay a certain amount in fees to even come into our association to build on our property, which we will not even allow him.

Toby Shaw: I may remind you that I'm not pushing for the homeowners association.

President Tuley: That's what I was getting ready to say, I think two weeks ago...

Bernadette Swidron: So they threaten us. Sorry, Bernadette Swidron again. If you notice in the minutes, or every time we speak to Mr. Shaw or Mr. Hatfield, privately, or Margaret Harp, it's always a threat. Do you want us to turn this over to you? No, we know now that he can't, so that's why he's coming up and saying, "Oh, I don't mean for them to take it over." We do not have to accept it. We, as homeowners, pitched in, had to hire an attorney to find out our rights, because Mr. Shaw could not even be upright with us. He even tried to pull the wool over our eyes.

Toby Shaw: Well, contrary...this is Toby Shaw again, contrary to what Mrs. Swidron is saying, I'm just referring to the recorded declaration that were recorded February 25, 1991. I'm just quoting from there--

Commissioner Mourdock: And those declarations were what, Mr. Shaw?

Toby Shaw: Pardon me?

Commissioner Mourdock: What are you reading from, you said the recorded declarations?

Toby Shaw: Covenants and restrictions on the subdivision.

Commissioner Mourdock: At the time the subdivision was platted?

Toby Shaw: And they've purchased their homes subject to these restrictions, so they can interpret any way they want. I'm not pushing for the homeowners' association. Mr. Hatfield is certainly willing to continue maintenance the way he has been.

Bernadette Swidron: We don't want it that way.

Toby Shaw: Then do it yourself.

Bernadette Swidron: We want him to maintain them.

Toby Shaw: What do you want?

Don Swidron: Clean the streets, like he says in his erosion plan.

Toby Shaw: There is a provision in--

President Tuley: Whoa!

Alan Kissinger: We have to record this.

Toby Shaw: There is a provision in the restrictions, he could charge them now as the developer. He has never exercised that. He has never done that. I would refer them to their own restrictions that their homes are subject to.

Dan Swidron: Dan Swidron again, Willow Creek. He can only charge us now if we are in some kind of a violation where he has to take us to court.

Commissioner Mourdock: Who's us?

Dan Swidron: The homeowners, individual homeowners. He can take one of us, if we don't follow the covenants. However, we can't force him to follow his own covenants. One more thing about this basin and all that, Mr. Jeffers said on November 7, 1994 that the pond would have to retain 25 years' storm. Now do we call the Commissioners, John Stoll, or Bill Jeffers, on a second flood when that basin floods over? Mr. Jeffers says that it has to hold 25 years' storm, and it doesn't. As far as the covenants are concerned, Mr. Hatfield hasn't given half the homeowners the covenants, because we had to give it to them. They had no idea, they said we know there are some kind of restrictions here, but we have never seen them. The copies that he did give some of the homeowners, you couldn't read. So they are not all aware of his deceptive practices. I should have brought the ad that they show all the rolling terrain in our area, and the lakes and the recreation area. The recreation area is unusable. The swing sets are all broke. They finally sent somebody out there today to cut the grass.

TAPE CHANGE

Dan Swidron: If we go to the streets again, he'll have to pull the streets out, because they are all cracked and they are going to look like my street, in front of my house, which the county already owns. They already have responsibility for my street. However, the rest of the streets are cracked the same way. He has poor subgrade, and that was taken by Bill Higgins and John Stoll on my report. The streets are in very bad shape, and I have all the violations here, sir.

President Tuley: Here is where I suggest we go from here. Mr. Jeffers indicated he would be around 6:30 p.m. As far as pulling anyone's license, I don't think this Board has any such authority, by any means. That's going to have to go before the authority that grants their license, so we have no authority to pull anybody's building license or any other license.

Dan Swidron: Who is that, sir?

President Tuley: Would that be Roger?

Alan Kissinger: I don't know.

Unidentified: There is a (inaudible - comments not made from microphone).

President Tuley: Okay, that's fine. I'm just saying we are not it, so we might as well bypass that issue, okay, because we can't do anything anyway. I would like to wait for Mr. Jeffers to get here. Well, actually, we can start with the other two technical advisors. We do have John Stoll here and Mike Wathen is here, so I guess we can go ahead and at least hear from them as to what they have seen, since they were out there. John or Mike, I don't care which one of you wants to go first.

John Stoll: When Mike and I went out there, we just went out there to investigate what had been done in regard to the issues brought up in the inspection report of September 26, 1995. We weren't out there to address the streets and some of the other issues that have been discussed here this evening. Do you want this read into the record?

President Tuley: I don't think you need to read it.

Commissioner Mourdock: Yeah, we have a copy.

President Tuley: We have a copy, so we will submit that for the record. You might want to share with the folks there if you haven't already, as with Mr. Shaw and Mr. Hatfield.

Commissioner Mourdock: Did Mr. Shaw and Mr. Hatfield receive a copy of this?

John Stoll: Yes.

President Tuley: You folks all have a copy?

Commissioner Mourdock: John, maybe I can do this somewhat as a checklist here, but item 1 says that the sideslopes on basin one appear to be approximately 4:1 above the water surface. Is that per regulation and per the drainage ordinance?

John Stoll: That is according to the drainage plan that was prepared when the subdivision was originally approved. That is what it called for.

Commissioner Mourdock: So it meets specs?

John Stoll: Right.

Commissioner Mourdock: Under that category. Number two, a ten inch pipe was installed, which I have a picture of, as designed by the developer's engineer. That also meets the specs?

John Stoll: Right. That was also sized by the developer's engineer.

Commissioner Mourdock: Large piles of dirt on the dam have been graded out to provide a flatter slope. Work has been initiated, so I guess there is not really a spec on that?

John Stoll: Right. Based on what the developer had said, it was for ease of mowing, that is why the additional dirt was placed out there.

Dan Swidron: Was that number three?

John Stoll: Yes.

President Tuley: Were you taking it point by point, Richard?

Commissioner Mourdock: Well, I was. Items four, five and six are obviously statements that I believe concur with what the plan was. In other words, seeding and straw has been placed around the basin,

obviously, that would have been a requirement of the plan.

John Stoll: Correct.

Commissioner Mourdock: I see two nodding heads, okay? Erosion control mat has been placed on the open drainage on Lot 23.

John Stoll: That was requested in the inspection report of September 26, due to erosion that was in that open channel.

Commissioner Mourdock: Okay, silt fences have been placed on the back of the dam and around a house under construction on Lot 23. Okay, in regards to the inspection report of September 26, the following items have not been completed. Instead of me reading them, you tell us what they mean. Obviously, we understand the homeowners' association. On item two, it has not be verified that the open drainage channel on Lot 23 is located within a public easement of suitable width. Whose job was that to verify, through our September 26 discussion?

John Stoll: That was requested in the letter of September 26 and I didn't realize that when we were inspecting that today. I could have verified it, Bill or Mike, or any of us, but I just didn't realize that there wasn't an easement at that point.

Commissioner Mourdock: Okay, there has been no formal request for an inspection, as of this moment?

John Stoll: The developer submitted a letter a few minutes ago, requesting a final inspection.

Commissioner Mourdock: Okay.

President Tuley: John, the last paragraph makes reference, it says:

"The inspection was limited to drainage and erosion control issues that were discussed in the inspection of 9/26/95. As a result, all work that remains to be done on the streets and within the right-of-way of this subdivision..."

Are those county owned streets you are making reference to or his own streets?

John Stoll: These are the streets that still have not been accepted by the county.

President Tuley: So these are his property?

John Stoll: Correct.

Commissioner Mourdock: But some have been accepted within the subdivision?

John Stoll: Yes.

President Tuley: So you've made him aware of those things that need to be repaired before the county would even consider accepting the rest of them.

John Stoll: Right, we have sent several memos in the past, as Mr. Swidron has stated, and we will go out there again to go over all the work one more time, in order that we can address everything that needs to be done.

Mike Wathen: Mike Wathen, Soil and Water Conservation District. One thing I wanted to point out through this whole thing, and it sort of qualifies it here at the end, our office looked at it from

an erosion control standpoint. The difference between erosion control and drainage, they go together, yet they are also night and day difference. From an erosion control standpoint, he is going to have an ongoing maintenance situation out there, as does any developer in Vanderburgh County. I went over some things with him this afternoon about 3 p.m., some smaller items I felt were worthy of getting corrected, which he corrected while I was there. As far as I'm concerned, the lake dam from the erosion control standpoint is okay, the grass isn't coming up yet, but it has been seeded and strawed.

Commissioner Mourdock: It would appear to me that if you just received a letter this evening requesting the final inspection, that for us to act before the final inspection is made would be premature. Is there not a procedure in place?

President Tuley: How can you do a final inspection without the letter?

Commissioner Mourdock: Well, he just got the letter. That's what I'm saying--

President Tuley: He was there today. I know what you're saying and I understand where you're coming from. My question to John would be, did you do what you would consider a final inspection today?

John Stoll: The only thing that we would probably do different is, I'd like to have Bill Jeffers there as well, and he wasn't available at the time Mike and I went out there.

Mike Wathen: From an erosion control standpoint, as far as I'm concerned, if you needed a final inspection on that today, I would have been the only person looking at that.

Commissioner Mourdock: So, as far as you're concerned, for final inspection today on erosion control matters, you're in good shape?

Mike Wathen: On erosion control matters, yes.

Commissioner Mourdock: Okay.

John Stoll: The only reason that I would prefer that Bill be there as well, is just to make sure there is nothing that I might have overlooked, or Mike might have overlooked, that he was aware of. Other than that, for the most part, this report would contain, basically, what would be contained in a final report.

Commissioner Mourdock: Well, at the risk of making no one happy, I still think, given the fact that you just received the letter tonight, given the fact that while your inspection could have been construed as final, since our technical advisor is the Surveyors Office on this matter for drainage control, I think that we cannot do much of anything until we make sure that our technical advisor signs off on it. It sounds like everything else is in place, but for us to act prior to that, I think would be premature.

Commissioner Borries: Has Jeffers made any, to your knowledge, any inspection before both of you were out there?

John Stoll: Since last--

Commissioner Borries: Yeah, since the last meeting.

John Stoll: None that I am aware of. Do you know of any?

Mike Wathen: John and I went out there last week just as an ongoing check, but Bill was tied up with something.

Toby Shaw: Mr. President, I believe, at the last meeting, Mr. Jeffers' concern was the erosion control on the easement area, that and the homeowners' association situation. And we have corrected the easement on Lot 23. I think Mr. Stoll has reviewed that today. I spoke with Mr. Jeffers this morning, he was tied up on his bids and his report to you this evening, he could not attend the inspection this afternoon, but he said Mr. Stoll could look at that as it was in the engineers purview to review that easement and to see if it complied with what they want. As I understand it from Mr. Stoll, it does.

President Tuley: Honestly, before...I don't want to entertain any motions until we hear from Mr. Jeffers, so if he is on his way here, why don't we set this off to the side for a few minutes and come back to it as soon as Mr. Jeffers gets here.

Commissioner Borries: That's fine.

Bart Gander: I would like to ask a question...Bart Gander, 9209 Marfield Ct. Mr. Stoll, do we have any kind of idea on how long we should wait for the streets to be accepted? We've been there, going on two years now, and nothing yet has been done. We are just asking for a little advice, or we could ask Mr. Shaw if he could give us an idea on how long it is going to take to get this done, or if he is even intending on doing it.

Commissioner Mourdock: I'm not an attorney--

Bart Gander: I'm not asking for legal advice--

Commissioner Mourdock: --yeah, I know, I know.

Bart Gander: I'm asking Mr. Stoll--

Commissioner Mourdock: There are at least two attorneys in the room and I'm glad that I'm not an attorney. But let me make a point here, if the roads out there are to be turned over to the county, and you speak from the point of view, as if, that was definitely part of the plan from day one. Maybe that, in fact, is part of what you have out there within your covenants or within the subdivision plan that was submitted, but not all subdivisions are set up with the plan that those streets would ever be turned over. I live on a street like that myself; I live in a subdivision in the county. The road in front of my home will never be turned over to the county, and I wish it would, because our homeowners association has to pay for it.

Bart Gander: I mean, he's got three-fourths of the completed subdivision that has been accepted. Are we to think that they're just going to stop, because he wants to stop?

Commissioner Mourdock: I don't know, that's my point here--

Bart Gander: Are we setting a precedent here?

Commissioner Mourdock: --my point is, that if, in fact, your plan specifies what should be turned over, then that is a legitimate question. But that is a question of legal advice that you need to get, that goes beyond what our engineer can answer.

Bart Gander: Well, we can wait for Mr. Jeffers. He was talking about the streambed stabilization state that it needed to be in; it was an issue he addressed last time. We can let him talk about that--

President Tuley: Yes, and supposedly, he will be here at 6:30 p.m., it's 6:35 and he hasn't gotten here yet.

John Stoll: One thing, regarding the streets, there are no

provisions in the subdivision ordinance that require a specific time frame on a letter of credit, so it can go on until the developer completes it, basically.

Dan Swidron: Dan Swidron from Willow Creek Estates, I have one question for Mike Wathen about site development. If he worked on basin number one, and he has it all seeded and strawed, I know that's probably a 100 foot embankment, seeding and straw is good, you've got eight percent here according to the plat that says 3.11 and 3.14, 3.15, that it has to be sodded so erosion would not go into the basin. Now that is greater than a slope of eight percent. If Mr. Stoll is the County Engineer, he should know that's larger than an eight percent slope. We already checked that out, and it is not sodded. The rest of the development and the lots around it are not sodded, and that's greater...that's probably a forty foot drop, so he has two more lots on that pond that are not developed. They have to be filled in first so he can get the proper embankment around the whole basin, and that's part of the erosion. As soon as he disturbs it again, the pond is going to be filled up with mud, silt or whatever. I still feel that he didn't fulfill his erosion, and this is what he entered to you and you approved it back on October 14, 1994. If this is what he has to go by, then this is what he has to go by. It says that a letter has to be put in first before final inspection, then we should go by the rules and say the letter has to be in first, and don't hand it in at a meeting. It says it has to be approved by the Surveyor's Office, and Mr. Jeffers did not make an inspection, then he will not be able to make an inspection until next Monday, or we can't make a decision until next Monday.

President Tuley: Just to bring this thing forward, I think everything you just said is what we just said we were going to do. We'll wait for Mr. Jeffers, he'll make his presentation. If he says he wasn't there, we probably aren't going to take any action because he hasn't been there. We are trying to help you.

Dan Swidron: I know, I understand, but the erosion is still not, Mr. Wathen said it's completed, and it is not. According to these instructions, it is not.

Mike Wathen: I addressed it from the standpoint of the checklist that we were given at the last meeting to look at, and to be honest with you, I didn't look at it from that standpoint.

President Tuley: In all likelihood we are not going to take any action. What I would like to see come out of this meeting, because we're, obviously, no matter what happens here, there are going to be a few people walk out of here mad, there will be a few people...I don't think anybody will walk out of here happy, they'll all walk out mad, but that is okay. The point is, Mr. Jeffers, as soon as he gets here, we'll take it from Mr. Jeffers point of view. If the deal was, there was to be a final inspection, we've not had a final inspection, he has not been a part of it, I don't know how we can change anything tonight. What I would like to see is everything be done by next Monday night so we can get on, one way or another, with this thing. I'm not chastising you two guys, please understand that, okay? If Mr. Jeffers wasn't there, you got your letter tonight...if we can just get this thing where somebody can walk in here Monday night and say all three of our technical advisors have met and said these are the things that we need to correct, they've been corrected, release it, or someone come in here next Monday night, the three of you, and say, this hasn't happened yet. I don't know what else to do with it. I'm getting really frustrated with this whole mess, and I don't even live out there. I mean, I understand where you guys are coming from, but understand a little bit too, there are certain things that we can do, and only certain things. We will do our best, but that's why you've got legal counsel. I really don't, at this point, care to hear--

Bernadette Swidron: But you're saying that the erosion is fine, and it isn't. You're not going to make him sod it?

President Tuley: We're going to make this man come back, as a technical advisor, and tell me next week--

Bernadette Swidron: Okay, so he's coming back?

President Tuley: After he has reviewed it--

Bernadette Swidron: I didn't hear him, we can't hear--

President Tuley: --he said that he did not realize that it was part of what he was supposed to do. I'm sorry. Speak up, guys.

Mike Wathen: I looked at it from just the recommendation that we had the last time. That was the one about seeding. I didn't ask the man to sod it to be perfectly honest with you.

President Tuley: That was not something that was part of what you thought was necessary, as the erosion control officer for this county?

Mike Wathen: No, my only concern was that grass started growing out there, and it didn't wash. Whether it got there by sod or by seed, it didn't make me any difference.

Commissioner Borries: We don't, as a rule, have a...was it just part of this agreement, we don't require sod in all situations, do we?

Mike Wathen: The qualifier on what Mr. Swidron showed me there showed eight percent. So, you're dealing with a real steep situation, which I will agree with Mr. Swidron, it is eight percent.

Commissioner Borries: Okay, I see.

President Tuley: Okay, let me ask you this. Is there something that we can tell these two gentlemen that just came out of this meeting tonight, that has not been addressed, that needs to be addressed by next Monday? What I don't want to have is every week, something else new come up.

Mike Wathen: If sod is going to be something that is required, I mean, he doesn't have it sodded. If getting grass established is going to be something that is required, as soon as the weather gets suitable where we can grow grass, he has a good amount of seed out there. He has a seed bed out there and he's got it mulched. So, I guess my question would be, do you want sod or not?

President Tuley: What can--

Commissioner Mourdock: What do the plans say?

Mike Wathen: The plan says sod on anything over eight percent, and it is over eight percent. At the last meeting, that wasn't something...my understanding was, we were just to get grass growing out there, and just from a standpoint of economics, grass seed and mulch is a heck of a lot cheaper than sod, and we are talking about a considerable area.

Dan Swidron: That's what it states.

Mike Wathen: I'm not denying anything that it states or doesn't state, I'm just...you know, you can go through these rules...I'm dealing with 60 subdivisions at once right now, and at some point, you have got to use some discretion. On that one there, I felt if he could get grass growing, that would work. I did not realize

that it specifically said sod. I was under the understanding that they just wanted grass growing out there, and what he has out there will grow grass as soon as we get some weather, I can assure you.

Dan Swidron: He has two more lots out there that are not developed, so that's just rocks and everything else, trees, and he just threw mulch all over the place. That's not going to grow.

Mike Wathen: The only thing I can offer at this point is, if you want sod out there, I will try to work with Mr. Hatfield and get sod out there.

President Tuley: When you say you want, what are you reading from that requires sod? Is it the erosion control plan?

Dan Swidron: It's the approved IDEM report.

President Tuley: And this is a plan that was submitted by Mr. Hatfield?

Dan Swidron: (Inaudible - comments not made from microphone)

Commissioner Mourdock: Is this your copy or Mr. Swidron's?

President Tuley: Was there a signature page on this thing? I guess my question is, Erosion Control Procedures, Willow Creek Subdivision, Section C, Toby, or Mr. Shaw, I guess, is it your client who submitted this proposal and said that's his plan, that's what he is going to do, for which he got approval?

Toby Shaw: I would refer you back to your own order; this is what he was to do. He has done that. Now these people talk about getting his license. What is going to happen then? They get his license, no more development. If that's what they want, then they have the whole problem.

President Tuley: Wait a minute, have we answered the question? I mean, yeah, that's ours, and maybe we didn't have that documentation in front of us at the time we said that, but if that is the plan that he submitted to get his IDEM, or whatever ok he needed for his Rule Five--

Mike Wathen: ECP, Erosion Control Plan.

President Tuley: --then he asked or said, that was what he was going to do. These guys are just merely pointing it out. That's what he said he was going to do.

Toby Shaw: But, Mr. Wathen has said what he has done is sufficient. Even though that plan says sod, give the grass a chance to grow, and Mike says it will grow. Your erosion control will be complete, regardless of the engineer submitting this, I agree. But, the erosion control is the purpose. If the grass will accomplish that purpose, then that's what we're interested in, not whether it is sod or grass, erosion control.

Don Swidron: The two undeveloped lots, it won't accomplish that purpose. I have a technical review by Lynn Miller here, Erosion and Sediment Control Plan, that Miller said that the submitted plans contain some good information, however, several omissions exist as indicated by the checklist. It says existing proposed contours at intervals appropriate are not on the drainage plan, because you have to superimpose the plan in order to see any of these contours, which was made by Mr. Morley. The plan did not have the absence of a one year flood plan. The projected map is not in detail to show a site in relationship to other areas. I mean there are so many "no comments" here. He has no relationship to where the underground drainage tiles are at in comparison to our homes. If we're going to be responsible for any subtiles, like it

says in the covenants, we need to see all this. So, if he has to bring Andy Easley back into the Engineering Department to tell him where it is at, then let him do so. However, it will not be at the homeowners expense.

Bernadette Swidron: Let me say, Mr. Tuley, I know you feel how we feel. This is a prime example, this is an excellent point of what Mr. Hatfield does. He says what he is going to do, puts it in writing, then he turns around and does just what Mr. Hatfield feels like doing. To me, this is binding. His word should be worth something. I think you should make him follow through with what he says he is going to do, especially when it is in writing. It's deceptive practices that he preaches.

Toby Shaw: It certainly is, but not on his part. I would submit to you that the document submitted by Mr. Swidron, pertains to Willow Creek Subdivision, Section C--

Dan Swidron: He is in C.

Toby Shaw: This drainage basin is in Section B. Anymore deceptive practices, sir?

Dan Swidron: And I will get to the next erosion control plan, because he didn't have one. So what is he operating under? That's why they asked him to submit this one.

(Inaudible - comments made from audience)

Dan Swidron: That's what his permit was based on. That he would follow something. Not just the human eye of looking at the ground.

Alan Kissinger: I think it is a legitimate point, as far as the section of the subdivision that we are referring to, the sodding does not apply to that section of the subdivision. I don't think anyone was trying to deceive anyone, I think it was an honest mistake.

Bernadette Swidron: Till you walk in my shoes---

Commissioner Borries: I think we have to wait until next week.

President Tuley: There's Bill. I'll go get him. I want him in here for the record, so we can take some kind of action.

Commissioner Borries: If I were him, I would have been running--

Commissioner Mourdock: He said he thought he could be here at 6:30, he got here at a quarter till.

President Tuley: Bill, the \$64,000 question tonight, have you been out to Willow Creek in the last two weeks, since the last meeting, to do a "final inspection" along with, or in lieu of, John and Mike Wathen?

Bill Jeffers: No, sir.

President Tuley: So, you are not ready to make a recommendation that the things that we required, corrective changes, to your knowledge, have they been made, or not been made, or you cannot say with certainty because you have not been there. Is that correct?

Bill Jeffers: Right, I have not been to the site, nor inspected it since your last meeting, Drainage Board Meeting.

President Tuley: Can we kindly ask the three of you, because we have got a letter, to meet out there and do a final inspection and give us a report next Monday night? I realize that is only four

work days, five work days counting Monday, but...

Bill Jeffers: That's fine with me, sir.

President Tuley: A nod of approval. I don't think we can do anything tonight until they do the final inspection.

Mike Wathen: I need to know before I go out there, what you're going to expect from a seeding standpoint?

President Tuley: You know, Mike, I don't know anymore. I really don't know.

Commissioner Mourdock: There is an erosion control plan or--

President Tuley: Record somewhere--

Commissioner Mourdock: There is an erosion control plan on file that has been approved for the sections that we've dealt with, and I don't know, Section A, B, C, whatever.

Bernadette Swidron: No--

Dan Swidron: That's when he made one. Mr. Hunter asked--

Commissioner Mourdock: Let us know what erosion control plans are in place, Mike.

Mike Wathen: I can--

Commissioner Mourdock: Or whatever sections are there.

Mike Wathen: I can research and find out what sections we have erosion control plans for.

Commissioner Mourdock: Then, once you research and find out which ones are there, are we in compliance, or are we not in compliance?

Mike Wathen: Okay, in the event that the pond, be it in Section A, B, C or D, I don't see where it makes a whole lot of difference, if the erosion control plan is all encompassing, and if the pond is going to require, as stated in the comment there that Mr. Swidron made, and showed us there on the plan, do we want...my question is, are we going to sod it? I mean, you've got a catch 22, because here is what you're up against--

Commissioner Mourdock: I don't think we do. We have an erosion control plan that is specific to some area, be it A, B, or C. If it says that there is to be sod, to me, that settles that question. Now if it does not say, if it says sod or grass, then that is a judgement call that we are going to have to make here.

Mike Wathen: Okay, the judgement call that I made--

President Tuley: Unless Mike is the one that approved that plan under sod, and says now seeding will work--

Mike Wathen: --well put it this way, the judgement call that I made when I was out there is that, if he did what he has shown me he has done, and if we can get some weather, the grass is going to grow. If not, what we are up against, and I'm just looking at this from a practical application standpoint, we're going to have to go out here, pull up all the straw, basically, and sod the whole thing. There is a considerable amount of work, for what little we are going to accomplish. If we can wait a little bit, Mother Nature will take care of it for us. My only concern is that we get grass on the site so that it doesn't wash. My understanding when I left the last meeting was that the items on that list were what you wanted done. Those items are what we did and he has got

those done. Now, he did not sod it and it is over eight percent, but that wasn't an item that was on the list.

Dan Swidron: We don't normally spell out all the codes when we do something, we just cite a code, don't we? He doesn't have two lots completed.

Commissioner Mourdock: Mike, I'll come back to what I was saying, review the plans that are in place. See if there is compliance with those plans. If there is a gray area like the one you have just described, you are the technical advisor, and I guess you're going to have to make a recommendation to us and we'll take the heat for making the decision.

Mike Wathen: Okay, well, I can tell you what my decision would be. I cannot go out there in good faith and tell the man to pull up straw and grass seed to put down sod for two months worth of good. I don't...it's just not, in my opinion, the grass seed will stay there and the straw will stay there, and if damage occurs during a rain between now and then, then maybe he is going to have to add some silt fence or do some things along those lines. But, I will make that decision for you now so there won't be any gray area. In my opinion, we'll go ahead with the grass and not the sod.

Commissioner Mourdock: Okay, with that one, then the other part of that still stands. Check and see what, for all the phases, which ones are in effect.

President Tuley: So, we'll take no action tonight and next Monday night bring everybody back?

Commissioner Mourdock: Sure, now do we need to do that in front of the Drainage Board?

Alan Kissinger: The Commissioners are the ones that--

Commissioner Borries: Issue the, yeah. Mr. President, if I might ask, and all due respect to everybody involved, I don't know if it is going to be humanly possible for every issue here to be solved every time at our meetings. I think we have to focus on what we charged the technical advisors to do on this report and leave it at that. Again, as we have so often said to the residents, we understand very clearly their frustrations and there are other ways, legal ways, for example, that they can pursue if they believe that there have not been things in good faith. It is not possible for us to consider every instance, in every situation, every week. So, I think we have to keep focused on what...I will read the minutes very carefully to make sure that we are focused on target, and to keep, specifically, on that target, directed at that target at our next meeting.

President Tuley: From this report then, what I'm looking at here is, everything has been dealt with according to what we sent them out there to check out, with the exception of the homeowners' association, which has not been formed. We may not ever have an understanding or agreement on how that is going to come about, if it comes about, and that is not going to be settled until the next week, I don't think.

Commissioner Mourdock: It is not for us to decide.

Commissioner Borries: I don't think Mr. Shaw--

President Tuley: No, it is not our decision, you're right.

Commissioner Borries: --I don't think Mr. Shaw has indicated, I'm not speaking for Mr. Shaw, but that he is not advocating that this be filed immediately, if this is what we are requesting. But I don't believe there has been any formal--

TAPE CHANGE

President Tuley: Okay, the only reason it was not verified is because I think Mr. Shaw provided us with the easement at the last...two weeks ago, meeting, the legal documentation to see that it happens. Is that correct?

Toby Shaw: It is at the Recorder's right now.

President Tuley: So, that will be recorded and you will bring us a copy of the recorded documentation? No letter requesting a final inspection of the subdivision has been submitted to the County Engineer. That happened tonight, so we are going to do a final inspection next week, correct, by next Monday?

Commissioner Mourdock: Mr. Jeffers stepped out of the room, but we will remind him of that at the Drainage Board.

President Tuley: Only one time he reminded us that we are his boss, and that's this Drainage Board, so we will be his bosses for this particular case. So, hopefully, by next Monday night, we'll have the information necessary to take some sort of formal action. Until then, as far as I'm concerned, the issue tonight is over. We've got another...the rest of the agenda...no action is being taken tonight.

RE: JOE PROFAIZER - COUNTY GARAGE PAYROLL SYSTEM

Commissioner Borries: We are going to move along with our agenda, which is now an hour and a half late here. Joe Profazer, regarding County Garage payroll system.

Joe Profazer: My name is Joe Profazer--

Commissioner Borries: Profazer, I'm sorry, I need to get this done...I stand corrected.

Joe Profazer: --with SCT Computer Services, and I wish to speak to the Commissioners this evening, regarding the County Garage payroll system. After learning the Commissioners' directive on the time accrual project for the county and after revisiting thoughts on the process of the time system for the County Garage, it seems to me that the best and wisest choice to start in a time accrual project would be with the County Auditor implementing such a system, perfecting the system, within the Auditor's Office. Then, deploying that system down to other departments, instead of getting a payroll system with the County Garage, sort of reinventing the wheel on the department side. I was asked to visit the County Garage to do a survey for computerization and productivity purposes. This was Bill Morpew's first and foremost priority. Again, as I said earlier, after learning of the Commissioners' time accrual project, I think it would be wise to start with that, and once that gets perfected, then deploy that down to other departments. In attendance tonight, I do have Philip Lieberman, who is President of Lieberman and Associates, if you would like to ask him any questions. But again, after revisiting the whole thing, I think it would be wise to start with the Auditor's system.

Commissioner Mourdock: So, we are kind of rolling back from where we were last week then?

Joe Profazer: Yes, I just became familiar with the time accrual project under the Commissioners' directive.

President Tuley: I think that's prudent.

Commissioner Borries: That's good. Are you here for other matters this evening?

Joe Profazer: No, that's it, short.

Commissioner Mourdock: Appreciate your patience for sitting through the others.

President Tuley: Yeah, I'm sorry that--

Joe Profazer: Well, I'll be here next Monday, too, so.

Commissioner Borries: Guess what you're going to hear next Monday, Joe.

Joe Profazer: I know.

President Tuley: No, this is going to be full force in effect next week. I'm not going to sit through another hour and a half of this again. We've sat through that about ten times already.

Commissioner Borries: Famous last words, Mr. President. I'll tell you, it goes on, and on, and on, and on.

Joe Profazer: Thank you.

President Tuley: They should go to court and let their attorneys--

Commissioner Mourdock: I hope they bring Mr. Wallace next week.

President Tuley: They probably will.

Commissioner Mourdock: I bet they don't.

Commissioner Borries: I bet they don't, either.

RE: WILLARD LIBRARY ARCHIVES SERVICE AGREEMENT

President Tuley: Okay, next item up...I'm sorry you sat through all that for two minutes before the Commissioners. Willard Library, the Archives Service Agreement, I think we talked about this in detail last week. There was some concern about the verbiage tying the contract out to a longer period of time than funds were appropriated.

Commissioner Borries: Also, I think some confusion concerning what the date of the contract was or how long it was going to be in effect, but it is my understanding that this has changed, I think.

Commissioner Mourdock: And there was also confusion or a question about the PERF situation, about an employee there being on the County PERF. Sandie Deig told me, in fact, that the person is not a county employee and there should not be any.

Cindy Mayo: Well, they're not a county employee, but they are a...the school corporation is on PERF, state employees are on PERF, so they are a public employee, they are not a county employee. But the employees at Willard Library are under the Public Employees Retirement Fund. That was the reason that it was put in. We spoke with Mr. Hager last week on that, and they are considered public employees and they are under the PERF umbrella.

Commissioner Mourdock: Okay, thanks for bringing that up.

President Tuley: And they did clear up the language here. It talks about what was appropriated for 1996, and they agree to do it for the \$46,200 for 1996, with the understanding that a signed one year agreement will be in place, should funds be appropriated by County Council, by or before January 1, 1997.

Commissioner Mourdock: Mr. President, I'll move acceptance of the Willard Library Archives Services agreement.

Commissioner Borries: Second.

President Tuley: So ordered. I thought you were going to say Willow Creek, there for a second.

Commissioner Mourdock: No.

President Tuley: I think there is only one signature required on this.

RE: FIXED ASSET POLICY & PROCEDURE MANUAL

President Tuley: Now Suzanne has a couple of items up for discussion, it looks like.

Suzanne Crouch: We have been working in conjunction with the Commissioners; we had a meeting with Attorney Kissinger and he submitted some information to our office that the city has used to draft their ordinance. We've reviewed it, made some adjustments and we are submitting this to you, I presume to take under advisement to review it and make the changes that you feel need to be made. Once that request is met, then, Mr. Kissinger, I believe the next step is to draft an ordinance. So, this is the next step in this long venture between the Commissioners and Auditor.

Alan Kissinger: I would like to compliment the County Auditor, I think she has given me a document from which I can plagiarize an ordinance, which always makes me happy. I will review this, I will make every effort to report back to the Commissioners on this next week.

Suzanne Crouch: Thank you.

Commissioner Borries: How are we, Suzanne, how are the interns doing?

Suzanne Crouch: Actually, we've, for all intents and purposes, inventoried all the properties and the fixed assets, and we are at that stage where we are ready to go out and start tagging the property. So, they're moving along pretty well. We have three high school students that are working very short hours, so it has moved a little slower than I had hoped it would, but I'm sure it will be completed within the next couple of months.

President Tuley: Okay.

RE: PERMISSION TO OPEN BIDS - TITLE SEARCH SERVICES

Suzanne Crouch: Also, we are requesting, or have asked Mr. Kissinger to open bids for the title search services. I believe there was just one bid--

Cindy Mayo: We did not receive any in our office.

Suzanne Crouch: --and Donna Krowl, the Tax Sale Clerk in the office, did call around to about four title search companies and asked them to submit bids. This was the only one that was submitted.

Commissioner Mourdock: This title search is for which type of property?

Suzanne Crouch: I think these are the 1995 tax sale properties.

Commissioner Borries: I move that the bids be opened.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

RE: COUNCIL CALL - BOARD OF REVIEW TRANSFER REQUEST

President Tuley: I'm sorry, I'm sitting here daydreaming. I'm sitting here and I'm getting ready to apologize to you guys because you're not on the agenda here, so you should have been right after this last group, under any group. I don't see anything on here, unless I'm missing--

Cindy Mayo: There's a request for Board of Review transfer under--

President Tuley: Under consent items?

Cindy Mayo: Yes

President Tuley: Oh, man--

Cindy Mayo: We normally put Council Call under consent.

President Tuley: I don't think you would have needed to sit through all this for that.

Cheryl Musgrave: Oh, we've been enjoying it.

Commissioner Mourdock: You we're here for the--

Alan Kissinger: You want to come back next week?

Commissioner Mourdock: --for the whole thing.

President Tuley: Yeah, I was going to say, if it was so much fun, come back next, it ought to be a dilly.

Commissioner Borries: And the week after that, and the week after that. You hear a lot of the same things. It has to do, if I'm reading the correct thing here about that...the Board of Review conducts regular meetings in Room 301, it would be useful to have them wired to the Assessor's network. I would move that we receive the bids for this so we can...of course, the transfer has to go to the Council, so I think that is all that we are asked to do, at this point.

Commissioner Mourdock: Was that a motion then, Rick?

Commissioner Borries: I will move that the bids be sought.

Commissioner Mourdock: I'll second.

President Tuley: So ordered. Then they will have to go before Council for the transfer of funds. I apologize to you for sitting here all that time for that two minutes. Okay, are we opening the bid?

Alan Kissinger: The bid.

President Tuley: Do you want to make that a part of your report, Alan?

Alan Kissinger: Yes, that is fine.

RE: LYNN ELLIS - PURCHASING

President Tuley: Okay. Was Lynn coming in?

Cindy Mayo: Her father was having surgery in Florida today, heart surgery. She felt that everything had been covered on the transportation issue, and that she didn't really need to be here for that. But if you wish to postpone that for one week, that was fine with her, also.

Commissioner Mourdock: With the approval of the County Purchasing Department, I will move the approval of the extension of the contract with Bassemier's Transportation and Taxi Service, for the Office of Family and Children Bid Number APA036-95.

Commissioner Borries: I would assume that this contract is for calendar year '96, it doesn't say.

President Tuley: Well, here we go. Our bid price is the same as our previous contract from June 20, 1995 to December 31, 1995, so I think you are probably right. I think it is for the entire year of 1996.

Commissioner Borries: I would second it, with the addition here of 1996, because I'm not really clear on what else he is asking for. We can approve that, assuming there is funding in place for it.

President Tuley: So ordered then.

RE: JOHN STOLL - COUNTY ENGINEER

President Tuley: Okay, John.

Commissioner Mourdock: This is just for your engineer's report.

John Stoll: I have nothing to report this evening.

RE: BILL MORPHEW - COUNTY GARAGE

President Tuley: Bill, you've got something to report?

Bill Morpew: Good evening.

Commissioner Borries: Good evening, Bill.

President Tuley: Let the record show that Bill Morpew submitted a progress report covering the period of Friday, February 16, 1996 through Thursday, February 22, 1996 for both the Highway Department and the Bridge Crew. Looks like you've done a little bit of everything, Bill.

Bill Morpew: We've been busy.

Commissioner Mourdock: Don't use up the last of the salt; it's supposed to be 17 degrees Thursday morning.

President Tuley: I hope that's short-lived.

Commissioner Borries: I guess that's why they didn't turn on the air conditioners tonight.

Commissioner Mourdock: Really.

President Tuley: For some reason, they didn't.

Commissioner Borries: Did they...are all of our roads open now?

Bill Morpew: Yes sir, they are.

Commissioner Borries: Okay. That's all I have.

President Tuley: Do you know when we are going to do our highway or road project hearing? Did we change that to the eighth?

Commissioner Mourdock: Well, we suggested that we do that, yeah. Instead of being April 1st or 2nd...okay, it's the eighth?

President Tuley: I thought you were determining for sure if you weren't going to be available--

Commissioner Mourdock: Yeah, I will not be.

President Tuley: --and the reason why, I'm sure we all know the answer to that, you'd rather be here the eighth for this.

Commissioner Borries: Did we move it to the eighth?

President Tuley: I think we talked about that last week and concurred--

Commissioner Mourdock: Do we need to advertise that formally, or--

Commissioner Borries: Yes, we do.

Commissioner Mourdock: --then we need to put the wheels in process to do that.

President Tuley: Any more questions to Bill?

Commissioner Mourdock: We have a Notice of Public Hearing all ready here for April 8th.

Bill Morphew: I have nothing.

Commissioner Borries: You know, if I might, I don't know if you want to do this at the same time, in the interest of us not having another meeting, but we...Vanderburgh County, I guess, in my experience, has been one of the few counties that have conducted annual hearings to get input from residents and taxpayers about the conditions of the roads. It occurred to me that before we get too far into this political season, and before we begin to get all kinds of plans out there on how to use the monies from the riverboat income, that perhaps we ought to have a public hearing.

Commissioner Mourdock: On the usage of those funds?

Commissioner Borries: Yeah, to listen to what folks have to say before we draw up what we feel would be an appropriate way to use those funds. It would get, certainly, maybe some discussion out there as to what some of those needs are, and, obviously, with no approval intended on our part, but simply to get some testimony as to how those funds should be used. I can see, having gone through this a few times, that things are less apt to be caught in this process or that process, and I think it might at least be healthy for us to determine what those needs are. Now, I don't know if we want to have it the same night as we have our road hearing, but at least set a date, perhaps direct the Auditor to consider that, if you all agree that this would be a good thing. We have all heard, I think, requests. We all probably have our thoughts on this, but insofar as securing what other public needs that there may be that affect our county, this might be a good chance to hear what those are.

Commissioner Mourdock: I think that's a very good idea. I don't think it would be reasonable to include that the same night as the public hearing on the county roads.

Commissioner Borries: Okay.

Commissioner Mourdock: But, I think that the one game plan, or one rule that we would need to put into effect for something like that would be to let the speakers from the audience have no more than maybe five minutes because I suspect that a well advertised public meeting... three minutes, some would argue!

Commissioner Borries: Yeah, I like three.

Commissioner Mourdock: Yeah, okay, three. Whatever, the point is there are going to be a lot of people turn out if this is a well

advertised meeting, as it should be. I think it would be a very, very good thing to do, because it is not our money to spend, it is public money--

Commissioner Borries: Right.

Commissioner Mourdock: --and they certainly ought to be getting--

President Tuley: And they've had a major hand in how we got it.

Commissioner Mourdock: That's right.

Commissioner Borries: Well, folks voted for or against it, but it is something that is a part of this process, that we need to hear. So, if you all concur, do we want to set a time?

Commissioner Mourdock: Yeah.

President Tuley: I would just recommend that we do it on a first or second Monday in May.

Commissioner Borries: Yeah, Rezonings and Drainage often get a little lengthy.

President Tuley: That almost takes us through April, because you're not going to be here the first.

Commissioner Mourdock: I mean, if it's the first or second Monday this is the second Monday--

President Tuley: I'm sorry, you're right, May.

Commissioner Borries: That's fine.

Commissioner Mourdock: Yeah, I would move that we dedicate the first meeting during the month of May to be a public hearing, for input on the county's expenditure of expected riverboat revenues.

Commissioner Borries: Okay, and that would be Monday, May 6th?

Commissioner Mourdock: Fine.

Commissioner Borries: I will second.

President Tuley: So ordered.

Commissioner Mourdock: Coming back to the highway meeting, the Auditor has handed me the Notice for Public Hearing prepared for April 8, 1996.

President Tuley: Hey guys, don't take this wrong, but I'm afraid to ask, are you guys here for, I know you have better things to do, but--

Dan Swidron: We have a lot to do. We were just figuring that you have new business here, we just wondered if he was going to try to ask for a permit to start Section C for roads, Mr. Hatfield.

President Tuley: I'm sorry?

Commissioner Borries: He's not here.

Dan Swidron: Well, he's still in the office here.

Commissioner Mourdock: Well, you are welcome to sit there.

President Tuley: I just didn't want to make you sit here for ten minutes, fifteen more minutes--

Dan Swidron: (inaudible comments not made from microphone)

President Tuley: Well, no, I mean, I...never mind. Alan?

RE: ALAN KISSINGER - COUNTY ATTORNEY

Alan Kissinger: Okay, I have a bid recap on the title searches for the 1995 tax sale properties. We have one bid and it is from Evansville Title Corporation. It is for the amount of \$225.00 per unit with a maximum of 157 parcels to be searched. The only comment I will make is that is the same amount that was charged per unit to the successful bidder last year, which was Evansville Title Corporation. If the Auditor wishes, the Commissioners can certainly take this under advisement, but I don't think anything is going to change between now and next week, do you, Suzanne?

Suzanne Crouch: Well, maybe if we could just review the specs to make sure--

Alan Kissinger: Sure.

Suzanne Crouch: Last year I think there was a problem and we ended up--

Alan Kissinger: Okay.

Suzanne Crouch: --if that's alright?

Alan Kissinger: Well, of course, it's alright with me.

Commissioner Borries: I move it be referred for review by the Auditor for one week.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Alan Kissinger: I have a formal contract for the Daylight Sewer Project, it was delivered to me tonight by Mr. Rick Jones. As a matter of fact, there are two contracts. The first one I have seen previously, the second one I have not. However, I intend to take the second formal contract to the attorney for the water and sewer utility tomorrow or Wednesday, get his input on it, and hopefully, have something positive to report on this project by next Monday.

President Tuley: Too bad they weren't here to hear that.

Alan Kissinger: I have been provided a Detention Services contract by Judge Lensing from the Vanderburgh County Juvenile Court. I don't know if the Commissioners recall, but last year at about this time, I think last year it was the 21st of February, you signed a contract which is, basically, a carbon copy of this contract with the exception that this contract came complete with the exhibits as far as policies and procedures were concerned. This is to provide secure detention for juvenile detainees at the youth care center here in Evansville called SAFE, Secure Attention Facilitating Environment. This will basically be a continuation, not a continuation, but a new contract, based on last years contract and, I assume, satisfactory service on the part of SAFE. Judge Lensing has requested that you give favorable consideration to continuing this contract and I recommend the same.

Commissioner Borries: Move to be approved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Alan Kissinger: The last matter that I have involves a memorandum

of understanding between Gershman-Brown for the improvement of Burkhardt Road and the issuance of bonds for those purposes. This memorandum of understanding, as the Commissioners are, I think, aware, has been in a state of flux for a considerable period of time, and even more so in the past two weeks. We think that we have a final document here, and I am asking that tonight the Commissioners authorize the signing of this document by the Board of Commissioner's President, with the understanding that it needs to be completely reviewed and approved by myself and our bond counsel. The reason that I am asking for this bifurcated procedure, is that it will, if we are able to get all of the reviews and approvals completed by tomorrow, we can probably have what is called in the trade "a clean document" for the President of the Board of County Commissioners to sign by Wednesday, which will give the engineers who are to be used on this project a little jump start on getting their part of this design under way. The alternative to that is to wait until next Monday at which time I can report to the Commissioners whether Bond Counsel and I have reviewed and approved. I certainly...I have reviewed this. Bond Counsel will review it tomorrow, and I assume I will get an answer from them. In consideration of the timing involved, I recommend that the Commissioners give favorable approval to the authorization, with the actual signing to follow later, with the understanding that it will not be the end of the world if we use another procedure. We will just lose a few days as far as our planning is concerned.

Commissioner Mourdock: I'm always hesitant to vote on something that is not signed, sealed and delivered. I understand that we are a little distance from that, but I also understand the need to get the engineering folks working out there, because until we do that, nothing is going to happen. Can you give us some details as far as the general topics that are still unresolved, Alan, realizing that you are in negotiations right now.

Alan Kissinger: Yeah, and actually, I wouldn't say they are totally unresolved. They need to be reviewed, and they also need to be reviewed by our financial advisor. One of the matters has to do with the dedication of the right-of-way. We have a 50 foot roadway easement out there, and the initial documents said that we would dedicate 30 feet of that to the State of Indiana. The County Engineer, John Stoll, has indicated that he thought it would be preferable to dedicate that entire amount to the State of Indiana, and I don't think that is going to have any...I don't think that the financial people are going to have any input as far as that change is concerned and everyone has advised that. So we have revised that to say not less than 30 feet, instead of 30 feet, which would allow the County Engineer to recommend the dedication of the entire 50 feet. The other matter is...this has been added, well, I'll read this entire paragraph. This is paragraph 1E:

"The county acknowledges that it expects to receive from the Evansville Urban Transportation Study a Congestion Mitigation Air Quality Grant that is CMAQ, for as much as 1.8 million dollars for the intersection of Burkhardt Road and the Lloyd Expressway. The county will match up to \$500,000 of a Congestion Mitigation Air Quality Grant for the intersection of Burkhardt Road and Lloyd Expressway solely from proceeds of the bond."

This is what has been added:

"In the event that the CMAQ Grant does not become available, the county shall improve the intersection of Burkhardt Road and Lloyd Expressway with double left turn lanes in two directions, from eastbound Lloyd Expressway to northbound Burkhardt Road, and from southbound Burkhardt Road to westbound Lloyd Expressway, the cost of which shall be included in the project budget and

financed with the proceeds of the bond."

That will have a financial impact and we will want to know what that financial impact is, so that it can be incorporated into the taxpayers' agreement before we actually issue the bonds. We do not anticipate that the CMAQ Grant will be available for us in time to do the Burkhardt-Lloyd intersection, but we can then use that at the other end of the project, at the Burkhardt-Morgan Avenue intersection.

Commissioner Mourdock: With CMAQ money?

Alan Kissinger: Yes, CMAQ money. So, what we will not be able to use here, and will be required to pay for from the proceeds of the bonds, we will be able to apply to the other end and cut that cost, so our plan is to break even, and hopefully, that is what we'll do.

Commissioner Mourdock: As you read that, kind of the section of what if the CMAQ doesn't come through, then the language says what the county will do under the old auspices of give them a number or give them a date, but never give them a number and a date. What's the date on that, when is the commitment?

Alan Kissinger: Well, I don't have the actual date of the commitment, quite frankly.

Commissioner Mourdock: Is there a fixed date, though?

Alan Kissinger: Yes, there is going to be, but the commitment is...it's a little difficult to understand in a way, because our commitment is twofold. Our commitment is to finish by a certain date, and the other part of our commitment is to develop phase one of the project first, and that's the primary part of the commitment that they're concerned with, and phase one is Lloyd and Burkhardt. That's why we anticipate the CMAQ money will not be available for phase one.

Commissioner Mourdock: Okay. That clarifies that. The Burkhardt and Lloyd, the whole thing is tied together as far as the double lanes on Lloyd.

Alan Kissinger: Yes.

Commissioner Borries: And, I think, originally, there was a September '96 date--

Commissioner Mourdock: Right.

Commissioner Borries: --which we've asked to have that removed out of there. The Engineer indicated that if we begin the application to the federal funding process to get this CMAQ money lined up, we could meet dates by the time we hit Morgan Avenue and Burkhardt Road. Certainly, that is going to be an intersection that is going to have to be improved as well.

Commissioner Mourdock: Yeah, one aspect of the CMAQ money that seems to have gotten little attention, and this is the good news/bad news, I guess, with all the dealings with the federal government, but if the county is taken off the nonattainment list, there is some speculation whether or not that CMAQ money would still be available. Now, obviously, we were taken off, or planning on being taken off at one point. Now it looks like maybe we are not going to be taken off through EPA, so I don't know what all is going to happen there.

Alan Kissinger: Even if we are not eligible because we are taken from the list, we may still be eligible because of the unique situation in that area and that is that we have a whole bunch of people driving in their cars everyday creating a situation that

John Stoll still seems to feel would still allow us to continue our eligibility. But that is speculation on his part as well.

Commissioner Mourdock: Yeah, and that is not the way I have read that, but you can read it any number of ways, I'm sure.

Alan Kissinger: Yes, if you want to read it in a positive way or a negative way, you have to read it one way or another in order to plan and we are reading it in a positive fashion, as far as this point is concerned.

Commissioner Mourdock: Before we leave the subject here, we'll come back to it in just a moment, I guess, any other discussion on the memorandum of understanding?

Commissioner Borries: I think that we are as close as we can be here to...there are obviously going to have to be, as Alan pointed out, look at the numbers to see if all that jibes. But essentially, it involves a complex series of transactions where the developers issue two series of bonds. They, in effect, put the money up to get this whole process started. There is no property tax back up on this particular situation, so they are putting up a considerable amount of credit, and then what happens is, once the TIF kicks in, then it retires some of their financial obligations to the extent that eventually, of course, they will be paying taxes which are included in the TIF. It eases some of their initial burden in relation to putting up credit, and again, a series of bonds in order to get this project going forward. I think we're at a stage where I think everybody understands each other, and there is going to have to be considerable dialogue and patience involved in relation to meeting deadlines now. Apparently, they are very close, maybe they do have all of their particular tenants in place and they are very anxious to move forward at this point. I'm ready to move for tentative approval, subject to the attorney's review, local attorney as well as bond counsel, and submission of acceptable numbers for financing by the accounting firm involved, which is Umbaugh and Associates.

Commissioner Mourdock: Just to clarify something, as soon as the MOU goes into effect, then our engineering people will get started?

Commissioner Borries: Yes.

Alan Kissinger: Then United would start, yes, because part of the agreement is that Gershman-Brown, the developers, put up the money for the engineers, and they will not do that until the agreement is made.

Commissioner Mourdock: Well, as I said before, I have some reservation on voting to approve something that is not signed, sealed and ready to deliver here, but I also have a reservation of waiting, and I want us to move forward. So I will go ahead and second Commissioner Borries' motion.

President Tuley: So ordered.

Alan Kissinger: I will, in order to perhaps allay some of your fears, they have a considerable commitment here and I think they want it to work too. I will ask Cindy Mayo to hold onto this until we are able to get word to the Commissioners that it has been final reviewed and approved and then it can be delivered to Mr. Tuley for signing.

Commissioner Mourdock: And before we leave this general topic, I would just like to make a point that I look at the area out there still, east of Burkhardt, west of I-164 between Morgan and the Lloyd, and that area is screaming for a plan, be it right or wrong, a plan. I realize that the county is not in a position to go out there and condemn real estate, and I've said this once before, I

think we ought to seriously consider having the County Engineer simply take a map, draw on that map where he feels, working with EUTS, draw on that map where they feel a logical system of roads and streets be established. Just as we have a master plan for all kinds of county zonings, we could have a master plan for that TIF area for road development. If we fail to have a plan, there is one thing that is certain, and that is that we are going to have roads that don't line up. We are going to have bad intersections, and I believe we could construct such a plan without ever taking a piece of property, simply saying, here is the plan and then the zoning that comes later will have to be done in accordance with that plan.

Alan Kissinger: There is literally about a square mile that could be developed there.

Commissioner Mourdock: That's right, and since we've got the TIF established now, I think it's a logical thing to work from.

Commissioner Borries: I think Rose...and I'll check, I can't remember what they called it, Richard, I don't know if they called it the I-164...they have a--

Commissioner Mourdock: There was an I-64 corridor that was designated, at least the one I'm familiar with, which may be what you're speaking about and may not, that has designated for some zoning changes for land use, but to my knowledge that never included a road and street plan for that area. Maybe it did, but I don't believe it did.

Commissioner Borries: Well, Rose put together a plan for the area, I'm not sure it was...frankly, what happens is, as we so often encounter, the best of intentions go awry when, for whatever reason, one developer or another changes the plans. What had happened is, I'm real clear, that there was at least a conceptual plan introduced by EUTS that had, for example, Indiana Street going through. We wrestled with this, you may have been on the Commission, but if you're not--

Commissioner Mourdock: I know what you are referring to and that was before I got here. I'm clean on this one!

Commissioner Borries: Lucky you. What we ended up doing in order to, literally, not lock one developer's property rights, my suggestion was to make a one way street. Not make another developer, particularly, a happy camper in that process, but it did ensure that there was going to be a flow. So, there has been some adaptation. I mean, I agree with what you're saying so I don't think we need to belabor the point since I will be moving to the EUTS Board, and you're switching there, if you're saying, too, I think we can proceed from Area Plan as well as EUTS and see if we can't get at least some revisions and current ideas here on this.

TAPE CHANGE

Commissioner Borries: Plans have changed is what happened. The reality of what's happening there is different from what the concept was, so I think they do need to revisit it.

President Tuley: But you just said a key point, (inaudible) this development plan, but let's recognize it and stick with it.

Commissioner Mourdock: That's right.

President Tuley: Let's do everything we can within this Boards' authority to operate within that plan. Alan, are you...are we ready to go on to Cindy, I guess?

Alan Kissinger: Yes.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Cindy Mayo: The Veterans Council requested proposals from three companies for the new doors, the front doors that are going to be installed at the Coliseum. There were two proposals submitted, one from B and K Contractors, one from CSD Construction. They are within \$200 of each other. The Veterans Council did get all of the paperwork on this, which was considerable. They would like to go with CSD Construction, which is \$200 higher than B and K Contractors, but there were several items added in the CSD Construction that were not necessarily called for in the proposal, but that they are going to do, and they feel that this is who they would like to go with. I really have not worked closely with this because it has been the Veterans Council that has spoken with both of these companies. I did speak with Lynn, showed her what was submitted. I spoke with Mr. Kissinger, this is under the \$75,000...it would not have to go out for bid. Mr. Kissinger said that we do not necessarily have to go with the lowest bidder since it is a proposal. Lynn said that is correct. I really don't have a great number of details on this other than, I believe John is who I spoke with from Veterans Council, he is over the Veterans Council, and this is who they recommended.

Commissioner Mourdock: Did I understand you to say, though, Cindy, that one of the bidders, and I guess it was the higher bidder, included some things that weren't called for?

Cindy Mayo: They were not necessarily...because it was a proposal, there weren't actually specifications. There were certain things that they wanted included in the proposal, and then they went above and beyond and said one of the things in here was that they would build temporary walls while construction was going on to make sure that the building would be secure--

Commissioner Mourdock: And what's the total? Excuse me.

Cindy Mayo: --and that was just something that they added in, that was not necessarily called for.

Commissioner Mourdock: And what was the total amount of the bid again?

Cindy Mayo: The CSD was for \$36,700 and the B and K was for \$36,500, but the main cost of this is going to be the cost of the doors. They do have to be special ordered, and it does have to be ordered from Lensing Wholesale, I believe is the company, and they are special making the doors.

President Tuley: That was CCD money?

Cindy Mayo: Yes. It was appropriated in at budget time with the 1996 budget.

President Tuley: Do we have a motion?

Commissioner Borries: I move that the recommended bid be approved.

Commissioner Mourdock: I'll second.

President Tuley: So ordered. You...

Commissioner Mourdock: I have a feeling that we haven't heard the last of it. It's not the lowest bid that's getting it. We may hear some more of that. But, obviously, it didn't have to be bid and there may be some arguments.

Commissioner Borries: And with further monies issued, although it is a county property, a county building, the Veterans Council basically are the administrators of the building for some time, so

I think...in effect, we are just acting upon their recommendation. So I think if there are any disagreements with this, they can start at the Veterans Council.

Commissioner Mourdock: They start other places, but they always end up here.

Cindy Mayo: That's all I have.

RE: CONSENT ITEMS

President Tuley: Consent items including employment changes, travel requests, Weights & Measures. The Council Call issue has already been acted on.

Commissioner Borries: I move the consent items be approved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

RE: SCHEDULED MEETINGS

President Tuley: Scheduled meetings, there is a list attached. What do we have coming up this week? Personnel & Finance meeting on Wednesday the 28th. I think that is it until we get into next week's Executive Session and Commissioners' Meeting.

RE: OLD BUSINESS

President Tuley: Old business?

Commissioner Borries: Mr. President, one item. Last week when we heard from some residents at University Heights who have had the major expense and authority of operating a wastewater or sewage treatment facility, whatever we want to call it, that was built originally by a developer who then went bankrupt and it was inherited by the residents in the area. We heard that they had made some inquiry about assistance that might be available and so, Mrs. Mayo, I believe, got the name of a person through this group of a Dick Weisfeld, who is in the Office of Water Management, for IDEM. He has sent information about a state revolving fund, SRS loan program, along with how it can get started. I think this project would fit in this particular area. It offers the advantage of below market interest rates. There is a 100 percent financing of eligible costs, and so forth, special interest rates. As I would see our role, at least if I understand this correctly, you have to have a governmental sponsoring agency, of which we would be the agency. It is also my understanding, just in the case of maybe, I think back from years of experience when the MASH student housing, Mid-America Student Housing, was started at the University of Southern Indiana, the county stepped forward as a guarantee type of governmental agency should there be some kind of major default or serious problem occur. But that never happened and today Mid-America Student Housing paid their bonds off, their financing, and that property is now owned by the University of Southern Indiana. It is my understanding that those residents would participate in this program, that what we would have to do is look at various alternatives to see how this financing and funding would go along with the property transactions. At least, it may be an option that we might want to consider, or at least have these people consider pursuing.

Commissioner Mourdock: I agree, it is an option that we need to proceed, not only with University Heights, but also at Viehe Drive, and I would ask Cindy, if you would, to send that information out to those folks as well. If all we have to do is be a sponsoring agent to get some state funds established for the sewer needs...it's a biggie.

Cindy Mayo: Sunny did get that Viehe Drive information down to the water department on Tuesday.

Commissioner Mourdock: Okay, very good.

Commissioner Borries: Could I give this to you to have Mike Robling review? At some point then, if we pursue this in the way that I envision this, he will need to have Alan, obviously, review what the agreements are, and again, we'll have to set up some kind of technical procedure to involve the residents, because it is my understanding that this loan program could be set out to 20 years or more. Again, if there was a sale of property, then that obligation would go with the property. What this would allow them to do is to meet the punch list that the utility board had set up to get the utility board to accept that whole thing out there. The advantage to the program is that improvements can get done immediately, and then over a period of time they could be paid back at a very low interest, I understand it that way.

President Tuley: I think everything I have in front of me is basically new business. Do we have any more old business?

RE: NEW BUSINESS

President Tuley: Okay, new business. Appointment to Burdette Park Advisory?

Commissioner Mourdock: Ms. Olga Tramill and I keep playing phone tag to a higher level, so I still have not gotten back to her. She has tried to contact Mark, and we are still working on that.

President Tuley: Okay, in reference to the appointment to the Pigeon Creek Greenway Advisory Board, Cindy explained to me that all these meetings take place on Monday, which you can imagine what her job is like on Monday.

Commissioner Mourdock: And I understand that they are interested in having me on the board because of my "technical skills". We can put an end to that thought in one meeting. I'll give Shirley James a call and see if, in fact, we can work something out, schedule wise.

President Tuley: Okay. Appointments to EMA?

Commissioner Borries: One EMA appointment, Mr. John Buckman, who had been a member had resigned but his involvement was, in my opinion, very critical and he does submit the name for us to consider, a Deavron Farmer, 5121 New Harmony Way, who lives in the county and who would be a representative on the EMA.

Commissioner Mourdock: Is that a motion?

Commissioner Borries: Yes, I'll move that he be appointed to the EMA.

Commissioner Mourdock: And I will second.

President Tuley: So ordered. Okay, I've got a couple of items here under new business. We have before us a full service equipment maintenance agreement entered into between Vanderburgh County and J.E. Shekell. This is in reference to the Auditorium, and, as per Sandy Toton, as well as Cindy Mayo, the only change that there has been over the last year's contract is the changing of the dates. The last contract expired January 31, 1996, so this looks like this begins February of this year through...I'm sorry, the contract will be for a period of one year, March 1, 1996 through February 28, 1997. The amount of money and everything else is the same.

Commissioner Borries: I move that it be approved.

Commissioner Mourdock: I second.

President Tuley: So ordered. Looks like there's one signature needed. It says please return the two originals to the Auditor. Okay, under other new business, I have before me a copy of an agreement of understanding which would be entered into between Vanderburgh County and the Natural Resources Conservation Service. The objective of the grant here, or contract, actually, is the cooperative effort to provide the county with certified digital soils data for the Geographic Information System. This is a pilot program that is referred to as the Evansville North Quadrangle. This is being supported by the Township Assessors and funded through funds available through the County Assessor's Office. I think it says the Board of Review funds.

Cindy Mayo: That is incorrect though, it will be funded out of an account called Mapping.

President Tuley: Through the County Assessor's direct budget then, okay. The amount is \$2000.

Commissioner Mourdock: I move approval of the request.

Commissioner Borries: Second.

President Tuley: I will sign this thing. So ordered. The final thing that I have is a letter from Don Hunter, Chairman of the Vanderburgh County Soil & Water Conservation District, Board of Supervisors. In essence, it becomes a request for a loan from the county to them.

"The Vanderburgh County Soil and Water Conservation District appreciates all the support the Vanderburgh County Commissioners have given and the working partnership which has developed.

The SWCD is always looking for new and innovative ways to spotlight our county and even increase the resources coming into the area. One way the Soil and Water Conservation District has accomplished this is by applying for an Indiana Department of Environmental Management Grant offered in 1995. We were notified in January of 1996 that the Grant request was approved.

All monies paid by the grant are paid in arrears. We are requesting that the Vanderburgh County Commissioners sponsor a \$4000 12-month loan to the district beginning on June 1, 1996 and maturing on May 31, 1997. This money will be seed money to start the grant motion.

The loan can be paid back at anytime prior to the maturity of the loan."

Commissioner Mourdock: Does that mean \$4000 a month for 12 months?

President Tuley: No, no, that means \$4000 total for a period of a year.

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

Commissioner Borries: Second.

President Tuley: I will so order. Basically, I think what I told Darrell Rice is that if it was agreed upon, they would need, through their legal counsel, to draft up an agreement of understanding so that we can bring it back to the meeting and actually get it signed and approved. Cindy, can you call him and

tell him the grant was approved, but we need the contract, for lack of a better word, to be drawn up. I'm sorry, I do have one other bit of new business. This is a request from Perry Township Volunteer Fire Department, Inc.

"I am writing on behalf of Perry Township Volunteer Fire Department. The ladies auxiliary of Perry Township will be hosting a potluck supper for all fire department members and their wives. We would like to use the shelter house at Burdette Park for this special occasion. We have checked the calendar at Burdette and it is available. We would greatly appreciate if you could donate this building for our use. If you have any questions, please give me a call."

It sounds like they are going to use one of those smaller shelter houses, it does not specify the Bishea Building or the Pavilion. It is actually written to Mark Tuley. They've spelled his name wrong and sent it to the Evansville Parks Department.

Commissioner Mourdock: And you got it.

President Tuley: It ended up in my folder.

Commissioner Mourdock: I move we send it to Mark Tuley for his--

Commissioner Borries: Yeah, let's refer it over to him, see if we can get some more information, if that's alright.

Commissioner Mourdock: So that was a second?

Commissioner Borries: Second.

President Tuley: Okay, any other business before the regular Commissioners? Mostly, irregular Commissioners, which I'm about that way by now.

Commissioner Borries: I move we adjourn.

President Tuley: Can we adjourn, so we can start the Drainage Board?

Commissioner Borries: Yes.


Commissioner Mourdock: Second.

President Tuley: So ordered.

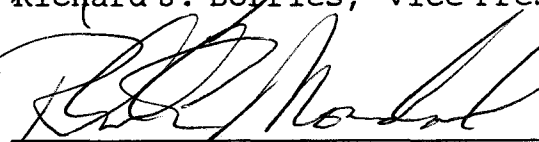
Meeting adjourned 7:55 p.m.

THOSE IN ATTENDANCE:

Patrick Tuley
Richard J. Borries
Richard E. Mourdock
Alan Kissinger
Suzanne Crouch
Cindy Mayo
Charlene Timmons
Darrell Rice
Manfred Stahl
Marlene Obert
Ken Alvey
Toby Shaw
Dan Swidron
Bart Gander
Bernadette Swidron
John Stoll
Mike Wathen
Bill Jeffers
Joe Profaizer
Cheryl Musgrave
Bill Morhpew

VANDERBURGH COUNTY
BOARD OF COMMISSIONERS

Patrick Tuley, President

Richard J. Borries, Vice President

Richard E. Mourdock, Member

To: / Rick Borries
Richard Mourdock
Pat Tuley
From: John Stoll
Mike Wathen
Subject: Inspection of Willow Creek Subdivision
Date: February 26, 1996

On February 26, 1996, Mike Wathen of the Soil and Water Conservation District and John Stoll of the County Engineering Department inspected Willow Creek Subdivision as a follow-up to the inspection report of September 26, 1995 that resulted in the revocation of the developer's building permits. The inspection revealed the following:

1. The sideslopes of the interior embankment of the dam on Basin 1 appear to be approximately 4:1 above the water surface.
2. A 10" pipe has been installed to control the storm water discharge rate from Basin 1, as designed by the developer's engineer.
3. The large piles of dirt on the dam have been graded out to provide a flatter slope in order that the dam could be mowed more easily. This work was initiated by the developer and/or residents around Basin #1.
4. Seeding and straw has been place around most of Basin 1.
5. An erosion control mat has been placed in the open drainage channel on lot 23.
6. Silt fences have been placed on the back of the dam and around a house under construction on lot 23.

In regard to the inspection report of 9/26/95, the following items have not been completed:

1. The homeowners' association has not been formed.
2. It has not been verified that the open drainage channel on lot 23 is located within a public easement of suitable width.
3. No letter requesting a final inspection of the subdivision has been submitted to the County Engineer.

Maintenance of all on-going aspects of this subdivision have been and will continue to be of key importance for this subdivision to remain in compliance with Rule 5. The SWCD will continue to work

with the residents and the developer of this subdivision to ensure complete compliance with the erosion control plan as stated in Rule 5.

This inspection was limited to drainage and erosion control issues that were discussed in the inspection of 9/26/95. As a result, all work that remains to be done on the streets and within the right of way in this subdivision is not included in this report. The developer has been made aware of the necessary street repairs through previous reports from the County Engineering Department, and another inspection report on the streets will be prepared soon.

Mike Wathen

Mike Wathen, SWCD

John Stoll 2/26/96
John Stoll, County Engineer

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS
MARCH 4, 1996

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VANDERBURGH COUNTY
BOARD OF COMMISSIONERS MEETING
MARCH 4, 1996

The Vanderburgh County Board of Commissioners met in session this 4th day of March, 1996 in the Commissioners' Hearing Room of the Civic Center Complex at 5:40 p.m.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Tuley: If we may, we'll call to order the meeting of the Vanderburgh County Commissioners for March 4. At the point of introductions, to my extreme right is Cindy Mayo, who is our office administrator and Superintendent of County Buildings; the gentleman who just joined us is Alan Kissinger, County Attorney; this is Commissioner Rick Borries to my right; Commissioner Richard Mourdock to my left; Suzanne Crouch, County Auditor is to Richard's left; and Charlene Timmons is to Suzanne's immediate left, she'll be recording the minutes of this meeting; and I'm Commissioner Pat Tuley. If you would, please stand with us and face the flag as we say the Pledge of Allegiance.

RE: APPROVAL OF MINUTES

President Tuley: There are agendas along the wall on the table there. Under item four, the action items, the first item up is A, the approval of minutes from last week, which I believe was the February 26 meeting.

Commissioner Mourdock: I'll move approval of the minutes of the February 26 meeting of the County Commissioners.

Commissioner Borries: I will second.

President Tuley: So ordered.

RE: ANY GROUP OR INDIVIDUAL WISHING TO ADDRESS THE COMMISSION

President Tuley: Item 4B, any group or individual wishing to address the Commission who does not find their topic for discussion or their name listed on the agenda, now is the time to come forward. Okay, I'm going to assume that there is no one here that meets that category.

RE: JOE PROFAIZER - SCT - PERSONNEL DATA SYSTEMS

President Tuley: Item 4C, Joe Profaizer, SCT, Personnel Data Systems Maintenance Agreement.

Joe Profaizer: I'm here to request an approval of a maintenance agreement between Personnel Data Systems and Vanderburgh County. Personnel Data Systems provides the support for the payroll manager and the personnel manager for both the city and county. This was approved by the Data Processing Review Board on February 27, 1996, and I have taken it before the Board of Public Works last Wednesday for their signatures. The city and county are both invoiced \$6,225.00 per year.

Commissioner Borries: I move that this agreement be signed.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

Joe Profaizer: Thank you.

President Tuley: Joe, the copies you presented--

Joe Profaizer: I brought the originals tonight; the copies that

were in the agenda were just for your review.

President Tuley: Okay.

Commissioner Mourdock: Do you need...I've got a copy that looks like an original. You need several originals?

Commissioner Borries: What, two, probably?

Commissioner Mourdock: What, two or three?

Joe Profaizer: Yeah, two. That's it.

Commissioner Borries: Thank you.

RE: MICHAEL ROBLING, DMD-DAYLIGHT SEWER PROJECT

President Tuley: I don't see Mike Robling.

Cindy Mayo: Mike did call the office and say that he did, I believe, bring some information to the Commissioners. He wanted Alan to look at it and he didn't feel that it was ready for final approval, or for him to speak on at the meeting tonight.

Alan Kissinger: Mike Robling?

President Tuley: Yes.

Alan Kissinger: Okay, good, good. Then we won't get our cart before the horse.

Cindy Mayo: Right.

Commissioner Borries: Which memo was that?

Alan Kissinger: This is in reference to the Daylight sewer.

President Tuley: Daylight sewer.

Commissioner Borries: Alright, there is another memo that he had, that says they had received the fully executed Grant Agreement for the Daylight Sewer Project.

Alan Kissinger: Okay, good.

Commissioner Mourdock: Does that mean, Rick, from the state? Do you know?

Commissioner Borries: Yeah.

Commissioner Mourdock: Because I thought we had that some time ago. Is that just saying that they got it back from Indianapolis?

Commissioner Borries: Yeah, they must have received it back from the state.

Alan Kissinger: Good.

President Tuley: Okay, item 4D will be referred to Alan until next week.

RE: HARRIS HOWERTON, COMMUNITY CORRECTIONS - APPROVAL OF CONTRACTS

President Tuley: Item 4E, Harris Howerton, Community Corrections, approval of contracts, counseling rehabilitation.

Cindy Mayo: He delivered them and said he was going to call you on this. Did he speak to you?

President Tuley: He did call me and explained that this is something that we have done year in and year out. Basically, what this boils down to is some counseling work that is done through the Community Corrections program. Let me make sure I say that right, through the Circuit Court. It is for probationary and work release inmates and will be presented in 12 sessions at three hours each. The pay rate for the instructors shall be \$115.00 per session. Basically, this is additional counseling that is provided over and above the counselors' county based pay. It is in grant form and needs to be signed. Apparently, it is my understanding from talking with Harris today, the language has changed in the law that they will no longer need to come before the Commissioners to get approval to do this. So we've got Deborah Mowbray, Samuel Alderson, Kenneth Bristow, Ken Schindler...I can't read it. Anyway, there are five different counselors here participating in the program. The funding is in place through the Community Corrections.

Commissioner Borries: I move that the agreement be signed.

Commissioner Mourdock: I'll second.

President Tuley: So ordered. There are about five of them there.

RE: MARK TULEY - BURDETTE PARK APPROVAL OF PREVENTIVE MAINTENANCE CONTRACT

President Tuley: While you are signing that, item 4F is the agreement between Mr. Dave Austill and Burdette Park through the Commissioners. The letter here says basically:

"We are submitting the contract for services from Mr. David Austill for your approval. He has been performing the preventative maintenance and all duties for opening and closing the pool and slides for several years. The Auditor's Office has requested a signed contract approved by the Board of Commissioners to be submitted with the claim for payment. This is the same contract as last year's with the exception of a \$500.00 increase."

If I'm not mistaken, the year before was the same pay as the previous year. So, I think this is the first increase in a couple of years, anyway.

Suzanne Crouch: No, Pat, there was a \$300.00 increase last year.

President Tuley: There was a \$300.00 increase last year?

Suzanne Crouch: I pulled the minutes, yes.

President Tuley: So this is a \$500.00--

Commissioner Mourdock: I have a sense of deja' vu with this from last year, and I think I raised the same question last year and he came back the following week with an insurance certificate?

Commissioner Borries: Yeah.

Suzanne Crouch: Yes, he did.

Commissioner Mourdock: So, with this contract, that has already been submitted?

Suzanne Crouch: Well, he did it before, it's on file.

Commissioner Mourdock: I'll move acceptance of the contract with James?

Commissioner Borries: David.

Commissioner Mourdock: David Austill for Burdette Park Maintenance.

Commissioner Borries: I will second.

President Tuley: So ordered.

Alan Kissinger: Richard, did you want to make that subject to either a new insurance or proof of an existing insurance?

Commissioner Mourdock: Sure, I'll amend the motion to be conditional upon the receipt, by the county, of adequate insurance coverage.

Commissioner Borries: Yeah, I'll second.

President Tuley: So ordered then. That's got Mark's signature on there, so we can forward that on to him.

RE: WILLOW CREEK

President Tuley: Okay, item 4G, Willow Creek. I want to make sure all the players are here. Bill is here, Mike Wathen, I saw, was here somewhere--

Commissioner Mourdock: He's out by the elevator, I see him right now.

President Tuley: --and John Stoll. I hate to hold you up, but I would kind of like to have Mike and John in here before we get started on this. Okay, go ahead.

Toby Shaw: President Tuley, members of the Commission, my name is Toby Shaw. I'm an attorney and I represent Willow Creek Development Corporation. Reviewing your September 26, 1995 report from the county Drainage Board, with the items that Mr. Hatfield was to correct. These were the problems that caused the moratorium on his building permits. We are not going to rehash everything, only the new matters. I have filed an easement, granted an easement on Lot 23 of Willow Creek, Section B. I have given the original to the County Engineer, Mr. Stoll. I have given a copy to Mr. Jeffers for his review. It is my understanding that on the second point, there was an inspection done today by Mr. Stoll, Mr. Wathen and Mr. Jeffers. We understand that our one year period of maintenance will begin as soon as Mr. Stoll sends us a letter that the county is not responsible for any maintenance for a period of one year, but Mr. Hatfield, the developer, and/or the homeowners are responsible for such maintenance. Aside from that, I believe everything that you asked to be corrected, has been corrected. We would, therefore, ask that the moratorium on building permits be immediately eliminated. Thank you.

President Tuley: Thanks, Mr. Shaw. John, Mike, Bill, did you guys have an opportunity to go out there and meet today?

John Stoll: We weren't out there at the same time that Bill Jeffers was out there, but from what Mike and I saw, that is basically the same report as what we submitted last week.

President Tuley: Okay. Bill?

Bill Jeffers: My name is Bill Jeffers, Deputy County Surveyor. I was asked to inspect Willow Creek, specifically with regards to the items on the report to the Drainage Board dated September 26, 1995. I did so today between 1:30 p.m. and 2:15 p.m., with our survey crew to help me do some measurements. At this time, I will report that basin one, which in our numbering system lies in the replats of Lots 33 through 36 of section B:

- A: The sideslopes of the dam are now reconstructed to be 4:1 ratio or flatter
- B: The storm water discharge is controlled by a 10 inch diameter pipe as dictated by the plan.
- C: The required storage depth of 3B is being achieved, or can be achieved during a storm. In other words, the dam is three feet higher than the water level.
- D: Mr. Toby Shaw is here to explain how and when the homeowners' association would take over maintenance after the one year guarantee period by the developer, Mr. Hatfield.

Basin two, which lies down in Section A near Strueh Hendricks Road, the same thing applies. The sideslopes are 4:1 or flatter. The storage depth of four feet, generally, can be achieved across the face of the dam until you get close to the spillway, which is normal. And again, Mr. Shaw can explain the homeowners' association set up for this subdivision. Our only concern is that the developer guarantee the maintenance and repair of all facilities outside county right-of-way up to one year from Mr. Stoll's letter, and after that point, the homeowners' association or the individual homeowners would take care of those facilities. Under the open channel located on Lot 23, Mr. Shaw has given me a copy of, as he said, the easement. I have read this easement and it does cover the entire waterway, or the subject waterway, on Lot 23. That would take care of A, it's within an easement. And B, the channel has been stabilized by Mr. Hatfield using straw mats, seeding and riprap and other erosion control devices. It was actually reconstructed properly, and is now stabilized. So, he has met the requirements that we asked in this inspection report dated September 26, 1995.

President Tuley: Okay, thank you, Bill. Mike, do you have anything you want to add?

Mike Wathen: As John mentioned, we went out there this evening with him. I also met out there last week with Lynn Miller, who is the IDNR erosion specialist, and I have provided everybody with a copy of his comments. Mr. Mourdock, I believe, had asked me to look into the one issue, seeding and straw, and I spoke to Lynn about that, and he is in agreement with what I said last week. We asked the man to straw and seed it, and that's what he did. Lynn also said...and I brought a couple of his cards in case someone would want to contact him, but he feels, as I do, that the development at this time is in compliance with Rule 5. The only thing that we would stress is that maintenance would be a continuing item on down the road. As far as we are concerned, he has met the letter of the law.

President Tuley: Okay, just so everybody knows, I met out there last Thursday afternoon with Mike and then we were later joined by Lynn. Mike and I walked around and did some inspections and looking around. Lynn did join us and, for the record, he did submit this letter and I would like to read it into the record for those of you who may not have a copy yet.

"An on-site evaluation was completed on Thursday, February 22, 1996. As of that date, no major sediments are leaving the site. Erosion control measures have been installed such as storm inlet protection, seeding and mulching and silt fencing. The day preceding this evaluation, at least a one inch rain event had occurred with little or no detrimental effects. At this point in time, Willow Creek Subdivision has met all the necessary requirements of Rule 5, and is currently in compliance. Follow-up work with the developer will be conducted as

needed or requested."

If you folks have something new or contrary, understanding that we are not here to talk about roads, we're not here to talk about water under homes, we're here to talk about the areas addressed by those three people and Lynn Miller.

Dan Swidron: For the record, Dan Swidron, Willow Creek Estates. We have been here many times and I have given you some pictures. There have been a couple meetings here, many meetings, that he had to be in compliance with all his violations and not just the two basins that we are talking about. Mr. Stoll made up a letter, because it was under your request, and I have it from the minutes of October 2, and I have the minutes of September 25. He must be in compliance in all areas of the building plan, erosion and drainage plan. He is not in compliance with all of the drainage plan, you can see that from the pictures that you gentlemen have up there. I have some more with the basin that you are talking about, basin number one, there is erosion going into that basin. You're saying that is seeded and mulched, according to his plan that he submitted, even if you go back to his first plan that wasn't approved by Lynn Miller, he still would have to sod the embankments around that area of the basin because it's over 25 percent.

President Tuley: Let me correct you on that one. According to Lynn Miller, and Mike has his card and you can call him if you so desire--

Dan Swidron: I tried today.

President Tuley: The fact that he put in his plan that he would sod that is really irrelevant in terms of...as long as, in Lynn's opinion, he is meeting sediment control and it's not leaving, it doesn't make any difference what method he uses. The whole idea behind Rule 5 is to contain that sediment in the development. So, it makes no difference--

Dan Swidron: So, it's okay to go into the basin, is what he's saying?

President Tuley: --what he said was, it is okay to control the sediment into and within that development. It can't go on the roads and the streets and stuff. According to him, he's meeting that, even though he may have said in his plan that he was going to sod it. They cannot enforce it, and make him go out there and put sod, because what he has chosen to do is working.

Dan Swidron: If this is the plan that he put in, and everybody approved the plan, then he should meet the plan. Why put in something superficial that he is never going to meet?

President Tuley: I don't want to argue the semantics of it, Mr. Swidron. That's what Lynn Miller told me. Like I said, you're welcome to call and verify if you so desire, but I asked him that specifically, that it was an issue that was raised, if his plan says sod...the only time they can make him is if they come down and say you're not in compliance and, therefore, we recommend you do this. They come back and he has chosen some other method and it's still not working, at that time they can say to him, this is the method you will do. Right now, he says it's working. Understand, he also says, he recognizes that, number one, because of the season, there is not a lot of development going on there. He is not surprised that he's in compliance right now, and it needs to be monitored. I will challenge the developer to continue to do the things he is supposed to be doing, and John Stoll, Mike Wathen and Bill to stay on top of it, because what I would like to see, if, in fact, his permits are given back to him, that we would continue to monitor it with the understanding they'll be pulled again the moment that he gets back out of compliance.

Dan Swidron: Well, let me remind you on October 2, Mr. Tuley, you made the clarification, the point that, basically, he has to be into the drainage plans and approval based on the letter dated September 26, 1995, Bill Jeffers and Mike Wathen will correct that letter. Mr. Mourdock said that he will amend a motion to say that he also adds the County Engineer has submitted a number of things here regarding the pavement and such, and all these items have to be corrected. Now, either you live by what you said during that October 2 meeting, or we might as well say the laws here are only for some people and not for others.

President Tuley: No, you shouldn't say that. What happened here--

Dan Swidron: Well, I'm saying that, because you're not--

President Tuley: What happened was there were restrictions put on him that we can't enforce, that's his property at this point in time. We cannot make him fix that. We can make him adhere to and comply with Rule 5 in the Drainage. You just heard the County Surveyor's Chief Deputy say, he's in compliance with the drainage. You just heard Soil Conservation by Mike Wathen and through Lynn Miller say, he's in compliance with soil. Those things we can enforce, they have done those things. I cannot make him go out there and make those roads correct. Even though we may have said that is what we were going to do, we have since been advised that we can't make him do that at this point.

Dan Swidron: Can't make him correct the roads, at this point?

President Tuley: Not on those that are still his.

Dan Swidron: Okay, they're his roads.

President Tuley: Except for the ones that are county, and we can come out and correct ours, that are our roads, but you can't make the developer...we can't stop him on the roads that he's doing. He may not ever present them. We've said this week in and week out, he may not ever present those to the county to be accepted.

Dan Swidron: Of course, the county would be happy because those roads are a mess, and you won't take them over. We already know that because we have a letter from the Engineer's Office.

President Tuley: That's right.

Dan Swidron: So, they're his roads forever until he turns it over to the homeowners. You stated, since September 1993, you said that we are not going to take over that development until it is completely in compliance in all areas. Now, are you rescinding on that, also? Is that what you're saying, because Mr. Shaw came up here and said he was turning it over to the homeowners.

President Tuley: We're not going to accept it until it is in compliance with county accepted roads. If it's not, then he'll have to correct it before we will accept it. That hasn't changed.

Dan Swidron: What about the drainage plans?

President Tuley: You just heard, I think, Bill Jeffers say he's in compliance.

Dan Swidron: Did Mr. Jeffers look at those pictures? The drainage between all those homes? That's his area of control.

President Tuley: That's why Bill Jeffers was out there today.

Dan Swidron: Mr. Jeffers, you didn't see all those dips and ditches we have around those homes so the water can go away from the foundations?

Bill Jeffers: Those were all constructed by private individuals, independent of the drainage plan.

Dan Swidron: No, no. Those are wash-aways. I've got a picture here that is a wash-away. Do you want to look at it? I wish you would come up here, sir, because these are wash-aways. Nothing has been constructed by any homeowner on this particular one. Here's the kids playing there, I'd hate to have them fall down. I can show you pictures galore. His erosion control is not working in the development. How would you like to live on that street? Now, here's a 25 percent slope. I hate to correct Mr. Shaw, but Mr. Shaw had said the last time, that this has nothing to do with C Section. That is in C Section. All these homes are in C Section. The erosion is in the streets, he has over an eight percent slope on each side.

President Tuley: Where is the erosion in the streets in these particular pictures?

Dan Swidron: Where the arrows are at, all through here. This is the eight percent slope. He was supposed to have sod, now you're saying he doesn't have to have sod. Here is the erosion.

President Tuley: This is on a particular home, this is on a private home, right?

Dan Swidron: Well, he put the home in, that was a Parade Home. It's been like that for over a year; there is no grass there, that's straw.

President Tuley: I know what it is, I was out there. I was out there twice. I was out there Thursday and I was out there again on Sunday.

Dan Swidron: The man had over a whole summer to put grass in for this individual. All this is drainage going into that basin. Now, if those homeowners on that basin number one at the top, if they want to take it over and they want to maintain it, that's fine. All this is sediment going into those drains right now. He's filling up those pits with trees. Is that allowed? I don't think so. The last time we called the government housing, it's not allowed to fill it up with trees. Is that allowed? No, that's trees. He's filling that over with trees. This is the two lots, that he's filling over, he's putting dirt over the trees. He can't do that.

Mike Wathen: Mike Wathen, Soil and Water Conservation District. I can only address the erosion part of it, but from an erosion standpoint, the silt fence that you guys looked at in the picture, we would term that a best management practice. What we are simply saying is, given that particular situation, Rule 5 feels that is the best management practice that can be used in that situation.

Dan Swidron: Those silt fences are constructed properly?

Mike Wathen: I don't even see the silt fences.

Dan Swidron: They're buried. Here they are.

Mike Wathen: No, these three pictures--

Dan Swidron: These are all buried. Just read what it says, they're all buried.

Mike Wathen: Right, but what Rule 5 clarifies, and I went over with Lynn very thoroughly on this. As a matter of fact, we spent two hours out there looking at that subdivision and back at the office fine-tuning this thing. In our opinion, I mean, Lynn has given you a written report, as long as that sediment is not leaving

the site, he is in compliance with Rule 5 at this time. Now, if we would get a real hard rain and sediment would start leaving the site, then I suspect there would be a good chance he'll be out of it. But, at this time, right now he is in compliance with Rule 5, in my opinion and in the opinion of Lynn Miller. Lynn also, I spoke with him less than two hours ago...that's why I brought the cards so the guys that live out there could talk with him if they want to, so they would have a way of contacting him.

Dan Swidron: But that doesn't make any sense, then, leave the site as long as you've got a basin. It's all going to go into the basin; in ten years the basin is all going to fill, who is going to take care of it then? The homeowners?

Mike Wathen: That's why it's called a sediment basin. It is designed with a dual purpose, if you can slow the velocity of the water down to where the sediment...it's like sugar in a tea glass, as long as you keep it stirred up, that sugar stays afloat. But, as soon as you let it sit there for awhile, the sugar goes to the bottom of the glass. The same theory applies in that basin. It's used to capture the silt, so it doesn't go off site.

Dan Swidron: Right over here, on October 25, 1994, they said that those basins have to be dug out. Only one basin has been dug out because it has been sitting like that for two and a half years, and the homeowners started it. We don't know how much. Now that's a rule. Why would someone tell us that this has to be done, and now the Commissioners are saying, oh well. And that's what you all are saying to us, oh well. You build up our hopes, and now you're saying, oh well. Why put laws into effect, why tell somebody that he can't do anything anymore unless he is in compliance with all the laws? He's got building code violations, and I know you don't want to hear it.

President Tuley: That's right.

Dan Swidron: However, this is a Commissioners meeting.

President Tuley: But that has nothing to do with the Commissioners. Building problems do not come before the Commissioners.

Dan Swidron: That's right, and Roger Lehman couldn't make it here today. However, he made the list and said that these homes have to be checked out. He was one of them who suspended the permits because of that, and Mr. Mourdock was the one who said, because of all the problems he has there.

President Tuley: And I stand corrected on those things that we say we put on him that we, this Board, has no control and no authority on and, therefore, if he's in compliance with the two things we have control of, erosion and drainage, and I've heard our technical advisors, as far as I am concerned, he is in compliance and I'll entertain a motion to rescind the restriction on his permits.

Dan Swidron: Why even put in erosion control when it doesn't mean anything? Then he can just put the erosion in the streets. That's what you're telling us. Those silt fences don't mean anything.

President Tuley: What I'm telling you is, that I have heard from a technical advisor, which you are not and I am not, that it is working. That it is meeting the standard of the law at this point in time.

Dan Swidron: His plan doesn't meet, because Lynn Miller even said that he doesn't have half the questions answered. I don't care what that letter says.

President Tuley: Did you get a copy of this letter?

Dan Swidron: I have the technical review report.

President Tuley: Do you have this letter here that says he is in compliance of Rule 5?

Dan Swidron: Yes, I have seen that letter. I have the letter from Lynn Miller when he submitted his plan saying it is not up to par. Now, if his plan is not up to par, that means it wasn't approved, that means we're wasting our time here. He has to submit a plan showing all the contour lots on the plots, that's what Lynn Miller stated. Do I have to pass this out to everybody again? You know...go on.

Mike Wathen: My understanding from talking with Lynn, is that at one time he did have some things he needed to correct. They were corrected to Lynn's satisfaction. The review and comment sheet that you've got before you now, that I passed out to everybody involved, basically, states that he is in compliance with Rule 5 at this time.

Dan Swidron: Then I would like to see this technical review report, again taken by Lynn Miller, and telling us everything is in compliance, and I want to see it on the plots.

Mike Wathen: Where is the copy of the one I just gave you?

Dan Swidron: That's his letter that he made an on-site inspection. We're talking about the plan now. The plan has not been approved, his erosion plan. Here it is.

Commissioner Borries: We need to stop this.

President Tuley: I'm looking for some help, guys.

Dan Swidron: The plan is not good enough.

Mike Wathen: To my knowledge, the erosion control plan satisfied Lynn Miller's checklist.

Dan Swidron: It doesn't. I have it right here.

Mike Wathen: Okay, I'm just telling you what the man told me, and he told me today and he wrote a letter to that effect, that he is in compliance with Rule 5. I work closely with Lynn, he covers 13 counties and we put two hours worth of time going over this thing with a fine-tooth comb. He has left you a business card so you can contact him if you disagree with his decision. It's not like he is trying to hide from anybody, he would welcome talking with you. That's who I act with and work with, so we work real closely together and, as far as we're concerned, it's in compliance with Rule 5, based on the fact that sediment is not leaving the site.

President Tuley: At this particular time.

Mike Wathen: We are simply stressing that maintenance will be a priority, but at this time, we feel it is in compliance with Rule 5 and we stand by that.

Dan Swidron: The county hired Mr. Morley and Associates to make an independent inspection of the area. Mr. Morley came up with a letter stating that the contour maps don't even show the contours. He had to superimpose the contour maps in order to show everything that is on there. He says half of it is not even on the plots, so what are we saying here? We have a plan; that we don't have a plan, and he can do whatever he wants to do, because the sediment is not leaving the site. That means it's not going down Strueth Hendricks Road two miles away. I mean, is this what we're saying?

Commissioner Mourdock: Mr. Swidron--

Dan Swidron: But we can have it into the streets and all the lots don't have to be erosion or silt fenced, or they don't have to have mulch on them. You have plans here saying he's supposed to live up to this. He is supposed to clean it daily. So what is it? He hasn't cleaned it in three years. He cleans up around the sewers. What about everything else that's falling off? Trees, hay, he's got straw in the streets just laying up around the curbs.

Unidentified from audience: Sandbags around the gutters.

President Tuley: The sandbags are around there to keep the sediment out.

Dan Swidron: They're all broke. We were told that this was going to be a political move, and I can see that this is a political move. The Commissioners are pulling a political move on us at Willow Creek Estates and we will take this further. You talk about election year, you're right. You don't have anybody opposing you, but this is a political move. You know yourself, Mr. Borries, I got a letter here stated from him in the minutes of the meeting, he wouldn't want to live out in that subdivision, it's a mess. We've gathered up the minutes, we've got tons of paperwork, yet you gentlemen sit here and say this man is doing a good job and he's in compliance. He is not in compliance, his plan is not even in compliance. You checked two basins. Now Mr. Shaw wants to turn it over, when his associate, I think Malcolm is your associate, he stated that he can't turn it over to the homeowners until all construction is completed. Now, is Mr. Shaw lying or is Mr. Malcolm lying? These are in the minutes of the meeting, do you want me to read it? I have them all.

President Tuley: No.

Dan Swidron: Now, he's going to turn something over to the homeowners for maintenance. They don't want no part of what he's got. Want to look at some more pictures? He's got tubes, he's got culverts, he's got pipes, he's got oil line pipes hanging out of the creek. Kids play back there. This is supposed to be a common area, and he want us to take over the common area? That has to be cleaned up. What about the erosion going into the creek? It has nothing to do with you, right, Mike?

Mike Wathen: No, it has a lot to do with me, I just don't feel like that's (inaudible).

Commissioner Mourdock: Mr. Swidron--

Dan Swidron: Do you want me to show you pictures of it?

Commissioner Mourdock: Mr. Swidron you had--

Dan Swidron: Do you want to see pictures of it? There's pipes laying in the creek.

Mike Wathen: I've spent a week out there--

Dan Swidron: This is a common area, we're suppose to maintain the common area.

President Tuley: We're not going to do like we did last week and carry this on forever--

Dan Swidron: I know, we could carry it on forever.

President Tuley: --you're just going back and forth.

Dan Swidron: You gentlemen just don't care about the homeowners in this county. This is a public meeting and everything is your way. It doesn't care what he submits as long as no one brought up any

problems, no one cares what he submits. What about the building permits he never had? I know you don't want to hear about it. He's building homes out there without permits. He's in Section C, and everybody is saying, oh, he's not in Section C. He is in Section C. They don't even know where he is building at. He denied it, Mr. Shaw denied it. Oh, he's not in Section C; he is.

Mike Wathen: Mike Wathen, Soil and Water. In my opinion, I've walked below...he has a silt fence on the back of the back slope. It's seeded and it's strawed. We consider that a best management practice and we're satisfied with the effort that's been made regarding that.

David Palmer: My name is David Palmer, and I live at 9009 Marfield Court, which is the street where all the dirt runs down. I've just got one question. I think this is political. I'm wondering, isn't Mr. Shaw, I know Mr. Shaw personally, me and him were in the service together, but isn't he a city attorney?

President Tuley: Yeah.

David Palmer: Okay, isn't this a city and county matter?

President Tuley: It's a county matter.

David Palmer: Don't you think that is a conflict of interest? I called the lawyer up today, or the other day, about Mr. Hatfield and the guy said that he represented Mr. Hatfield in the past year and that he wouldn't want to take my case because it would be a conflict of interest. That's all I have to say.

Dan Swidron: Dan Swidron has one more thing to say. As far as the covenants state, those covenants were supposed to be rewritten, totally rewritten for approval before anything is turned over to homeowners. Now, Mr. Shaw is saying that he is going to turn over what, an easement, two basins for the homeowners, is that what you're saying?

Toby Shaw: I'm not saying anything.

Dan Swidron: You've got a letter out, you're saying you're entering the letter to turn it over for maintenance by the homeowners.

Commissioner Mourdock: That's not what he said.

President Tuley: That's not what he said. He's granting the easement that he was required to grant at the request of the Surveyor. It has nothing to do with turning over anything to the homeowners.

Toby Shaw: That was last week, you're a week behind.

Dan Swidron: Oh, so you're doing double here, I'm sorry, sir. Okay, but anyway, the covenants are supposed to be done before for approval, and that hasn't been done either. So I don't know how, in your own hearts, you can give this man his permit back.

Toby Shaw: The covenants he is talking about are the building and use restrictions that were placed on the subdivision at the time of recording the plot, which preceded any homeowner getting their home. They took their property subject to the covenants.

President Tuley: Richard, you've been trying to say something. Folks, excuse me. Guys, Commissioner Mourdock has been trying to say something for about 15 minutes.

Commissioner Mourdock: But I'm getting used to not getting my word in here. Regarding the quote that Mr. Swidron read from the

minutes regarding the pavement out there, that I made. I will tell you that when you get involved in politics, at any level, you don't like to eat crow, but there comes a time where you almost develop a taste for it, because you do it so often. In this situation, that's where I feel like I'm at, because, quite frankly, when this situation came up initially, as we all recall, it came up in the Drainage Board. The Drainage Board deals with erosion control issues and with matters of drainage. That's how this whole situation started from this Board's involvement, and it was as a result of the Drainage Board that the Commissioners were requested to send a letter requesting the cessation of the building permits. Sitting here as an elected official, I can tell you from the bottom of my heart, which you're going to be cynical about, I have one, I have not donated it to anyone else. I wish that I could solve, and that this Board could solve, all the problems you have beyond drainage and erosion control, but we can't. We've just heard what the drainage control folks that we have working for us have recommended and we are in the situation where we can only judge based upon their recommendations. All the other things that you have raised, and I believe, again, from the bottom of my heart, that they are all very valid points of law, deal not with this issue, but deal with your individual situation and the builder. I would urge you in the strongest practical terms to pursue that avenue, because 90 percent of the things that Mr. Swidron mentioned a minute ago are matters of law that go beyond drainage control, go beyond erosion control, and may be very, very valid points. From the things that I've heard, I certainly have reason to believe they are valid points. But I was elected as a Commissioner, I'm not a judge, I don't want to be a judge. I'm not an attorney, I make no apology there, either. With all that having been said, Mr. President, I would move that we act to rescind the letter preventing the issue--

Tina Gander: I have something to say.

Commissioner Mourdock: --you'll get your chance.

Tina Gander: Before you rescind, I would really like to talk.

TAPE CHANGE

Commissioner Mourdock: Alright, I will start at the beginning. I will move that we vote to issue the letter to rescind the building permit cessation order that we had previously issued, and as part of that motion would insist that the Soil and Conservation people make at least a monthly inspection of the premises for the next year.

Commissioner Borries: I will second.

President Tuley: Now.

Bernadette Swidron: That comment you made to make a monthly inspection, on what? We were told by Mike last week that the fences are to be standing up across and, as the, I call it mud, you call it silt or whatever, as it comes, you're supposed to move the fences and keep moving them. The fences are half in. I read his erosion plan last night, so what you are saying is it doesn't exist, because he's supposed to...did he fertilize before he laid all his seed and everything? You're supposed to fertilize and rake all the debris out and everything, he didn't do that. He's supposed to get his soil tested, he didn't do that. Everything that you're saying, or he keeps saying Rule 5, there must be more than a Rule 5. I don't know what's going on here. What about rule one, two, three, and four, and so on. You're going by one rule, you can see by the pictures. I cannot believe you men can look at yourselves or sleep at night, just by knowing what we have for you in evidence and pictures that you've looked at, and you can turn around and say everything looks great. Even Mike, and you say he's

going to inspect? What? He was out there inspecting and he says everything is fine. It's not fine. We've got debris laying all over, we've got fences down. He's wrong. Mr. Hatfield, I want it fertilized. I want him to go back and fertilize. He's still not in compliance with his own thing that he has written up, he's not in compliance. Once again, I hate to repeat over and over because I know what the outcome is going to be anyway, you said if he's not in compliance with one thing, one, it would not be reinstated. So you yourselves are going against, so who, who do we go to? Can't go to our Commissioners, they go back on their own words. Mr. Shaw, Mr. Hatfield, men have such great character, I'm so proud to be a citizen. Thank you.

President Tuley: Mike, before you say anything, we have a motion and a second and I will so order.

Mike Wathen: Mike Wathen, Soil and Water. I don't have a problem looking at it once a month. I think what might be something that would help the residents out there, maybe, realize what Rule 5 does. Rule 5 is about three inches thick and there is a lot in there to look at. I've looked at it real close, and I can assure you that they are in compliance with Rule 5. Now, it may not be in the minds of the residents, but in the minds of somebody that understands what Rule 5 says, they are in compliance as stated by myself and Lynn Miller in writing. I would offer a suggestion that they give Lynn Miller a call. He has no problem with it, and they can ask him why his decisions were made the way they are. I also wanted to mention that I spoke with Mr. Hatfield this afternoon, and if he has something out there, as I think you've seen me do in the past, that is a concern that Rule 5 addresses, if he's not in compliance...I mean, it's not like every time we've come up here and told you it's great, I mean, we've went up here and told you it's been bad before, too, and you guys have taken action. I think the residents would have to agree there has been a considerable amount of improvement made over what it was when our office started working with it. They are welcome to give our office a call, keeping in mind that I've got 60 of these to look at, and I will try to work with them. If he's out of compliance, I will try to work with Mr. Hatfield and keep him in compliance from a maintenance standpoint. As far as right now, I feel like he's in compliance with the rules that Rule 5 set up.

Tina Gander: Tina Gander, 9209 Marfield Court. I would like to say that the only time that things changed at Willow Creek, and no offense to you, was when Darrell Rice came out and said, fix these things or you get fined \$2,600.00 for every day past the day. Things got fixed. Then Darrell Rice went away, no offense, and you came along and you didn't have the power that he had, things fell apart. Those same silt fences that Darrell had Bruce put up over a year ago are still there and the silt has never been removed. He never lifted them up. I'm living right across from one; I go out and pick the damn thing up so I don't have to have soil on the road, so every time...I don't have a four wheel drive to get to my driveway. And another thing, I don't think it's fair that tonight, we get to hear from Lynn Miller, you know, our end. He's got a lawyer, we don't have a lawyer. We should have gotten the report from Lynn Miller, or whatever, in time to prepare because all we have is all the no's from the last time he was out. And tonight, right now, we're getting this. We have no time, he's not here, we have no time to dispute, no time to walk through it with him. We work during the day, we can't always be there. We try to be there when you come out but we can't always be there. I think that before you reinstated him, we needed to hear from Lynn. I think that would have been fair, and we would have liked to had him say that these no's, all these no's that are on here, which there are way more no's than there are yes', need to be yes', because then it will be 100 percent exactly what you promised us that you would get, 100 percent, and we don't have 100 percent. As far as, you say if he comes out, is there going to be some sort of note sent to

us saying, okay now, we've decided that Bruce isn't in compliance, and you come back in and we'll reinstate the moratorium, or are we just going to have to sit in the Drainage Board meeting with you gentlemen, I guess, every time you have one? Or, is there going to be some notification coming to us?

President Tuley: I somehow suspect you guys will know whenever they're doing their inspections. You'll know about--

Tina Gander: We've never known in the past; no one has ever called us in the past. Did you call me and let me know you were going to be out there on Thursday with him?

President Tuley: Mike, did you have an appointment at 2:30?

Tina Gander: Did Toby know you were going to be out there? Did Bruce know? It's so unfair.

Mike Wathen: I had an appointment at 3:00 p.m. with Dan, I called and left a message--

Dan Swidron: He wanted to get our ideas.

Tina Gander: See, my point is--

Mike Wathen: I had an appointment at 2:30 p.m. with Mrs. Gander. I got out there about 2:20 p.m. and waited until 2:40 p.m. and I had to be somewhere else at 3:30, so I left a card in the mailbox. She called back into our office and I had just got into the door when she called, so I called back and there was no answer. I got a message this morning, I was out of town Friday, that she called. I called and left a message on her answering machine this morning about 12, just as soon as I got the message. I don't have a problem setting up an appointment with Lynn or myself with any of these people. That's fine with me, but we've got a lot of coordinating involved with Lynn because he has so many counties to cover. I think it can be done, coordinated, if that is what they would like to do, if they would rather hear it from Lynn than me.

Tina Gander: I would like this thing to be redone, and until all these are yes', I don't honestly see how you can lift the moratorium. You've gone totally back on what you've said. It's not 100 percent. All it is, it's an overview, her or him, I don't even know if it's a him or a her, going out there and giving a general view, not doing an in-depth report, not resubmitting the original document so that we have something to go on. We're not done here. We're obviously going to have to go another route. We would like this moratorium to be held, but I don't think the man should ever be able to build a home again. That's a personal thing, it's a personal thing because I happen to live in one of the homes that he built, and I'm dealing with it on a continual basis. I'm doing a grass roots thing. Every time somebody wants to buy the lot next to me, I say, well, it's a great neighborhood but don't have Bruce build your home. I can do that, because I, you know. But back to this again...sorry, I had to get on that little thing there...really this should be all yes' before you reinstate the moratorium. I don't understand how you can do it without it being all yes'. If he...hey, you can type it up tomorrow and make it all yes'.

Mike Wathen: Well Lynn, what he is saying in that report is that he is satisfied with what's been done.

Tina Gander: You know, I didn't have ample time like the rest to prepare my defense, and I would like...all I'm asking for is what you told us you were going to give us.

President Tuley: What we gave you is what we said, to the degree that we can enforce this.

Tina Gander: But, this is something you can enforce.

President Tuley: Compliance, according to Lynn, I'm not sure if each and every one of those things are now yes', but--

Tina Gander: This is an erosion control plan.

President Tuley: --what I'm telling you is, under Rule 5, according to Lynn, he is in compliance. That's what we required. Number two, we required that he be in compliance with the drainage plans that he submitted. According to the Deputy Surveyor, he is. Now, this Board doesn't really have any other choice but to grant his permits back--

Tina Gander: But isn't that sort of putting the--

President Tuley: --with the understanding that they can be pulled if he deviates again from that. And we have asked that a monthly inspection be made as part of that motion.

Tina Gander: Another thing, okay, let's say we come back, because we'll be back. Let's say we come back three months from now and you pull it again, and then he cleans up, basically, scrapes the mud off the road. It rains again, and then three months after that we're back again. When does it end? When do you say, okay, obviously, you cannot be a developer. You do not understand erosion control, you do not understand the basic principles. When do you just say, no more for you?

President Tuley: I don't know if you were here or not last week, but you have to go before the granting authority that gives him his license that allows him to build, which that is not us. They are the ones that have to strip him of his license and say you can no longer build because you have shown you can't, as you just stated. But I'm not saying that it's right or wrong.

Tina Gander: That is a much more in detailed thing. The reason why we have, unfortunately, had to use you is because of the environmental aspect. You know, it just seems that in today's times you get a little bit more attention if you say, oh well, he's impacting the environment in a negative way, which, is a bunch of crap, because the other way, motions, he's affecting way more than the environment. So, unfortunately, we had to use this route. But, we have to use this route, so when do you guys say enough is enough? Three times and you're out. You have no fines.

Commissioner Mourdock: Let me ask you a hypothetical question for a second. Let's say, that a builder built a house that was so faulty in design, had bad aluminum wiring in it or something. The house burned down and three kids were killed and a fireman dies trying to fight the fire. What should we do at that point? What do you think we have the authority to do?

David Palmer: Probably nothing.

Commissioner Mourdock: You are exactly right. We have absolutely no authority. Now, let's take it another step, let's assume that road that you have, and I understand you shaking your head Mr. Palmer, but, I mean, I'm talking, again, by law, we don't have any jurisdiction over that. It would be the same for us to tell a builder in Kentucky how to build his house, because once you cross the river, we don't have any jurisdiction for anything there either. Now, as I said before, I think all of you have some very valid claims, they just go beyond the scope of what this Board will do, and can do. Not will do, can do.

Tina Gander: Well, I watch you...I have sat here in several meetings, I've watched you okay things that I don't really understand and it really scares me because I don't think that you

guys understand them either. You rely a whole lot on outside sources, which how do you know whether or not they are swayed or influenced in any other manner?

Commissioner Mourdock: Well, I--

Tina Gander: I watched you approve that Azteca thing, shoot, that could blow up in your face. Are you going to go after that person? When do you say, okay, if it's not the way it should be, you need to pay X amount of dollars to fix it and make it the way it should be?

Commissioner Mourdock: But, again, if it's within our jurisdiction--

Bill Jeffers: There are letters of credit on all these roads.

Tina Gander: So, we have letters of credit on our road?

Bill Jeffers: Section B (inaudible - comments not made from microphone).

Dan Swidron: (inaudible - comments not made from microphone)

Tina Gander: So what are you telling me?

David Halbig: If everything is okay, and we get our roads okayed by the county, we're okay. That's my biggest concern.

Dan Swidron: (inaudible - comments not made from microphone)

Tina Gander: That's my biggest problem, I just--

Commissioner Mourdock: You need to come to the microphone.

Alan Kissinger: For recording purposes we need to be identified and talk one at a time.

Dan Swidron: Dan Swidron would like to answer one question about that fire. In my home, I would sue Mr. Hatfield, Marfield Development, Margaret Harp, The Building Commissioners, The County Commissioners and Mr. Shaw, because there was no permit on my house, my addition.

Commissioner Mourdock: Well, in that hypothetical example you would probably have a case on all those people except Mr. Shaw and the Commissioners, because we have nothing whatsoever to do with any of that.

Dan Swidron: He builds a lot of homes without permits and we know that. He gets his hand slapped.

President Tuley: We've got time for one more comment.

David Halbig: The only thing I've got...my name is David Halbig, 9205 Marfield Ct. The biggest thing is, you know, property taxes are due in April. I paid \$1,400.00, and if I can't have my roads maintained to get to my home, that's a problem, okay? So, what are we going to do about this road thing?

President Tuley: Is his road a county accepted road?

Dan Swidron: Nothing from Section A.

John Stoll: There are outstanding letters of credit on the subdivision. It is not uncommon that houses are built on streets that aren't accepted. We've given Bruce Hatfield a list of what needs to be done. Bill Higgins, in my office, met with a representative from Alt Construction last week to try to go over

what we told Bruce in that list needs to be done for the county to be able to accept those roads, so it's in the process. But like I said last week, there are no time limits on letters of credit. There is no end date that says it's the end of the story and the letter of credit can't be extended. So, it's very open-ended, but we are working with the developer trying to get the streets fixed.

David Halbig: This was brought up in the same issue of drainage, because there are storm sewers and drains in the streets. As far as I was concerned, this was an issue that was brought up before, but now you have reinstated his license so he can build more houses, extend more streets and create more problems. If these streets aren't accepted, as far as I was concerned, that you weren't going to grant his license back. That was part of the deal. That's my biggest concern. I'm not going to beat a dead dog up here, okay? I know you guys have certain jurisdictions over certain things, but that is a big issue. I pay my taxes just like everybody else in the subdivision, but it upsets me to think that I cannot have my road maintained by the county and I've got to rely on him to get this passed. He's been jacking everybody around in the subdivision. I spent a lot of money for my house and I don't want to lose that investment.

Dan Swidron: This is the feeling of all the homeowners, not just Dave and me. There are 40 some homeowners; you see the names on that list, that's the homeowners that are all saying that Bruce Hatfield has deceived everybody in that development. His fraudulent practices, he's deceiving and where are the plans that said, as built? Mr. Tuley, you said that back on November 7, 1994, as built. He has not supplied us with anything that says, as built. He keeps changing everything, he's penciled in maps and plots on the contours because he just builds a house on top of a hill and there it is. He doesn't want to move any of the dirt around, it costs money. He builds it there and wherever the water flows, it flows. That's drainage, and the Drainage Board is supposed to handle that. We have all these culverts between the homes, and they're actually rain driven; they're not made by any of the homeowners. We've got two new homeowners out there, they haven't even got out there on their lawns yet.

David Palmer: I have one other question. You know, you say there is nothing you can do to fix our roads or anything like that, but you know what you just did? You just sent me a bill raising my assessment \$2,500.00. Here I'm paying \$2,500.00 and my roads can't even be fixed. Now, do you think that's fair? Now, really? Do you think that's government?

Commissioner Mourdock: As I stated at last week's meeting, I am in exactly the same situation that you folks are in. I live in a subdivision where the county does not maintain the road in front of my home, and my assessment went up too. I know that doesn't make you feel any better, it doesn't make me feel better, either, but I understand your situation from that point of view.

Dan Swidron: It's been a proven fact that the subgrade of that concrete street is not up to par. My street proves it. You have a picture of that one, that one is going in, it's already almost eight inches deep, and that's the same throughout the development. All the cul-de-sacs are, right now, all cracked, all bellied over. They've all got large cracks and I know he is going to put epoxy in it, that's going to correct the condition. If you're going to let him build further, he will build the same streets that he's been building.

President Tuley: Have you guys taken your...I don't know, Alan, who is--

Dan Swidron: We have a letter going to Mr. Lehman, we've got it all confined. It will go to Mr. Lehman and it's going to go to

the Attorney Generals office, also.

President Tuley: That is what I was just going to suggest. Pursue them to the best of your degree, just like you did this Board. We acted within what we legally can, and I recommend that you, as he's told you, take these other avenues and do what you can.

Dan Swidron: He is in violation of Chapter 150-37, that's building code violations. You're in charge of building codes.

President Tuley: No, we're not!

Commissioner Mourdock: No, we're not! How many times do we have to say it, we're not in charge of building codes.

Dan Swidron: Mr. Lehman is.

Commissioner Mourdock: Then go see Mr. Lehman.

Dan Swidron: But, Mr. Lehman is the one who rescinded his permit. He's not here. How can you guys say that he can have it back?

President Tuley: Because he was rescinded under drainage and Rule 5, those corrections have been made.

Dan Swidron: And the roads.

President Tuley: But we couldn't do it from the roads, from that standpoint. The man said that's what we could do, but we have since found out we can't.

Dan Swidron: Next week, we want Mr. Lehman; we are requesting that you have Mr. Lehman here, because we are going to present him with this package, we want his permits--

President Tuley: This is not the forum for Mr. Lehman.

Commissioner Borries: You can go directly to Mr. Lehman.

Dan Swidron: Is that directly to him and the License Board?

Commissioner Borries: You can go directly to him. You can bypass us.

Tina Gander: He sends us back to you.

Dan Swidron: Yeah, he says you have those rights.

Commissioner Mourdock: Well, he's giving you the wrong answer.

President Tuley: Not on building code violations, and I know Roger knows better than that, he has to know better than that.

Tina Gander: That's why we came in the first place.

Dan Swidron: That's right.

Tina Gander: That's why we finally went to the Mayor's Office, because nobody knew where in the world to send us.

Dan Swidron: We pay our taxes; my road is not fixed in front of my house and that's the county's.

President Tuley: There's a lot of them. I pay mine and they're not fixed in front of my house, either.

Tina Gander: Roger sent us a letter. Where is that letter that Roger sent?

President Tuley: Folks, I hate to do this to you, but we're going to have to cut you off and we're going to have to move on. We've done what we could, we've acted in good faith as best we could. It's unfortunate that you're going to walk out of here feeling the way you do.

Tina Gander: You said one compliance, just one.

Dan Swidron: We don't feel bad, I hope you gentlemen do.

President Tuley: Ma'am, you've taken every word I've said and you've tried to make it like it was absolute gospel, that we have the authority, and we thought we did, but it turns out we don't.

Tina Gander: That's the sad thing, you don't know what your powers are. That is very scary.

David Palmer: You can guarantee one thing, there are 40 votes that you won't get.

Tina Gander: I mean, you don't even know where your powers lie, it's a joke.

Dan Swidron: You don't pay your secretaries enough, because they're going to receive a lot of phone calls, now. The five that you've been receiving just aren't enough.

President Tuley: You sure you want this job, Bob?

Commissioner Mourdock: Maybe he'll start tonight. Before we leave the issue totally, and I don't see your client, Mr. Shaw.

Alan Kissinger: No, he is back there.

Commissioner Mourdock: Okay, I didn't see Mr. Hatfield. I hope you understand the discomfort that all of us on this Board feel. I will not speak for the other Commissioners, but I can assure you, and I say this not in a vengeful way, but I can assure you that every plan that comes through that has your name on it, I'm going to pay more attention to than I would if it came from someone else who's not been subject to the allegations that you've heard here for the last two or three weeks. As I say, I say that not in a vengeful way, but I don't want to go through this again. Mr. Swidron may have hit the nail really on the head tonight when he said he didn't feel bad leaving, but he hoped we do. I'll tell you what, I do. I don't like this feeling, so I would just urge you to walk the line as closely and as tightly as you can walk it in everything else that could come before this Board during the next, at least, 146 Monday nights.

President Tuley: Mr. Borries can't talk tonight.

Commissioner Borries: Well, this has been, I sound a little bit like a frog, so I'm not going to get into a long dissertation here tonight. I don't have a lot to say, I'm afraid, that probably if you do, it's going to be taken out of context. But, I think, to echo what Commissioner Mourdock has said, it is very important that all of us who live and work in Vanderburgh County do what we say we are going to do. We have, frankly, a number of developments that we hear all kinds of good things from, so I think it is incumbent on this developer to truly make this subdivision a model for the homeowners, as well as himself, because in the final analysis, it will bring you more business if it is a good development than if it is not.

President Tuley: I didn't know you were back there, either, Mr. Hatfield; I addressed it to Mr. Shaw. There will be, and I want to stress the point that he said, at this time, Lynn stressed that to me, he strongly feels that you've made good strides, but you've got

to stay with it now. We are not into the development season yet, but we're going to be. You heard, and you saw, and you know, you've dealt with them, too, there is no way in the world that they're going to allow any more problems out there without bringing it to someone's attention. This Board is not here to threaten you in any way, shape or form, but having listened to what we have listened to and gone through, and gone through with you, I think, contrary to what they believe, this Board has bent over backwards to try to bring things into compliance. You've had to work with DNR and everybody so that you could be in compliance. Now you are, please stay there so that we don't have to go through this and pull those permits again. I feel bad, mainly from the standpoint that the people in the subdivision understand little about what authority and what scope of power that we have. Because of that, they think we don't care. Whatever, the political connections or whatever, that's neither here nor there. We pulled the permits, they came back in, they reapplied, the things hadn't been complied with, we denied your permits. Now you're in compliance and we have no other recourse but to allow you to get your permits back. You're in compliance now, but we will pull them again if you get away from that compliance.

Commissioner Borries: Just as one final comment, I'd like to thank the County Engineer, John Stoll; the Surveyor, Mr. Bill Jeffers; our specialists from the Soil and Water Conservation District and also, for the record, I would like to indicate that I have not talked with any of you gentlemen regarding this subdivision to tell you what kind of recommendation to do, or not to say, in relation to what your role as our technical advisors are. That's your call, and it will always be your call. You call them as you see them; you are, in effect, the umpires of what we go on. We cannot micro-manage every single development, every single day, because it is a development, it is in a stage of flux at this moment. There are things that are going to continue to change out there. Thank you, again, gentlemen, for your reports.

President Tuley: Are you leaving or getting ready to talk?

Bill Jeffers: No, I'm going to go down here until Drainage Board starts, but on my way out I would like to say--

Commissioner Borries: Don't go too far, because I hope the meeting won't last too much longer.

Bill Jeffers: People are always asking me about this political thing. They always say, well you work downtown, how come you can't get this done on our street? Or, you've worked down there since 1981, how come you can't get that storm sewer fixed on our street? It's really refreshing to hear that Mr. Mourdock lives on a street that he can't get fixed, and Mr. Tuley lives on a street that he can't get fixed, and that Mr. Borries has a drainage problem in his back yard for the last three or four years. I think a lot of people are under a misconception on how far a person can go because of the position they are paid to hold.

Commissioner Borries: But, you know, there are also remedies, too, and they are very near here, Mr. Jeffers, as you well know.

Bill Jeffers: Everybody has to take their turn.

Commissioner Borries: That's called a court, and if there's a disagreement here, under our system, under law, and if there are some violations under law, there's a right to do this. To quit posturing about it and get this matter settled, if that's what they want to do.

Bill Jeffers: Well, what I'm really saying is, though, is that the Highway Department has a list...they prioritize street repairs; when you get on the list, it will get repaired. If it's minor, or

if it's way down on the list, it will get repaired in the same order that it's on the list.

Commissioner Mourdock: Mine won't even get repaired because it's not dedicated to the county.

RE: BID APPROVAL - TITLE SEARCH SERVICES

President Tuley: Okay, Suzanne, bid approval Title Search Services.

Suzanne Crouch: Lynn Ellis reviewed the bid and Evansville Title was the low responsive, responsible and only bidder, at \$225.00 per parcel at 157 parcels, so the total cost would be \$35,325.00 and I, along with Lynn Ellis, recommend that we approve that bid.

Commissioner Mourdock: I move acceptance of the Evansville Title Bid.

Commissioner Borries: I will second.

President Tuley: So ordered.

Suzanne Crouch: Thank you.

RE: LYNN ELLIS - PURCHASING

President Tuley: Okay, Lynn?

Alan Kissinger: She's about ready to spring.

Commissioner Mourdock: If this has anything to do with even something as simple as drainage pipe, forget it.

Lynn Ellis: We have several items tonight to approve. You have bid tabulations prepared for all those. The first is bid number APA002-96 for crushed stone. The low responsive and responsible bidder, also the sole bidder in this bid, is Mulzer Crushed Stone and I would recommend that it be awarded to Mulzer at the unit cost.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Lynn Ellis: The second is APA003-96 for sand and gravel and I would recommend that this bid also be awarded to Mulzer Crushed Stone at an estimated annual usage of \$14,795.80. He is the low responsive and responsible bidder.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Lynn Ellis: The third one is APA007-96, it is for turf fertilizers and chemicals. Typically, the county doesn't use many, if any. Bill Morphew may use some for weed control. He can purchase off of that. There are some chemicals that can be used for that, but, primarily, it's for the fertilizers for golf courses and things like that, but on occasion the county does purchase off of this bid. There are three vendors that I'm recommending that it be awarded to and they are the low bidder for each line item that meets the specifications. It is being recommend by line item. Daylight Farm Supply, \$7,309.90; LESCO, Inc., \$2,020.00; The Scotts Company, \$7,837.06; George W. Hill Co., Inc., \$31,071.27; Cory

Orchard & Turf, \$10,103.11; Cannon Turf Supply, \$18,085.80.

Commissioner Mourdock: So, Lynn, I thought I heard you say something about three, but there are a lot more line items than the three.

Commissioner Borries: Yeah, that's what I was a little confused over.

Lynn Ellis: Oh, I'm sorry.

Commissioner Borries: You have a low bid that you have identified in each of the various areas here in terms of certain fertilizers for certain applications, is that correct?

Lynn Ellis: Yes, and they're all highlighted on the tabulation as the one that's being recommended, and if it's not...for those items that are lower in cost, there would be an asterisk by it and that indicates that the chemical makeup does not meet the specifications as identified in the bid. If it's a low bid--

President Tuley: Lower, but not awarded--

Lynn Ellis: Right.

President Tuley: --then it didn't meet the specs.

Commissioner Mourdock: And each of the bidders understood when they bid that their bid was going to be itemized, as far as individual...

Lynn Ellis: Yes, and they all indicated that they would accept a portion of the bid.

Commissioner Mourdock: Okay. I'll move acceptance of the award of Bid number APA007-96 as recommended by Ms. Ellis.

Commissioner Borries: Second.

President Tuley: So ordered.

Lynn Ellis: The next item that I have, and I'm not sure if you want me to do this tonight or wait, Ms. Mayo asked me to review a contract for Burdette for the toilet paper and paper towel dispensers. I have met with them and also with Source One. They revised the contract with the dates, one of the contracts had an incorrect date on it. There was some confusion, and I straightened that out with the vendor, there was a misunderstanding between the sales rep with Source One. What the county will retain the right to do is to solicit quotes for the supply of the paper products. What the county will be restricted in is that it has to be a Scott paper towel to be supplied on these, so that these dispensers are supplied free of cost to the county. For the five years that this contract would cover, you will be restricted to Scott paper towels and toilet paper, but you can source those from PRO-TEX-ALL, Kor-X-All, Source One.

President Tuley: Any vendor, just has to be that particular brand.

Lynn Ellis: Yes, and as far as I'm concerned, and as far as I know, that would be acceptable, because we are not limiting the sources of supplies. They are the same sources we would get quotes from anyway, for those products.

Commissioner Borries: So, do you have a recommendation?

Lynn Ellis: I would recommend that the Commissioners execute the contract. I have the original here.

Commissioner Mourdock: For the record, do you have a number for that or anything? Contract number?

Lynn Ellis: There is an ownership form number, but there is no contract number.

President Tuley: Bid number AP something or another?

Lynn Ellis: No, because it didn't go through our office; it was just a quote.

President Tuley: Oh, that's right, it wasn't a bid.

Lynn Ellis: Right, there won't be enough usage to justify doing a formal bid for this one product.

Commissioner Mourdock: Who submitted the proposal, Lynn, Scott? Who is the vendor on it?

Lynn Ellis: The contract is by Scott.

Commissioner Mourdock: Okay, what's the date on it?

Lynn Ellis: Well, the start date is February 7, 1996 through February 7, 2001.

Commissioner Mourdock: They haven't executed it yet?

Lynn Ellis: No, and they will not until the Commissioners execute it. The other one for the toilet paper is January 29, 1996 through January 29, 2001, so it would be for five years. They have been supplying the containers, the holders, out at Burdette, but some of the areas are subject to vandalism and they keep getting ripped off the wall. These are made of metal, they're steel, and it will be much harder for someone to vandalize them than plastic. They'll find a way, but...

Commissioner Mourdock: The irony that we're dealing with toilet paper tonight is not lost on me. I'll make a motion that we accept the contract as submitted by Scott paper with the effective date of February 7, 1996.

Commissioner Borries: Second.

President Tuley: So ordered.

Lynn Ellis: Thank you. There are two separate contracts, one for the paper towels and one for the toilet paper. Thank you all.

RE: JOHN STOLL - COUNTY ENGINEER

President Tuley: John.

Commissioner Mourdock: He's got good ears. You're up, John.

President Tuley: They've been burning all night.

John Stoll: The first item I've got is a change order for the Strueh Hendricks culvert replacement project in the amount of \$7,186.45. This is with Southwest Engineering. The reason for the change order is primarily due to the increased cost of installing the 42 inch pipe that was at the west end of the road that we originally didn't include in the project.

Commissioner Mourdock: Who's the vendor, again?

John Stoll: Southwest Engineering.

President Tuley: Where is this bridge located on Strueh Hendricks?

It's about half a mile south of Willow Creek?

John Stoll: No, we replaced two box culverts and 42 inch pipe so there is no bridge, but one is right next to the entrance and there is another one further west and the pipe is the farthest west of all.

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

Commissioner Borries: Second.

President Tuley: So ordered. The point of that is that we are trying to do everything we can for those people, in terms--

Commissioner Mourdock: It wouldn't be enough.

President Tuley: --I understand, you're right.

John Stoll: There are property taxes at least going into that one. Next, I've got a final acceptance form for the Franklin Street Bridge. The project had its final inspection on February 26th, well, it had a pre-final inspection on February 26th, and the job was finalized on February 28th. Everything, as far as the state and the county are concerned, is complete, and I recommend that this form be signed off on for the county to accept the project.

Commissioner Borries: I move that it be approved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

John Stoll: Also, in regard to Franklin Street Bridge, you had asked about a ribbon cutting and I didn't know what date to set for a ribbon cutting for that project.

President Tuley: About June 1st, so it will be warm.

Commissioner Borries: I like them cold.

Commissioner Mourdock: You're not buying any plaques I hope.

John Stoll: The plaques are on the bridge, they're there.

Commissioner Mourdock: I hope my name is on the plaque.

President Tuley: When do you guys want to do this, May, April?

Commissioner Borries: How about next week?

Commissioner Mourdock: I'm not into ribbon cuttings, if that's alright.

Alan Kissinger: It's close to my office, I'll go down there and cut it.

Commissioner Mourdock: I've got a Dodge Ram that will cut it at about 50 miles an hour. Pick a date.

Commissioner Borries: How about next week at four. We don't have to be at our other meeting till 4:30 p.m.

President Tuley: You're not going to be there anyway, so you don't care.

Commissioner Mourdock: That's fine.

President Tuley: Okay, 4:00 p.m. John, can you do it?

John Stoll: That's fine with me.

President Tuley: The 11th.

John Stoll: The next item I've got, is it okay to go ahead and sign off on the agreements for the design of Burkhardt Road? Has everything on the Memorandum of Understanding been finalized as to where we can sign the agreements with the consultants?

Alan Kissinger: The Commissioners have signed the Memorandum of Understanding, and it is my understanding that Gershman-Brown has signed it as well, although, I have not seen it returned yet. So, the short answer to your question, I believe, John, is yes.

John Stoll: So, we can go ahead and sign these then.

Commissioner Mourdock: When do you expect to get the plan together?

John Stoll: They were saying, United was telling me that they would have the project bid out in July with completion by December or January.

Commissioner Mourdock: So your plans will be in to you by mid-May or something?

John Stoll: Probably mid-May or June, something like that. The amounts on the agreements, the field survey will be \$39,000; the road plans will be \$260,000.00; and the geotechnical investigation will be \$9,000.00; the total fee not to exceed \$308,000.00. This does include Virginia Street work, work that would have to be done out on the state right-of-way, things of that nature, so it covers the entire scope of work that has been discussed in regards to the Gershman-Brown project.

Commissioner Borries: I move that it be approved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

TAPE CHANGE

John Stoll: The only other item I have, I would like to request that Dave Franklin be allowed to take a county car out of the county to travel up to Vincennes to the INDOT office to pick up some scales for soil testing, measurements. It would only be a two or three hour trip, but he needs to go up and gets those. INDOT is going to let us use those scales free of charge.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: I don't know exactly when he's going yet because he is still trying to get that coordinated, but I can let you know the exact date once we get it ironed out.

Commissioner Mourdock: Before you leave the mike, John, the letters of credit that are posted, and I should have asked this when all the Willow Creek folks were here, but do we have a standard bond rate per foot that they post that letter of credit on?

John Stoll: What they do is, they'll submit their engineer's estimate of the actual cost of all the items in the subdivision and that would be reviewed by my office and then forwarded over to Area

Plan upon approval through my office. So, there's not a standard fee, but they do have it broken down to where you can identify if it seems too high or too low.

Commissioner Mourdock: Would you report back to us next week what the bond rate letter of credit value is that those roads had posted against them and, also, some idea as to if there are corrections needed, what the dollar value of that would be?

John Stoll: Yeah, we can do that. Bruce Hatfield may have an idea of what that would cost by then, because he's told me that by the end of the week, he hoped to have the contractor hired to do that work. I hope that he follows through on that.

Commissioner Mourdock: I've heard you say that before.

John Stoll: Right.

Commissioner Mourdock: You might give him a call just to keep pushing him on that. Tell him I asked about the letter of credit, if you would please, just to let him know that we are painfully aware of the options there.

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

Commissioner Borries: Thank you, John.

John Stoll: Thanks.

RE: BILL MORPHEW - COUNTY GARAGE

President Tuley: Bill. Let the record show that Bill submitted a progress report for the Vanderburgh County Highway Department and the Vanderburgh County Bridge Crew for the period starting Friday, February 23, 1996 and ending Thursday, February 29, 1996, showing work being done, basically, in all parts of the county.

Bill Morphey: I have nothing to say except that I was on Strueh Hendricks Road today, too. I guess that it is ironic that we are going to pave that this year.

Alan Kissinger: More politics.

Bill Morphey: It was on the list for the last two years, and we held off on that until we could get these box culverts replaced.

Alan Kissinger: That has been done now.

Bill Morphey: They are now completed.

President Tuley: Yeah, I drove it from the south end to the north end Sunday, as a matter of fact, yesterday.

Bill Morphey: That's all I have.

President Tuley: I'm not sleeping nights either, but not for the reason that Mr. Swidron thinks I'm not sleeping at nights. I took my wife out there to show her why I wasn't sleeping.

Bill Morphey: From what I've seen of that subdivision, I was in it today, it looked fine to me.

President Tuley: It looked fine Thursday afternoon.

Bill Morphey: I didn't look at his house, but I just drove up into it and turned around and left.

President Tuley: I drove all the individual little cul-de-sacs.

Bill Morpew: That's all I have.

Commissioner Borries: Thank you, Bill.

RE: ALAN KISSINGER - COUNTY ATTORNEY

President Tuley: Alan.

Alan Kissinger: Okay, the first matter I have, not necessarily in order of importance, a letter has been prepared for President Tuley's signature. This letter goes to the Indiana Department of Revenue acknowledging that the Board of Commissioners is aware of the transfer of the permit from Bassemier Transportation to SLR, Inc., and basically, that we have been asked if we will continue to honor the contract if the permit is transferred. The magic words in our contract are that this contract is binding on the parties, their heirs, successors and assigns and, therefore, yes. The letter has been prepared to acknowledge and indicate that we will honor the contract and I recommend that the Board approve the signing of this letter by President Tuley.

Commissioner Borries: I move that it be signed.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Alan Kissinger: The next matter, I believe that John Stoll, who is always causing trouble, and Mark Acker have submitted claims to the Auditor's Office for a one time payment or an annual payment for their leases at the Old Courthouse. The leases, themselves, call for monthly payments, saying that these payments will be made on a monthly basis. I will advise the Commissioners that the reason for that is so that we cannot wait until the end of the year and then pay them in a lump sum. My understanding is that the State Board of Accounts has been contacted, and they have indicated that they have no objection to a one payment arrangement, if that is what we choose to do. Now, the monthly payments are provided so that the county doesn't get behind in payments. There is nothing in the lease indicating that we should not pay in advance, or cannot pay in advance. However, the Auditor's Office has brought this to our attention, and, I think, appropriately so. I don't think the Auditor has any particular preference as to how these be paid, but merely, they are trying to establish a policy of following contract terms and I think they should do that. By the same token, if the Commissioners wish to approve the annual payment as opposed to the monthly payments, I don't think they'll notice how much work it saves them down there, but it will probably be a little less work for the people processing claims down there. So, if the Commissioners say it's okay to pay this on an annual basis, then I guess the Auditor can go ahead and process her claims. If the Commissioners say no, pay it monthly, then I'm sure the Auditor will comply with that as well, and that the department head will submit claims on a monthly basis. Did I basically sum that up correctly, Suzanne?

Suzanne Crouch: Correct, thank you.

Alan Kissinger: So, I guess the motion would be that either the Commissioners approve or not approve the annual payments.

Suzanne Crouch: I don't have a preference other than I don't know if that will open the door for other people who will want to get their payments up front. I'm not sure it will.

Alan Kissinger: No, as a matter of fact, it is a matter of choice on our part, and all we have to do is follow the contract. What we are doing is definitely following the terms of the contract, because we have paid them in advance of every monthly payment that

is due, but it will not require us to do that with any other contractor.

Commissioner Mourdock: I'll move that we accept the procedure of monthly payments.

Commissioner Borries: Second.

President Tuley: So ordered.

Alan Kissinger: I have reviewed the proposed Fixed Asset and Procedure Manual as it has been submitted, once again, by the Auditor's Office. I don't suppose this makes any difference historically, but I am impressed with the document. There are a couple of questions that I have for Suzanne that I have not discussed with her, not because she hasn't been available, but because I have not had the time to do it. I would like to defer any action on this until next week's meeting, at which time I will probably ask the Commissioners to authorize the advertisement of the ordinance. I think I have run out of things to say. Cindy, was there anything else that you wanted me to bring up to the Commissioners? Okay, that's all I have to report.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

President Tuley: Cindy.

Cindy Mayo: Waggoner, Irwin and Scheele sent Certificates of Supervisory Training in on the supervisors at the County Garage, to which I have given Mr. Morphew the original. It's a certificate on each side, one for alcohol and one for drug, for mandatory training that they have to do to come into compliance. So I want to submit a copy of this to the Auditor's Office and I do have a copy for Mr. Morphew to put into their personnel files. EMA sent a letter in today asking that the Commissioners declare the week of March 17th to March 23rd Severe Weather Awareness Week. I think we have done this for the past few years. They sent a copy of the proclamation which is typed to have Mr. Tuley's signature on it. As soon as they get this signed, then they will notify the schools and the media and do everything that needs to be done with that.

Commissioner Borries: We had a little severe weather in here tonight. It certainly needs to be signed.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

Cindy Mayo: The last item I have, Mr. Jerry Ramsey, who has been appointed to the Common Wage Committee for the School Corporation for USI, did not know if he needed to be sworn in two times. Is this considered two separate...he asked the Auditor's Office, they asked us and we don't know. So, I did not know and said I would find out.

Commissioner Mourdock: Two separate appointments, I would say yes.

Commissioner Borries: Probably should.

Cindy Mayo: Thank you, that's all I have.

RE: CONSENT ITEMS

President Tuley: Okay, consent items to include employment changes and travel requests.

Commissioner Borries: I move that they be approved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

RE: SCHEDULED MEETINGS

President Tuley: Scheduled meetings, there is a list on the back of your agendas. The County Council does meet this Wednesday at 3:30 p.m., we have a Solid Waste meeting at 4:30 p.m., a Commissioners' meeting at 5:30 p.m.

RE: OLD BUSINESS

President Tuley: Old business, no, that comes up under new business. Either one of you have any old business?

RE: NEW BUSINESS

President Tuley: How about new business? Richard, you're still looking at your Burdette? Did you ever talk?

Commissioner Mourdock: Yes, we've gone back and forth. Cindy has spoken with her as recently as today and I guess Olga Tramill had a couple more questions she needed to get with Mark Tuley about.

Cindy Mayo: And she said there might be a scheduling conflict that she was going to check into and then she would get back with us.

Commissioner Mourdock: I told Cindy, this is getting to be as difficult as an appointment to the Supreme Court. One other bit of new business, Commissioner Borries and I today were briefed by the Chamber of Commerce regarding the ozone situation in Vanderburgh County, and the fact that we are about to be taken off, the nonattainment list, although we don't know that it will happen with certainty, and even if we are taken off, there is still, just given general history, a real good chance that we could end up back on it. The bottom line to the whole issue is that it is, and should be, a major concern of this Board and of the community as a whole, because when it comes to any type of major commercial development, such as a Toyota type facility, until that question is clearly answered, I think the county will lose opportunities that we could otherwise succeed in gaining. I bring it up now, because I want to advise both of you that I think we need to spend some time in that area to see what we can do in the way of, number one, a local EPA enforcement; number two, seeing what we can do to put a consensus together as to how we can deal with the problem through the local business community, the Chamber, education and the general public at large; and number three, to see what kind of relatively low cost mechanism we might look at. I'm not at the point where I want to suggest that we form a formal committee or something, but, obviously, we see a lot of branches of county government. This Board and certainly the Council needs to be involved with that and it is going to become a greater and greater issue under the newer and ever increasing demands of the Clean Air Act of 1990.

Commissioner Borries: Well, I certainly would agree that we need to look at all alternatives and move forward on this. I think that what Commissioner Mourdock has said holds tremendous significance when you compare it to the frustration with another matter tonight. All of us, at times, get irritated about government, and I guess, government authority and government control on certain things. But in this particular situation, I guess, to put it as bluntly as I could, what Commissioner Mourdock is saying is, all of the good things that we are...at least, I think he's saying is, all of the good things that we are seeing in terms of developments in our area could well be lost with lost jobs if we do not take some steps to address this problem. It is one that is going to take a lot of work and a lot of consensus building. That's truly going to be the difficult part. In this day and age, finding some common ground here that we can all look on and say this is what has to be done in the best interest of this county.

Commissioner Mourdock: Dealing with the problems that issue presents will, undoubtedly, lead to more meetings like this evening's.

Commissioner Borries: Yes.

President Tuley: You're right. It's going to make some tough choices for business people and community leaders.

Commissioner Mourdock: That's all I have.

President Tuley: We can deal with it now or we can deal with it later, but I think we better deal with it now.

Commissioner Mourdock: Yeah, and for the record, the option of dealing with it later is letting the folks in Indianapolis or, even worse, Washington, DC, tell us what actions we are going to take.

President Tuley: We know what that means. Another item under new business, this request, and Cindy, this request by the Perry Township Volunteer Fire Department, the Ladies Auxiliary...

Cindy Mayo: Sunny did speak with, I believe she spoke with Joyce on this. The building is open, it's Shelter 18.

President Tuley: It's March 16th.

Cindy Mayo: It's March 16th and Burdette said that they had several shelters open. It's not that if something else comes in, they would still have several shelters open, it is your call. They don't have a scheduling problem with this.

President Tuley: Do you guys have a feel? Do we need to go back and just revisit this from last week?

"The Ladies Auxiliary of Perry Township will be hosting a potluck supper for all fire department members and their wives. We would like to use a shelter house at Burdette Park for this special occasion. We have checked the calendar at Burdette and it is available. We would greatly appreciate it if you could donate this building for our use. If you have any questions, please give me a call."

Danica Barr is the person who signed this.

Commissioner Borries: When is this?

President Tuley: It's March 16th, building 18.

Commissioner Borries: I move that it be approved.

Commissioner Mourdock: I'll second.

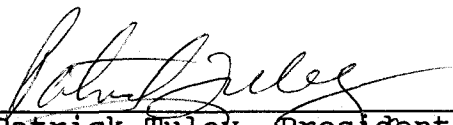
President Tuley: So ordered. Any other business before the Commissioners before the special Drainage Board meeting starts? Motion for adjournment?


Commissioner Borries: So moved.

Meeting adjourned 7:22 p.m.

THOSE IN ATTENDANCE

Patrick Tuley
Richard J. Borries
Richard E. Mourdock
Suzanne Crouch
Alan Kissinger
Cindy Mayo
Charlene Timmons
Joe Profaizer
Toby Shaw
John Stoll
Bill Jeffers
Mike Wathen
Dan Swidron
Bernadette Swidron
David Palmer
Tina Gander
David Halbig
Lynn Ellis
Bill Morphey
Members of the media
Others unidentified

VANDERBURGH COUNTY
BOARD OF COMMISSIONERS

Patrick Tuley, President

Richard J. Borries, Vice President

Richard E. Mourdock, Member

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS
MARCH 11, 1996

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VANDERBURGH COUNTY
BOARD OF COMMISSIONERS MEETING

MARCH 11, 1996

The Vanderburgh County Board of Commissioners met in session this 11th day of March, 1996 in the Commissioners' Hearing Room of the Civic Center Complex at 5:50 p.m.

RE: INTRODUCTIONS AND PLEDGE OF ALLEGIANCE

President Tuley: We will call this meeting to order, the Vanderburgh County Commissioners' meeting for March 11. As introductions, again, for you who have been here every week, this is old news, but to my far right is Cindy Mayo, who is our office administrator and Superintendent of County Buildings; to Cindy's immediate left is Alan Kissinger, County Attorney; to my immediate right is Commissioner Rick Borries; to my immediate left is Commissioner Richard Mourdock; to Richard's immediate left is Suzanne Crouch, County Auditor; and to Suzanne's immediate left is Charlene Timmons who is Recording Secretary, and who is now officially the Recording Secretary for this Board, as of tonight. So, she will be with us week in and week out. If you would, please stand with us and face the flag as we say the Pledge of Allegiance.

RE: APPROVAL OF MINUTES

President Tuley: Okay, under the action items, and there are, I believe, agendas posted along the wall for those of you who do not have a copy. At this particular time we are up to 4A, which is the approval of the minutes from the March 4, 1996 meeting. Is there a motion to approve?

Commissioner Borries: I so move.

Commissioner Mourdock: I'll second.

President Tuley: So ordered. Item 4B, any group or individual wishing to address the Commission who does not find their topic for discussion or their name listed on the agenda, now is the time to come forward and address this Board if you so desire.

RE: MIKE SHOULDERS - VANDERBURGH AUDITORIUM UPDATE

President Tuley: Okay, what many of you are interested in, item 4C, Mike Shoulders with an update on the Vanderburgh Auditorium.

Mike Shoulders. Thank you, Commissioners. Mike Shoulders with Veazey, Parrott & Shoulders, here to give you your monthly update on the project. I have brought with me tonight three of the consultants who will be on the team along with my firm and we have been working on some user group analyses, and marketing analysis for this project. As you recall, it is our goal to have a pretty good backup in documentation of what we are going to propose for construction. That is to say, a market study and a pretty thorough analysis of the kinds of space and equipment that would be proposed for this project. I would like to introduce Kyle St. Peter, from HOK of St. Louis; Ruth Lysaught, from Coopers & Lybrand; and John Cox, also from Coopers & Lybrand. They will each say a few words to you in a moment about what they have been up to. We will be finishing up our first round of interviews tomorrow, at the end of the day. As I reported to you at the last meeting, we are trying to interview various community leaders and those persons having interest in the convention center and the Vanderburgh Auditorium renovations. This is in part for public input and it is more specifically for a completion of our market study. We would propose to justify, as I mentioned, the budget and the kinds of improvements that we are going to propose over there for you. There will ultimately be a report that is published with the help of Coopers & Lybrand and HOK. For starters, I would like to have

Kyle St. Peter come up and give you a note, an idea, about the space requirement and that kind of analysis first.

Kyle St. Peter: Commissioners, as Mike said, my name is Kyle St. Peter with HOK out of St. Louis, and we specialize in the programming and design of convention centers. We most recently did the one in Indianapolis; we did their expansion. If any of you have been up there, that was our project. What we are going to be doing here in about the next eight to ten weeks is working with Coopers & Lybrand and John Kaatz to discuss a little bit, and interview people locally to find out what the market will bear here, which as Mike said, is a feasibility and market analysis. Once we have some parameters on the space requirements, we're going to take a look at developing a more detailed space program which will get down into exactly how many meeting rooms you'll need; what kind of ballroom you might need; subdividable flexible spaces and exhibit hall; pre-function space; and different things. We are going to start to look at the site capacity around Vanderburgh Auditorium. We are going to balance the market study with the program and what the site will bear, and develop some very preliminary concept documents working with Veazey, Parrott & Shoulders and do a presentation to the different user groups and, also, to you all to find out what is going to work and what direction we should proceed. What we think is important right now is to define the project and what the market will bear so that we don't over build or under build within the next five to ten years. We also might look at, working with Mike right now, a longer term master plan, so if for some reason in 20 years you do decide to expand again, so we don't do something now that is going to landlock you so that you can't ever expand again, to give it a longer range vision. Right now, I think I'm going to have John talk a little bit about the market study.

John Kaatz: My name is John Kaatz and I direct a group based in Dallas, Texas that specializes in the feasibility studies for convention centers around the country. In fact, we were involved fairly heavily, years and years ago, in the analysis of the convention facility here in Evansville. At that time, the contract was with the Parks Department, if you recall that project. We have been asked back to largely perform an update of that study to make sure, as Kyle mentioned, that we're building just the right sized building for the long and short term needs of Evansville, and not building too much or too little space. We feel, as do the architects, that it's a critical first phase. Prior to designing anything, you need to know what it is your market is looking for and trying to understand that market. We are going to complete a number of tasks that involve, starting today, interviews of the local demand generators, local individuals that will be using this facility, also local hoteliers and other individuals who have an impact on the visitor industry in Evansville and who could impact the convention center here in Evansville. We are also going to be taking a look at comparable and competitive facilities around the country and around the region to find out if there are lessons that have been learned over the past three or four years, since we did the original study, that we might take and apply to this project. We are also going to, and I think this is the most important component of the study, conduct detailed surveys of event organizers that are your potential market. I have identified them so far as the state association business. What do those state association event organizers think of Evansville, would they rotate here and how much space do they need? We will also take a little bit of a look at the regional association business, because given your proximity, there is a potential for some regional drop. We will also take a look at some of the local consumer show business, the craft shows, the gift shows and those kinds of events that are important to keeping this facility utilized on a regular basis. We are also going to take a look at the corporate demand generators. There is a lot of activity in this part of the country, and this part of the state in terms of corporate relocations and,

potentially, there is a need for public space from the corporate sector. Finally, I think one of, actually in terms of events, the largest generator of demand is going to be just the local community itself in terms of receptions and banquets and small meetings and the like. We'll spend a little bit of time trying to understand that business. Once those steps are completed, we'll have a good feel for who wants to show up in Evansville to hold a convention, trade show, meeting, consumer show or whatever it is. We'll take the next step and start translating that into how much space you should develop in terms of exhibition space, meeting space and banquet space. Once we get to that level, we turn it over to the architects and they will begin in earnest trying to figure out how to incorporate those pieces of building on the site to make sure that they are configured as beneficially as possible. With that, Mike, do you have any more? He is going to sum up and then we will open for questions.

Mike Shoulders: While the market analysis is being done on the convention center part of the project, we are also working with a firm out of Chicago by the name of Jerit/Boys, who are theatrical consultants on the specific requirements for the Vanderburgh Auditorium. This work can proceed while the market analysis is being done on the new convention center space. The items that we are looking at with Jerit/Boys out of Chicago, is the total number of seats in the auditorium and how extensively we will renovate. Whether we will need to raise the roof in that building to provide more balcony space or whether we can get by without doing that kind of improvement, we have a cost consultant that will come in with Jerit/Boys to look at the relative costs for the alternative improvements that could be made at the Vanderburgh Auditorium, so we are well into that research as well. The last item that I wanted to bring to the Commissioners' attention, and that we need some guidance on, is the parking question. As you know, as we upgrade the Vanderburgh Auditorium to 2,500 seats and we introduce a brand new convention center that has exhibit space anywhere from 30,000 to 50,000 square feet, to be determined, and new ballroom space, we are going to need to park people. As you also know from experience, the Civic Center lot capacity is something like 785 spaces and during the daytime, it is virtually full. You might find a space or two at the extreme east end. If we have activities going on during the day at this new complex, the convention center, which we certainly hope to do, we are going to need to provide a considerable amount of parking space in addition to what we have currently. As you also know, the proposed building site for the convention center, at this stage, that we're looking very closely at, is the gated parking lot immediately adjacent to the Vanderburgh Auditorium. We will lose 170 space on that site once we break ground, so now we're 170 spaces shy of what we already had in use. If we look at the Civic Center lot as a potential site, for example, for a parking garage, the quadrant bounded by Ninth, Walnut and Locust extended, there are about 180 spaces there. So should we decide to build a parking structure on that quadrant of the Civic Center lot, now we're down 350 spaces as we break ground. We have to begin and a part of the study that we're doing is actually a parking analysis. How many new spaces do we have? How many are there that we can benefit from and how many new spaces? We have not done a great deal of site analysis about adjacent property and so forth in that regard, but that will also be a part of the mix. Once the net cost available for construction from our Food and Beverage Tax is known, we will probably have a better idea about whether we can, in fact, build a parking structure. We know that in this area, the parking garages would go for about \$7,000 per parking space. That is a rule of thumb that we will be utilizing as we begin to cost that out. So, I wanted to raise that issue with the Commissioners and tell you that it is one issue that we will be looking closely at and we will need some guidance on as we come back to you in the coming months and we'll want to discuss it with you. We'll open it up for any questions that you have about the process. We plan to appear before you the first or

second meeting of each month now to give you an update. With that, I'll open it up for questions.

Commissioner Mourdock: Okay, I guess I get to start. First, I commend the group that you have put together, Mike, as far as providing the expertise that has been developed by working with these types of facilities before. The parking garage question that you asked is a very good one. As you well know, we do not have an immediate answer for you, but we will certainly take it under advisement unless the gentlemen on my right have some answers that I'm not heretofore aware of. I guess the one question that has come through my mind, especially in the past week, are we doing the right thing with every step of this? The comment was made by Mr. St. Peter that we need to interview people to see what the market will bear regarding the different facilities, and it has occurred to me more and more over the last week as I look at what's trying to be done at the Victory Theater and look at what we're trying to do at the Auditorium, it seems to me that we need to ask ourselves a pretty basic question, or a series of them, and that question is: would two Wal-Marts be built across the street from each other? Would two Kmart's be built across the street from each other? I'm not saying a Wal-Mart and a Kmart, I'm saying a Wal-mart and a Wal-mart, a Kmart and a Kmart. Those of us who have elected offices are responsible for spending public money, and I'm having a tough time as I look at the idea of two auditoriums within shouting distance of each other, both being paid for by public money, and it is crazy. I don't know that I have a suggestion as far as an option. If, in fact, the Victory is going to go forward, should we be building or remodeling an auditorium? Should we use the space that's there for that auditorium right now perhaps as, in Mr. St. Peter's words, flexible space that can be used for different things? I don't know, but I would urge you, as you look at the whole floor plan and your user groups, to try to ask that question, if in fact the Victory is there. Are we doing the right thing by having two auditorium facilities side by side? And, if it's the wrong thing to do, which public money being what it is, my gut hunch is that it is the wrong thing to do, what better options do we have? I'm not making any comment per se on the Victory as a project or on the Auditorium as a project, I'm not talking about the Learning Center at all. But, it is crazy to have two facilities paid for by the same source of funds to do exactly the same thing, within shouting distance. I hope we can find some better answers than what this community has had to discuss thus far. You don't have to answer that right now.

Mike Shoulders: Was that a question?

Commissioner Mourdock: There was a big question there! A big question.

Mike Shoulders: I don't think we can answer that at this stage.

Commissioner Mourdock: I understand, and maybe it's more for this community to answer than just for the four of you, but it is something that we need to discuss. Is this a sane policy that we seem to be approaching?

Commissioner Borries: Well, as one who has spent quite a bit of time anguishing over the deterioration of a publicly owned facility owned by the taxpayers of this community, specifically the Vanderburgh Auditorium, and as one who has had, as this Board does, responsibility on our watch for its maintenance and its future, I guess that's where my focus has always been. I want to commend you for your thoughtful approach in doing this because what we do there, we need to do the right way and look at a larger picture than apparently what may have been looked at when the building was originally done. I really don't know if that's fair either because I think every age and every generation has to work within the confines of what the budget is and what's doable and what the

technology is. As soon as you do that, you could line up a brand new facility with all kinds of computers and the next day the computers would all be out of date, and then somebody would be crying for new equipment. I think, within the confines of the 1960's, that building certainly did what it was supposed to do at that time. But, looking at the future in the thoughtful way you're doing it, to look at it the right way, I think is good. What I regret, and still regret, in relation to what Mr. Kaatz has mentioned, specifically, on the feasibility of the convention center, is that I think that we are out of the convention business in the short term. I just don't see it. I think that is the tragedy of what this community is faced with at this point, is the loss of potentially 40 million dollars of business in what could be a very hot climate, a very solid climate as a regional center and we're not there. We don't even seem to want to work with potential developers who have come in and put their money down and then someone will say, it isn't enough, as if we should be calling that shot. So, I think, that's really one thing that does need to be looked at very carefully here is, in the larger sense is what are we missing and what can we do to get a pollution free industry business in this community to support, literally, a facility that is not going to go away, specifically, I'm referring to the hotel. I'm not sure...I want to also make mention on record of the work that Pat Shoulders did in weaving through the minefield of a lot of conflicting viewpoints and a lot of other agenda that apparently went on. But, the bottom line is that, thanks to his leadership and efforts the extension of the Food Tax to finance a quality facility at that site is now on board, and I think we can move forward with what you're saying. The parking is going to be critical, and that won't happen by magic. I think that we need to look at all alternatives, including again, that facility across the street. Even to look at it in the short run, and then if we're not going to use it after the short run, maybe then look at it for a potential parking facility later on. Something is going to have to be done in terms of the parking, no doubt about it. I commend you for your thoughtful approach. Mike, I think you are involving some folks here who have extensive experience, and indeed, since they're more than 50 miles away from our community, can be called experts. That's always a good rule of thumb. We appreciate your thoughtful comments here tonight.

President Tuley: I'll be very brief. I'm not going to push any hot buttons, I've let these two guys already do that. Mike, I want to thank you for going ahead and continuing to move this thing forward. We have debated how we were going to fund it and everything else, but you have already been putting together your committee, and it does sound like you have chosen some very excellent people who have some good background and good experience in doing this. I appreciate the fact that you are already moving forward. I think the money issue is going to be decided, we'll know pretty soon exactly what we've got to deal with. Your folks here are going to tell us what it is that we are supposed to build, assuming we have the money to do that. As everybody said, parking is a very critical component of that. I don't want to spend the kind of money that we are talking about and the parking is kind of up in the air. That's just my personal opinion. It has to be an integral part of it, and it has to be an integral part of it from the very beginning. It can't be something that you just decide later, but we'll figure out how to deal with that later. It's got to be an integral part of it from the very start.

Commissioner Mourdock: It does, and I can say this somewhat tongue in cheek, because I appreciate the fact that you all are looking at the parking here. You see this facility, you say the way it is, we need parking. Basically, whatever we are going to do, we need parking. We are told for the Victory, that parking is not a problem. So, I don't know where we quite take that, just a block and a half from each other. With the parking is it possible, though, for this Board to get you an answer as to what the parking

should be, until we hear back from you as to what the facility is going to be as far as the use potential?

Mike Shoulders: We're not asking for guidance other than just your thoughtfulness in the period until we come back and say the size of the facility, the number of parking spaces that we need, and then we'll call on you to say...and we'll probably have two or three thoughts about optional siting of a parking facility, whether it's surface or most likely a parking structure. Then we will want to come back to you and say, okay, we need your input, but we will need to furnish you with more data before that can happen.

President Tuley: Thanks very much, Mike, and your thoughtful, insightful people. Yes, Mr. Coker?

Dave Coker: Can I speak in response to that?

President Tuley: Come on up, it's a public meeting.

Dave Coker: My name is Dave Coker and I'm here as one of the founding members of Concerned Citizens for Fiscal Responsibility. I'm one of those people who have been out here on the streets in the cold weather collecting signatures opposing the Victory Theater project. Despite the wisdom of the city, despite the wisdom of our county elected officials, and the wisdom of the republican leadership of the legislature, I can tell you that from talking to people all over this community, crossing virtually every socioeconomic background, I mean, from people driving beat-up pickup trucks with ladder racks on the top to people driving \$50,000 brand new cadillacs, that there was not a strong constituency in this county for extending the Food and Beverage Tax, from the people that I'm talking to, that are signing this petition. So, I want to say that you all are demonstrating leadership by going in this direction and trying to make some decision about a convention facility. I think that we need to be mindful of what the people are telling us. They are concerned about a situation where we are talking about 30 and a half million dollars for this project and an additional \$15 million over here for this project which, ostensibly, is on private land. We do not know whether or not it's going to be purchased, whether or not it's even available. I talked to the current owner of the property last week who indicated to me that...he would not tell me who the descendants of the Nash couple are, that ostensibly, this thing is in this 99 year trust that expires in the year 2018. There apparently are some descendants somewhere, but we don't know who they are. Nevertheless, in addition to that facility over there, and they say that parking is not going to be a problem...I mean, if you're going to have 2,200 people in a facility over here that is four blocks from the Civic Center parking lot, it is inconceivable to me that in inclement weather, people are going to walk that distance to go to an event at the Victory Theater. So, they are going to need parking in the proximity, which indicates, according to what Mr. Shoulders just told us, that we're going to need a parking facility over here as well that is going to cost us \$7,000 or more per parking place if his figures are accurate. The thing that really disturbs me about this whole process is that everybody is in agreement that something needs to happen here, and that we want to build some kind of public facility. It seems like the county continues to work on this project and the Learning Center people and Theater District, Inc. continue to work on this project over here and the city is in the middle. Nobody seems to be talking to one another and we're talking about the expenditure eventually of upwards to 60 million dollars and that's a nice piece of change. You could educate a lot of kids, you can feed a lot of people, you can provide day-care services for a lot of people, you can write a lot of school to work programs for that kind of money. I think that we need to get our heads together, the Convention and Visitors Bureau, the County Commissioners, the County Council, the City Council all these various groups. These people right here

who...and I have no problem with what they've said, we need to get our heads together as a community and get in a problem solving mode and identify some goals and objectives so that we are all pulling in the same direction. This whole process is ripping this community apart and I think that you guys are aware of this just as much as I am. I think we need to come together as a community and decide which way we are going to go in, because we all have our own ideas about what our goals and objectives are, but there doesn't seem like there is that much communication going on and time is critical. We don't know how long this riverboat is going to be here and that is, obviously, one of the impetus of why we're in this crisis management type situation here. We don't know how long they're going to be here, and that ostensibly, is what we are trying to capitalize on in terms of bringing people to this community for conventions, other kinds of visits, tourism and entertainment events. That's basically all I have to say and I would welcome any comments you might have.

President Tuley: Thank you, Mr. Coker.

Janet Watkins: Thank you, my name is Janet Watkins. I'm also working on the remonstrative petition drive against the Victory Theater and the Learning Center to be put on property taxes. Much of what David has heard from the people is the same thing that I am hearing. I'm going to ask you as the County Commissioners, I just spoke with Steve Bagbey of the City Council, I have also spoken to Bettye Lou Jerrel of the County Council, and the only one I haven't spoken to yet is the Mayor, what I would like to see done after the primary when there is a little time for some thinking, some quiet time, that all of you come together. I propose using the county Auditorium if we can get the price right and listen to the taxpayers. I believe if you were to advertise it so that they would know that there is a date that they could come down and you all will listen, I think it would be vital to this community. I like the way this group is going about it, I would question this...is Jerit/Boys an acoustical company?

Mike Shoulders: They're a theatrical consultant, we will have a separate acoustical engineer, probably Paoletti, Stan Roller and Jaffe.

Janet Watkins: So, my question to you here then is, you will bring our auditorium up to state of the art in 1996, 1997, 1998, you know what I'm trying to say, it will be state of the art when you're done with it?

Mike Shoulders: In response, we will have an acoustician on our design team. There are a lot of definitions about what state of the art is. What we want to be sure to have in the auditorium, we think, is rather than 1960's vintage sound and lighting equipment, yes, 21st century systems within that building.

Janet Watkins: I think he said it all right there in the doubling and duplication of the Victory Theater and our county auditorium, which we own as the public of this community, is that we're going to have the best that we can have right here in property owned by us. I would also like to make a statement, because I know it is a fact, the Green Convention Center is open if you go through the owner, Tom Green, or through Tom Newmaster, of the Executive Inn, so this city should really not lose any convention business. Also, in my studies in going through the remonstrative petition drive against the Victory and the Learning Center, one of the things that I came across is the Foxx Theater in St. Louis, which is a very busy theater, has \$1.00 per ticket charge for renovations. I would suggest to the Commissioners here, that when we eventually complete this renovation of our auditorium, that there be some kind of a charge per ticket per event that could be used for maintenance and continuing advancement in keeping it state of the art. The taxpayers have been out, it's unbelievable, we have not burdened

Ms. Crouch's office too much yet, she had work to be done, but we are very, very unhappy with the situation through the city and we come to you as our county reps because we don't have much to do with that city Parks Board issuing a bond. That's why the people are out, and believe me, I've been involved in a lot of organizations, this taxpayer group is unbelievable and they all have opinions. About as many opinions as we have signatures. So, I'm asking you if you would work with the city in setting up a meeting for the taxpayers. I would really want to have the architects there to listen to the needs of the community, not just from the businessmen, but from that poor sucker who rides the METS bus and nobody takes into consideration his thoughts, whatsoever. I've read some of the stuff that was addressed to the Commissioners through our Legal Aid Society, and I was allowed to use that. I didn't have the opportunity, but there is some good information that everybody should be aware of. So, I thank you for your time, I thank you for your very diligent work. I think the taxpayers, with you all and the County Council in charge, will be served well. Thank you.

Commissioner Mourdock: If I may just ask one follow-up question, I'm sorry, but we're talking a lot of money here, guys. Mike, if you will come up and answer one real quick question. Ms. Watkins was talking about having public input, obviously, I'm all for that. You had spoken also, and I think Mr. St. Peter had, about how you were interviewing people. What are you doing? Are you having focus groups or what's the nucleus of those people?

Mike Shoulders: For the present, we are interviewing those who would not necessarily have input, but who could give us information concerning our market study. Now, we have talked about the possibility of some public hearings, wherein at the right time we have the drawings for this proposed project, and we invite public meetings. That has been discussed, I don't think the Commissioners certainly have voted on that or scheduled anything, but it has been discussed. Also, there is a possibility that we will have some focus groups, and we have talked about that as well. Do any of you want to speak to that, or is it just in the beginning thinking stages on the focus groups? But, certainly there is, beyond the individual interviews that we've had, that's not really what I would consider to be citizen input or public participation. We're trying to get data for documenting the needs of the building from a market standpoint. In terms of the design of that building and what goes in it, and what the amenities are, and what the public is getting for its dollars, I think that at some point in the process we do need some public hearings where we advertise the meeting, we have the drawings up, we hold it in the auditorium or what have you, and we present the preliminary information and we listen to public ideas. I think the Commissioners may want to discuss that issue and then give us some guidance on whether, in fact, they would like to do that.

Commissioner Mourdock: Okay, thank you.

President Tuley: Thanks so much for all your comments. Item...did you have your hand---

Janet Watkins: I didn't.

President Tuley: Okay, okay, then let's move on if there's no other comments.

Commissioner Mourdock: It's odd when we find agreement in this room, Janet. That's why we're all smiles.

President Tuley: We ready to move on then?

Mike Shoulders: Thank you.

President Tuley: Thank you.

RE: SOIL & WATER CONSERVATION LOAN AGREEMENT

President Tuley: Item 4D, Soil and Water Conservation Loan Agreement. This is the actual written agreement prepared on their letterhead. We talked about this last week in reference to the \$4,000 that they need to get their grant in motion from the state.

Suzanne Crouch: Where is that money coming from, what account? Is that out of your fund?

President Tuley: Yeah, I think the intent was that it would come out of CCD money. It was just going to be a loan. That's the only place I know that we've got any money.

Commissioner Mourdock: But it is a loan?

President Tuley: It is strictly a loan, yes, it is. Basically, what it is, it's to allow them to get a grant, they have to put some up-front money.

Suzanne Crouch: Seed money.

President Tuley: Seed money, that's exactly right.

Commissioner Mourdock: I'll move acceptance of the loan to the Vanderburgh County Soil and Water Conservation District, as presented in the agreement that we have before us.

Commissioner Borries: Second.

President Tuley: So ordered.

RE: LYNN ELLIS - PURCHASING

President Tuley: Okay, department heads. We've got Lynn Ellis on here, I don't see her.

Cindy Mayo: She has nothing to report.

President Tuley: Nothing to report, oh boy, I hope we have a few more of those. John?

RE: JOHN STOLL - COUNTY ENGINEER

John Stoll: You don't get lucky two times in a row.

President Tuley: Don't get lucky two weeks in a row?

John Stoll: No, two times.

President Tuley: Two times, okay.

John Stoll: The first item I've got is the acceptance of streets and storm sewers out of right-of-way in Oaklynn Park Subdivision, Section I. Everything was built according to the approved plans and I recommend that the streets be accepted and that the storm sewers be accepted contingent upon us receiving the \$2.00 per linear foot fee.

Commissioner Borries: I move the streets be accepted as outlined by the County Engineer.

Commissioner Mourdock: I'll second.

President Tuley: So ordered. I'm signing, but I wasn't saying anything.

John Stoll: The second item I've got is, last week Commissioner Mourdock had asked about the letter of credit for the streets at Willow Creek Subdivision and that remaining balance is \$4,636.00, based on some numbers that I went through that would probably cover about 10,000 linear feet of cracks and joints and cover the concrete repairs we have asked for, so it should cover it.

Commissioner Mourdock: I'm sorry, John. I was listening, writing and typing at the same time. You've got \$4,636.00 still outstanding on the letter of credit for Willow Creek?

John Stoll: Right.

Commissioner Mourdock: Then you started to talk about joints and such.

John Stoll: Right, based on some estimates that I did, that should cover the concrete repairs that we have asked for as far as the actual replacement of some of the concrete slabs, and that would leave a balance that should cover about 10,000 linear feet of joints and crack sealing. It should be enough. We haven't measured the exact linear footage of all the joints and cracks, but if it's not completed before Section D of Willow Creek proceeds, then I will ask for an increase in that letter of credit to cover the difference between what's out there and what we have in this letter of credit.

Commissioner Mourdock: Okay, thank you.

John Stoll: The next item I've got, I would like to request authorization to go before County Council to transfer \$450,000 from the Oak Hill Road Bridge to the Stringtown Road Bridge. The Stringtown Road Bridge...we had originally intended to get that bid late last year, but we had some revisions that had to be made to the plans and it wasn't bid. I couldn't encumber the money and I didn't put any budget request in this year for the Stringtown Bridge, so I would like to request a transfer now from Oak Hill to Stringtown, and then we would go ahead and do Oak Hill either late this year or sometime next year.

President Tuley: Motion?

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

TAPE CHANGE

John Stoll: The next item I've got is the street plans for Section II of Keystone Subdivision. I've reviewed these plans and I would recommend that they be approved. They will be asphalt streets with curb and gutter.

Commissioner Borries: I move they be approved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Commissioner Mourdock: Refresh my mind, is Basing doing this?

President Tuley: Bussing?

Commissioner Mourdock: Bussing.

President Tuley: Bussing, yes.

John Stoll: The final item I've got is a supplemental agreement for the Fulton Avenue Bridge design. This would be for the design of the relocation of the water line that currently goes across the bridge. This is the only item that remains to be designed on that project and I recommend that the supplemental agreement be approved. It's in the amount of \$2,640.00.

Commissioner Borries: I'll definitely say that I move that be approved.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

John Stoll: That's all I've got unless there are any other questions?

President Tuley: No, no questions.

John Stoll: Thanks.

RE: BILL MORPHEW - COUNTY GARAGE

President Tuley: Bill? Let the record reflect that Bill has submitted a report for the Vanderburgh County Highway Department and the Bridge Crew covering the period of Friday, March 1, 1996 through Thursday, March 7, 1996 showing work done all over the county.

Commissioner Borries: Boy, I hope that's the last time that we see you're running routes for snow.

President Tuley: Really.

Commissioner Mourdock: Be glad we're not in Boston, what did they have, 96 inches or something?

Commissioner Borries: Must have not had the salt shortage this year that they did last year. Remember, we got in that trick last year, didn't we?

Bill Morpew: Yes, we did.

Commissioner Borries: But now the east coast, I haven't heard anything about it, but last year they just quit plowing too, they just ran out. I haven't heard with the record snows they've had, if they've had that much difficulty getting salt this year.

Bill Morpew: We've kept a pretty good stock.

Commissioner Mourdock: What's the note, you pulled posts on Boonville-New Harmony and Hillsdale by Tall Timbers?

Bill Morpew: Concrete posts, that were put in back in WPA days, they were put in as barrier posts or guardrails.

Commissioner Mourdock: Oh, okay.

Bill Morpew: We had an order from the Engineering Department to pull those and in some cases we are putting guardrails in.

Commissioner Mourdock: Okay.

Bill Morpew: The posts don't do much good. They generally just break off.

Commissioner Mourdock: Yeah, but they were there 60 years.

Bill Morpew: Well, there's been a lot of broken ones, too.

President Tuley: So, some of them were there 60 years.

Bill Morpew: Some of them were there.

Alan Kissinger: The ones that were needed are broken, the ones that weren't aren't.

President Tuley: One for Alan.

Bill Morpew: And I can see from your point of view, as the attorney.

President Tuley: Questions to Bill?

Bill Morpew: I need to go to Council for transfers--

President Tuley: No, I said questions for Bill, I didn't say--

Bill Morpew: Well, I thought you were done.

President Tuley: I'm sorry, go ahead, I was just messing with you.

Bill Morpew: I do need to go to Council to transfer some funds to pay for the additional salt that we have purchased, and some other little transfers I need to do from one line item to another.

Alan Kissinger: Excuse me just a moment, Bill, did we get straight on that...we had bought that salt off of a state purchase number, as I understand. Have we gotten straight on that in reference to the price we are paying for that?

Bill Morpew: To my understanding we have, yes.

Alan Kissinger: Okay, sorry.

Bill Morpew: I'm going on vacation from the 24th to the 30th of March, so Milton will be here.

Alan Kissinger: Sure, rub it in.

President Tuley: Yeah, I hope you're going to Florida where it is cold and rainy.

Bill Morpew: No, sir. Actually I'm going to Weiss Lake in Alabama. I'm chasing that elusive \$60,000 fish. I'm going to chase it till I die.

Commissioner Borries: I move the request be granted on the transfer.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

Bill Morpew: Thank you.

RE: ALAN KISSINGER - COUNTY ATTORNEY

President Tuley: Alan, you're up next.

Alan Kissinger: I have only two matters to report. One in reference to progress, the other in reference to the lack of progress. The Daylight sewer project, we're still on beam here but we have been slowed down slightly. I think that Mike Robling's proposal for the interlocal agreement in reference to this project and future projects is good, and we ought to take the extra time right now to get that done. It's just been a matter of logistics in getting everyone together to consider this, but we are making progress on that. As to the Fixed Asset Ordinance, I'm sorry to

report a lack of progress, and that's my fault. So many other things intervened last week, that I met myself going the other way once. So, I will try to report on that next week, and Suzanne I will try to meet with you this week. I have one area of specific concern and, hopefully, we can propose that the Commissioners advertise that as a proposed ordinance. I have nothing further to report.

President Tuley: Thank you.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

President Tuley: Cindy?

Cindy Mayo: The only thing that I have is a travel request that I would like to have added to the consent agenda. It's for two people out of the Auditor's Office for mileage and per diem only, no lodging, so I would like to submit this. That's all I have.

RE: CONSENT ITEMS

President Tuley: Okay. Speaking of consent items, we have numerous ones including employment changes, travel requests, and Council Call for the Auditorium. We have the Auditor's monthly submittal of vendor claims to be approved.

Commissioner Borries: I move the consent agenda be approved with this addition.

Commissioner Mourdock: With the addition there, I will second.

RE: SCHEDULED MEETINGS

President Tuley: So ordered. Scheduled meetings, I've got the wrong copy, it says, list attached, but I don't have anything on it.

Cindy Mayo: Here, sorry.

President Tuley: That's alright. Okay, March 11, there is a PC-Finance meeting tomorrow afternoon at 2:30 p.m., and then next Monday the...what is that? It always says the same thing, PC-Finance.

Commissioner Mourdock: Personnel Committee?

President Tuley: No.

Suzanne Crouch: No, that's the last Wednesday of the month.

President Tuley: Yeah.

Cindy Mayo: Oh, that's the county, the employees that are on there.

President Tuley: Oh, the employee's committee.

Cindy Mayo: Yes, yes.

President Tuley: Okay, the Steering Committee.

Commissioner Borries: The Personnel Committee.

Commissioner Mourdock: Right words, wrong application.

President Tuley: Right, there are no other meetings listed on there for the rest of this week, and then the 18th, of course, we start in with our Executive Session, then we have a regular Commissioners' meeting at 5:30 p.m. and then 7 p.m. will be the rezonings.

RE: OLD BUSINESS

President Tuley: Old business, do either one of you have old business?

Commissioner Borries: Well, just a little bit of old. Today we, for the record, officially put the Franklin Street Bridge in the reconstruction point. Finished in 1995, built in 1932 and that pretty well finishes part of a long range plan that we have, where Maryland Street was reconstructed in '84, Columbia-Delaware in '93, and Franklin Street now in '95. We hope to have a new bridge, as you all know, on Ohio Street in 1996, and then the state will come in, probably in 1997, and then we all will think that it's a real good thing to have those bridges rehabilitated. When the Lloyd Bridge construction goes into effect, a nice bridge and all--

President Tuley: Look out.

Commissioner Borries: --look out, that's right. It should be interesting. We are, I think, on target with that and John Stoll was saying today that he thought that if we could get some good weather, the Ohio Street Bridge will be moving along, I think, pretty quickly, the new Ohio Street Bridge.

President Tuley: Okay, any other old business?

RE: NEW BUSINESS

President Tuley: New business, have you touched base with Olga?

Commissioner Mourdock: Yes, Cindy Mayo is smiling at the end of the counter there. We got word today that Ms. Corbett decided not to accept the commission.

Cindy Mayo: Tramill.

Commissioner Mourdock: I said it again, not Olga Corbett, Olga Tramill.

President Tuley: Neither one of them wanted the position.

Commissioner Mourdock: Neither one of them wanted it, so we will begin the search again.

President Tuley: Okay, any other new business?

Cindy Mayo: I won't tell them the comment you made to me about it!

President Tuley: New business? Motion for adjournment?

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

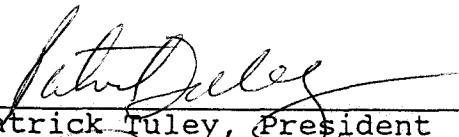
President Tuley: So ordered.

Meeting adjourned at 7:42 p.m.

THOSE IN ATTENDANCE

Patrick Tuley
Richard J. Borries
Richard E. Mourdock
Alan Kissinger
Cindy Mayo
Suzanne Crouch
Charlene Timmons
Mike Shoulders
Kyle St. Peter
John Cox
Dave Coker
Janet Watkins
Bill Morpew
John Stoll
Members of media
Others unidentified

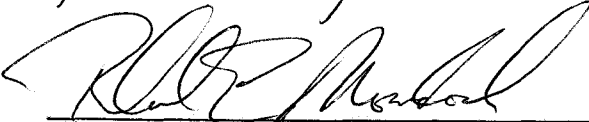
VANDERBURGH COUNTY
BOARD OF COMMISSIONERS



Patrick Tuley, President



Richard J. Borries, Vice President



Richard E. Mourdock, Member

Transcribed by Charlene Timmons

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS
MARCH 18, 1996

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VANDEBURGH COUNTY

BOARD OF COMMISSIONERS MEETING

MARCH 18, 1996

The Vanderburgh County Board of Commissioners met in session this 18th day of March, 1996 in the Commissioners' Hearing Room of the Civic Center Complex at 5:53 p.m.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Tuley: Good evening and welcome to the Vanderburgh County Commissioners' meeting for Monday, March 18. There are agendas along the wall where the gentleman is picking one up now. We might, in the form of introductions, I see some people here who don't know who all of us are, to my far right is Cindy Mayo, who is our office administrator and Superintendent of County Buildings; our County Attorney, Alan Kissinger, will be joining us in a moment in that empty chair; to my immediate right is Commissioner Richard Borries; to my immediate left is Commissioner Richard Mourdock; to Richard's immediate left is County Auditor, Suzanne Crouch; and to her immediate left is Charlene Timmons, who is Recording Secretary, and she will be recording the minutes; and I'm Commissioner Pat Tuley. If you would, please stand with us, face the flag and say along, as we say the Pledge of Allegiance.

RE: APPROVAL OF MINUTES

President Tuley: Thank you. Under the action items, first item up, 4A, would be the approval of the minutes from the week of March 11, if I may have a motion.

Commissioner Borries: I will move that they be approved.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

RE: ANY GROUP OR INDIVIDUAL WISHING TO ADDRESS THE COMMISSION

President Tuley: Okay, under item 4B, this is the point in time when each week the Commissioners ask for anybody who does not find their name or their topic for discussion that is listed on the public agenda to come forward and address the Commission with any concerns or problems that they have.

Unidentified: I have a question. I'm not sure I'm in the right meeting.

President Tuley: Oh, okay.

Unidentified: I'm representing Center City Corporation, because a P.U.R.E. organization was going to bring up an item. Is that the City Council meeting?

President Tuley: Must be, because we have nothing on our agenda tonight.

Unidentified: Okay, I'm in the wrong meeting. She told me to be here at this time, so I'll go.

President Tuley: Do you know where their meeting room is, around the corner?

Unidentified: Upstairs?

President Tuley: Right around the corner.

Unidentified: Okay, thank you.

President Tuley: Anyone else?

RE: CHERYL MUSGRAVE - COMPUTER SYSTEM/REASSESSMENT

Cheryl Musgrave: I'm here with good news. I don't know how many of you saw Channel 14's report last week of the problems that Warrick County is having with their reassessment. It has to do with their software provider and the program not working, and actually losing all their parcels. They're in a situation where they are about to sue their software provider. Well, so many people came up to me that I thought it was time to thank you guys for the decision you made about two years ago to contract with CSS to buy Proval. I remember attending that hearing and what a difficult decision that was, because there was, as always, someone opposing it, but you had to go ahead and do it. I think it should be recorded in your minutes that there was a whole group of people who worked toward that decision and it has brought us to today. The Township Assessor's work is done. Those figures are being delivered to the Auditor; it's taking some time. We're doing what's called a rollover. We're encountering technical problems, but nothing that we haven't been able to work out, and our software provider has just bent over backwards to help us. I think it should be recorded in your minutes that the Commissioners at that time, Don Hunter, Pat Tuley and Richard Borries worked with the Council members, all of whose names I don't remember, Richard Cappelletti from the Data Board; Mike Russ from the School Corporation; and the Township Assessors, most particularly, Glen Koob from Perry Township, and Al Folz from Knight Township, to bring about a decision that is causing me to not be here today to ask you to sue somebody. I can't tell you how thrilled I am about that. That's all I had, just totally good news, and I really am appreciative of the work that you did, thanks.

Alan Kissinger: Ms. Musgrave, as far as history is concerned, I can tell you that the threats of lawsuits were about five years ago!

Cheryl Musgrave: Yeah, we're not there anymore.

President Tuley: I personally will thank you for coming forward and stating, as you did, because it was a most difficult situation.

Cheryl Musgrave: It was, and I really appreciate the work that everyone did. My first year in office is remarkably different than it could have been. Thank you.

Commissioner Borries: Thank you for some very nice remarks.

Commissioner Mourdock: I think that's the first time, Cheryl, since I've been on this Board, that someone has come forward to say such nice things, and the Board did such a great job and, wouldn't you know it, I wasn't here then!

President Tuley: You didn't have anything to do with it.

Commissioner Mourdock: That's right.

President Tuley: Alright, well, we do thank you, Cheryl.

RE: CEDRIC HUSTACE - PERMISSION TO ADVERTISE HEARING DATE

President Tuley: Alright, item 4D, Cedric Hustace, permission to advertise hearing date. I don't see Cedric.

Commissioner Borries: Regarding?

President Tuley: I'm sorry, a petition to vacate easement. Suggested hearing date is for April 15, 1996. Basically, the title of the ordinance is, an ordinance to vacate a certain public way or public place within Vanderburgh County, Indiana, being a platted alley along the west line of Lots nine and ten in Standard

Addition, Plat Book G, page 105. The petitioners are Bruce E. and Lisa Werner, the common address is 3712 Upper Mt. Vernon Road.

Commissioner Borries: I move that the request be granted and permission to advertise be done, and that the hearing date be set for April 15, 1996.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

RE: LYNN ELLIS - PURCHASING

President Tuley: Department heads, Lynn Ellis, Purchasing.

Lynn Ellis: Okay, I have four items. The first two are to award bids and the Commissioners and their responsible departments don't actually purchase directly off of these two bids. You purchase through Jerry Hays of Traffic Engineering, but I wanted to bring them to you for award so that the County can utilize them when necessary. The first is bid number APA014-96 for traffic paint. We are recommending the yellow standard, the yellow hot, and the white hot paint be awarded to CenterLine Industries for a total of \$16,879.50; the white thermoplastic be awarded to Swarco Industries for \$12,105.00 and the glass spheres be awarded to Flex-O-Lite for \$3,960.00. They are the low responsive and responsible bidders. Those are broken down by categories of items, so they're the low responsive and responsible bidders in each appropriate category.

President Tuley: Questions? Motion?

Commissioner Mourdock: I move acceptance of the bids as recommended by Ms. Ellis.

Commissioner Borries: Second.

President Tuley: So ordered.

Lynn Ellis: The second one is APA015-96 for traffic signs and materials. I told Cindy that I wasn't going to attach all of the documents because there are about 150 pages worth of materials, but this is being recommended for award by line item. It has been reviewed and the recommendation is coming from Jerry Hays for low responsive and responsible bidder for each line. Total bid recommended for Hall Signs for \$45,376.92; for Rocal, Inc. for \$38,871.54; and 3M Company \$8,342.50. I don't know if you have any specific questions, but they are the low responsive and responsible bidder per line item, and there are hundreds. Different bracket sizes and sign sizes, posts and all that.

Commissioner Mourdock: I'll move acceptance of the bid APA015-96 as recommended by Ms. Ellis.

Commissioner Borries: Second.

President Tuley: So ordered.

Lynn Ellis: The third item is to approve advertising for bids for concessions at Burdette Park for the food and drinks. Bid number is APA035-96 and I would like to request that they be advertised March 21 and March 28, with a bid opening of April 8.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Lynn Ellis: The last item I didn't prepare an agenda item for.

It's not a legally advertised bid, it's an informal quote. That's for the T-shirts and hats for Burdette Park, and I would also like to request that those be opened April 8, as well. They will be opened at a meeting, but they are quotes, they don't fall under the statute requirement for formal bidding.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

Lynn Ellis: Thank you.

President Tuley: Thanks, Lynn.

RE: JOHN STOLL - COUNTY ENGINEER

President Tuley: John Stoll, County Engineer.

John Stoll: The first item I've got is a street plan approval request for Oaklynn Park Subdivision, Section II. This is a small portion of Oaklynn Subdivision. There will be concrete streets with roll curbing and gutter just like the rest of the subdivision. I have reviewed the plans and I recommend that they be approved.

Commissioner Borries: I move that Oaklynn Park, Section II be approved.

Commissioner Mourdock: Second.

President Tuley: So ordered. That was for the road plans, correct?

John Stoll: Yes. The next street plan approval request that I've got is for Covington Heights, Section IV. This is on Hedden Road, halfway between Millersburg and Kansas. These streets will also be concrete with roll curb and gutter and I would recommend that these plans be approved as well.

President Tuley: Are you going to sign these for us?

John Stoll: Did I forget?

President Tuley: Nobody wants yards anymore.

Commissioner Mourdock: Is that front right...what's the access to this?

John Stoll: Hedden, these streets connect over here.

Commissioner Mourdock: Pursuant to the recommendation of the County Engineer, I'll move the acceptance of Covington Heights, Section IV road plans.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: The next item I've got is a supplemental agreement for the construction engineering services for the Franklin Street Bridge. This results in an increase in an amount not to exceed \$26,500.00, and of that, 20 percent would be our cost. This will finish out that project and I would recommend that the supplemental agreement be approved; it's with United Consulting Engineers.

Commissioner Borries: And this is the finish of the project, you say?

John Stoll: Right, the original amount of hours that was estimated that it would take to finish the job that was in the original agreement was wrong, and in order to finalize all the construction records for the project, additional hours were required by the project inspector, so that's what resulted in the need for the supplemental agreement.

Commissioner Mourdock: Just clarify that a little bit more, if you would, John. What caused them to miss the number of hours? Were there changes required?

John Stoll: Really, the contractor didn't start on time. There were some delays at the start of the project and there have been delays at the end with the water line. Those two things, really, resulted in underestimating the number of hours that the inspector would have been required to be on the job.

Commissioner Mourdock: Okay, and there was no way they knew ahead of time that the water line was going to be a problem. That was beyond their purview to deal with initially, so they didn't have any way of controlling the additional time.

John Stoll: Right, the water line leaked and it went back and forth for weeks and weeks on what was going to be used to fix the leaks. What was considered to be satisfactory by the designer of the water line and the contractor, and the manufacturer of the water line, was not acceptable to the Water and Sewer Department, so it just dragged on, and on, and on. So, that was the main delay at the end. The total amount is still underneath the maximum the state will allow on these. The maximum they allow is 12-1/2 percent of the construction cost, and I believe this is at 9.2 percent.

Commissioner Mourdock: And you said we are responsible for 20 percent. So, is our 20 percent the \$26,000?

John Stoll: No, our share of that will be the \$5,200.

President Tuley: That was 9.15 percent.

John Stoll: Oh, 9.15 percent, okay.

Commissioner Borries: I move the change order be approved.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

John Stoll: The next item I've got is a change order for Strueh-Hendricks culvert replacement. This change order is in the amount of \$668.75. The need for this change order came about when we replaced the other 42 inch pipe that was not originally going to be a part of our contract. There was some additional guardrail and stone that was needed in order to do that, and that is what resulted in the increase of \$668.75. I would recommend that it be approved. The contractor on the project was Southwest Engineering.

Commissioner Borries: I move that it be approved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

John Stoll: The next item I've got is a change order on Lynch Road. It results in an increase of \$68,065.05. The items on the change order are two things: one, an increase in the amount of borrow required for the project; and the other is a change in the surface seal for the bridge decks. The change in the surface seal was just a paperwork matter. They had to substitute one for

another, because one surface seal was not on INDOT's approved list, so that resulted in no difference in cost on that change order. The increase in borrow quantities...the final dirt quantity that was determined to be used on the site, on the project, after the borrow pits were all surveyed, and the reason that Bernardin Lochmueller gave for that, was they just underestimated, probably, the amount of shrinkage in the soil after it was compacted. They said that they didn't properly account for topsoil and things of that nature.

Commissioner Borries: Will we pay that entire cost?

John Stoll: No, there again, that would be 20 percent. That would be our cost of that.

Commissioner Mourdock: I'm sorry, John, who is the payee in this case?

John Stoll: Blankenberger Brothers.

Commissioner Mourdock: The bridge seal issued when they bid it, did they not know what the approved list was? You said it didn't affect the cost, though?

John Stoll: No, it didn't affect the cost. Basically, it's just a paperwork matter.

Commissioner Mourdock: It's really just a question of the borrowing?

Commissioner Borries: And they're finished now, aren't they, on that portion?

John Stoll: The surface seal still needs to be placed on one bridge, the bridge over Pigeon Creek, but everything else is done.

Commissioner Mourdock: But that seal won't require another change order, that was part of the bid?

John Stoll: No, that is part of the bid. Temperature limitation is the only thing that is preventing them from getting that done. They felt that would be done in the next couple of weeks.

President Tuley: It's your recommendation that we approve this?

John Stoll: Right.

Commissioner Mourdock: I'll move acceptance of the change order as recommended by the County Engineer.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: The final item I've got is a claim for license renewal for our nuclear density gauge. I didn't get this in time to get it on the consent agenda, and we've been going back and forth with NRC for quite a while trying to get resolved what we were going to pay, because they owe us a refund from last year. We were originally just going to have this fee deducted off the refund, but now they're telling us we need to submit a new check for the full license fee for this year, then they'll reimburse us for everything--

President Tuley: The check is in the mail?

John Stoll: Yeah, that kind of thing.

Commissioner Borries: I move the claim be allowed.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

Commissioner Mourdock: Just as information related to that, John, how many people do we have that are certified to operate that?

John Stoll: Three.

Commissioner Mourdock: Oh, three.

John Stoll: We just had a surprise inspection by one of their inspectors, and overall, the inspector said that the safety program was fine. The only issue that they found wrong was the papers were not in the proper order in the envelope inside the case. They consider that a significant violation.

Commissioner Mourdock: That is significant.

John Stoll: They considered it significant.

Alan Kissinger: If they could get us our refund, we could get those papers in order.

John Stoll: They won't fine us for it, but they consider that significant. I disagreed, but as long as they're not fining us, that's all that matters.

Commissioner Borries: There weren't any missing papers, they were just not in order?

John Stoll: No, they were not in the proper order in the stack of papers.

Commissioner Mourdock: If it hadn't been that, it would have been something else.

John Stoll: Right.

Commissioner Mourdock: That's the thing to remember next time, make sure they're also in reverse order and that's all they'll find. Of course, next time they'll get you with, we warned you once, so...

President Tuley: That's called justifying your existence.

Commissioner Mourdock: That's right.

President Tuley: You have anything else?

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

President Tuley: Thank you, John.

RE: BILL MORPHEW - COUNTY GARAGE

President Tuley: Bill Morphey, County Highway Garage Supervisor.

Commissioner Mourdock: Who has the salt trucks on alert, even as we speak.

Bill Morphey: That's right. I hope it turns out to be like the last one.

President Tuley: Yes, a lot of air and nothing else. Look out, 12 inches. Let the record show that Bill submitted a report for the Vanderburgh County Highway Department as well as for the Vanderburgh County Bridge Crew covering the period of Friday, March 8 through Thursday, March 14, 1996 showing work done in various

parts of the county. How are we with the rain that we've had, what's the anticipated...any problems?

Bill Morpew: Well, the river has been going up and down like a yo-yo. We've closed off South Weinbach and Waterworks several times and then opened them back up again. Happe and Seminary in Union Township are closed now for high water. We're just working on the shoulders on Old Henderson.

Commissioner Mourdock: What's your notation, Bill, I'm sure there's a reasonable explanation, but it kind of looks odd to me, Tuesday, March 12 you've got a backhoe loaded concrete at Whayne Supply. What's that about?

Bill Morpew: They had given us some broken concrete that we use down in the river bottoms.

Commissioner Mourdock: Oh, okay, so you were going to use it as riprap or something?

Bill Morpew: They gave it to us, so we had our trucks go over there and loaded them.

Commissioner Borries: Bill, I did have one call, it probably ought to go to John. Along a portion of Marx Road...what made me remember was we talked about, maybe, if we could put a...I guess it's very dark out there on the pavement, to see if with the striping...if we could get Jerry Hays to go out and review some of the curves on Marx and see if we can get some outside white along the edges striped. Apparently, there have been some motorists who worry about going off of the road.

Bill Morpew: There is a 90 degree turn on Marx Road just off of Harmony Road, probably 400 or 500 feet off of it. It's a 90 degree turn with sharp or deep ditches on the side.

Commissioner Borries: Yeah, if we could maybe look at that and at some point put some reflective striping or something along that portion there, that could be what they were talking about. There has been some concern from a safety standpoint.

Commissioner Mourdock: Along that same line, Rick, that's a very good point. I saw in our pack of information this week, and I'm sure you did too, several letters regarding the tragic situation out on Green River Road, north of Day School, back a month or six weeks ago. Have you seen those, Bill? Several comments on there about widening roads, same type things, painting some sides and all that?

Bill Morpew: I believe when the accident first happened, there was some question about the road. I was taking a look at it, the road is actually...it could use some pavement, but it's not in bad shape. I mean, it's not full of holes or anything like that. I personally think that Green River Road could be widened all the way to Boonville-New Harmony, but that's a personal opinion.

Commissioner Borries: I'm not sure where that accident occurred. It seems to me that some of the letters, I think it was a student project, wasn't it north out by Huebner?

Bill Morpew: It was, actually, probably about 200 feet north of Huebner.

Commissioner Borries: Yeah, but that was actually north of 57, wasn't it?

Bill Morpew: No, it's south of 57.

Commissioner Mourdock: It's just north of Pigeon Creek.

Bill Morpew: It's a long way north of Pigeon Creek. Huebner Lane is near Boonville-New Harmony.

Commissioner Mourdock: Oh, oh yeah, I know where you're talking about.

Bill Morpew: It's within, I would say, probably half a mile, or three quarter of a mile from Boonville-New Harmony Road.

President Tuley: So, it's between Huebner and Boonville-New Harmony Road?

Bill Morpew: Yes.

Commissioner Borries: Alright.

Commissioner Mourdock: One of the letters referenced just north of Pigeon Creek, so I don't know if they were referring to a specific...or if they were referring to the bridge in the paper.

Bill Morpew: Just north of Pigeon Creek, that would be around Irene and Bassett right before you get to Heckel Road.

Commissioner Borries: Yeah.

President Tuley: There are no plans at this particular point to widen that road, by any means.

Commissioner Mourdock: I understand, and my question was primarily one of the road condition, if we've got some rutting in there or anything like that.

Bill Morpew: No, I think the road is in pretty fair shape through there.

President Tuley: Weren't you out there, and I think, John, you were out there, and Chief Woodall from the Sheriff's Department was out there as well. All indications that I've got is that the road is in pretty good shape out there.

Bill Morpew: We are looking at doing some resurfacing on the northern part of Green River Road, south of Boonville-New Harmony.

Commissioner Mourdock: My point in bringing it up is one of miscommunication as much as anything. Obviously, there are some folks out there concerned about that, and we always need to be looking over our shoulders to see what we've done and what we can do to help.

Bill Morpew: In that area there are some wide shoulders. There is quite a bit of room out there, I mean, I don't know the circumstances of what happened, the accident, or why it was caused, but I don't feel that the road condition contributed anything to it. The road is certainly wide enough, the shoulders are in good to fair shape. The road does narrow up somewhat just north of Pigeon Creek, around the Heckel, Bassett and Irene area.

Commissioner Borries: It's probably the last portion that's really never been improved, because north of Heckel, at one point, there was a road...I mean, it's wider, there are shoulders, there is a pretty deep side ditch, but I remember that was done quite some time ago, at least in my mind, somewhere around the Millersburg Road area, somewhere around that time. I don't think it was done in the early '80's, it was probably before then. I can't remember anything being done, actually, north of Hirsch to the bridge, or from the bridge to Heckel, that I'm aware of. We have resurfaced, but I don't think we've ever widened that out.

Bill Morpew: No.

Commissioner Borries: That's the final phase, but the big problem there will be the bridge over the creek. We will have to build another one or do something there, that's going to be a major portion. Hopefully, we will get, we hope, plans to get that dip out, get the intersection done where Lynch Road will come through and get to Hirsch Road, I think, as part of our Phase II. Am I correct on that, John?

John Stoll: What we built this year will be all the way to Hirsch. (Inaudible, comments not made from microphone)

Bill Morpew: We are going to pave Hirsch Road this year, finish the paving on it.

President Tuley: Thanks, Bill.

RE: ALAN KISSINGER - COUNTY ATTORNEY

President Tuley: Alan Kissinger, County Attorney.

Alan Kissinger: I have nothing to report.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

President Tuley: Cindy Mayo, Superintendent of County Buildings.

Cindy Mayo: I have nothing to report.

RE: CONSENT ITEMS

President Tuley: Consent items: employment changes and travel requests.

Commissioner Mourdock: I'll move approval of the consent items, however, I understand one has been withdrawn until next week regarding the Auditorium.

President Tuley: That's correct.

Commissioner Mourdock: Okay, with that exception, I'll move approval of the consent items.

Commissioner Borries: Second.

President Tuley: So ordered.

RE: SCHEDULED MEETINGS

President Tuley: Scheduled meetings for the week of March 18. There is an Insurance Committee meeting at 9 a.m. in the morning. At 9 a.m. Thursday morning, weather permitting, there will be a Steering Committee meeting and that's all for the meetings this week. Then, next Monday there is, I'm not sure, here we go again, what is this PC-Overlay meeting?

Cindy Mayo: Pigeon Creek.

Commissioner Mourdock: When is that, tomorrow?

President Tuley: No, the 25th, next Monday. Then there is a PC-Technical meeting at 12:00.

Cindy Mayo: I think the fourth Monday, they have three or four meetings going on that day.

President Tuley: Different technical and sub-committees, okay.

Alan Kissinger: PC's.

President Tuley: That's what gets me screwed up every time. Then at 4:00 p.m. is Executive Session, 4:00 p.m. is also Pigeon Creek spelled out, and at 5:30 Commissioners and 6:30 Drainage Board, or actually, immediately following Commissioners. So there are your scheduled meetings.

RE: OLD BUSINESS

President Tuley: Okay, old business? You've got some old business.

Commissioner Mourdock: I guess it's old business even though it's a new appointment. I would move the recommendation for the Burdette Park Advisory Board to be Jerry Schmits of Richardt Avenue, a longtime Vanderburgh County resident.

Cindy Mayo: How's that last name spelled?

Commissioner Mourdock: Schmits. I have discussed this with him and he is anxious and willing to serve. I think it will be a very good appointment.

President Tuley: Any other old business?

Commissioner Mourdock: Don't we need to vote on that?

President Tuley: Oh, I guess we better, hadn't we?

Commissioner Borries: I will second.

President Tuley: So ordered.

RE: NEW BUSINESS

President Tuley: Okay, let's move on to new business then, if there is any.

Commissioner Borries: Well, this could go either new or old, but it occurred to me as we are moving, and we know we're moving steadily toward the finishing of the Daylight sewer or economic development project there, we hope within a week, that we can get that done after we have all had the opportunity to review this latest phase. Perhaps we can get Alan, who is out of the room now, but at least have him pull records and review the sewer installation in an area along Old State Road, Kimball Drive up in the area of Mt. Pleasant. I can't remember the name of the subdivision, but the reason that I'm saying this is that it appears, as we have so often said, that sewers are vital to economic development, but that this county is going to be limited as to what kind of economic development we could grant in all cases, so I would like for the attorney to pull and review certain Barrett Law applications as to how sewers can be installed in certain residential areas.

Cindy Mayo: Caranza sewer project?

Commissioner Borries: Caranza sewer project, that's it. Alan, we've asked for your assistance, or if you can at least provide some research...I'll tell you somebody else, Bill Jeffers of the County Surveyors might have a lot of information on that; they were involved in this at the time, too. The Caranza sewer project. Caranza may be a model in which we may need to revisit as we continue to get requests for sewers and sewer extensions into certain parts of the county. I remember that was somewhat of a tedious process but, hopefully, if we can use that as a model, it might not have to be so tedious in the future. So, if we could pull that and revisit how that process occurred--

Alan Kissinger: Sure.

Commissioner Borries: --it might be very helpful as we begin to get more requests in this area.

Commissioner Mourdock: I understand, and I think that is an excellent suggestion. As recently as this week, I received a call from Mr. Eric Schwenker, who lives essentially at Rode Road and Oak Hill Road, and he is well aware that there is a new lift station going in at the new subdivision just east of Oak Hill, and says that they have a petition with 85 homeowners who would like to get access to it. They are more than willing to pay their own way, they just want to see if there is a program in place to do that. If, in fact, that Caranza example can be used, the next logical step would be to literally put it on a piece of paper as our guide as to how this will be handled the next time we get a Viehe Drive situation, or a Rode Road or whatever else. We've had a least four of them since I've been on the Board, and I think they will come more and more often, so it's a good idea.

Commissioner Borries: I agree that they are going to come more often because, I think, as some septic systems begin to age and there is more growth, it's just going to be an inevitable kind of thing, and that model was used because that's exactly what happened in this subdivision...what is it, I can't think of it...well, the Caranza area is what it was, the homes were probably 20 to 30 years old and the septic systems were really starting to give at that point.

Commissioner Mourdock: Is there any type of model as to what was done in Darmstadt a few years ago?

Commissioner Borries: Yeah.

Commissioner Mourdock: We went to that pressurized system which was quite contentious for a lot of folks, at least on my street, we had to pay in advance to do that. Perhaps that was a Barrett Law application or perhaps it was something else, I don't recall, but I think that pressurized system actually went beyond Darmstadt itself. I think it was...no, it did not, Alan?

Alan Kissinger: I don't know.

Commissioner Mourdock: It just seems to me that it was in the news at the time, that it was going beyond the city limits to those who were wanting to do it beyond Darmstadt limits..

Commissioner Borries: Did it go beyond Darmstadt limits?

Commissioner Mourdock: Yeah, actually beyond Darmstadt.

TAPE CHANGE

Commissioner Borries: Yeah, that ought to be another good place for us to review to see what was done in Darmstadt. I think that my memory serves me correctly, that it was done on a Barrett Law application where it was used in that fashion. Again, I want to emphasize, that is not really our dilemma or our problem with University Heights, that's entirely a different system and not really applicable in that sense, but we are looking at some other ways, at least with some grants through the State of Indiana that might...a community grant, a development grant that might work where the residents could pay back a very low interest loan to get that particular system upgraded.

President Tuley: Under new business, I've got a couple of items here. One is a nice letter from Teresa Lukeman. It is addressed to me, but it's really meant for all the Commissioners, it says:

"As you know, I have been offered the position of Recording Secretary to the County Council and began

officially in this capacity effective March 11, 1996.

I would like to take this opportunity to let you know how much I have enjoyed working for the Commissioners and to thank you for allowing me to serve as Recording Secretary this past year to the Board."

It was nice having Teresa on board, she was very efficient and managed to keep up with all those records, and didn't find, I don't think, any errors, or at least a minimal amount of errors, if any, during the year that she was recording the minutes. So, we wish her well in her new position, although, she is still with the county.

Suzanne Crouch: Except for the keg.

Commissioner Mourdock: Yes, that is the one I was thinking of.

Suzanne Crouch: The County Highway...remember the keg?

President Tuley: Oh, yeah.

Suzanne Crouch: Somebody retired and there was a cake--

Commissioner Mourdock: Only it came out keg!

President Tuley: Yes. Okay, the only other thing I have here, there have been numerous questions from office holders in regard to the accrual on sick leave, vacation time and what have you. Here is a response from Waggoner, Irwin, Scheele & Associates, that I would like to have entered into the record. If we could make copies and get these out to the various elected officials and department heads so that they know that this is the position...I guess I ought to ask the other Commissioners if you agree with this, and then we will make this the official position of the Commissioners, and then distribute it. Did either one of you see this?

Commissioner Mourdock: Yes.

President Tuley: Are you guys in agreement?

Commissioner Mourdock: I think it is the official position whether we do anything at this meeting or not.

President Tuley: Well, it's their opinion, but I just think it's what we intended when we did it.

Commissioner Borries: I would concur with that. I think that's the intent of it. I would move that it be approved and distributed to department heads.

Commissioner Mourdock: I'll second.

President Tuley: So ordered. Any other business?

Commissioner Borries: Well, Mr. President, along those lines, I think as we always, delicately, go through this little rigamarole and the vastness of county government here, with so many different elected office holders, maybe, in view of certain personnel problems that always seem to end up before this Board, since, like it or not, this is the 1990's and the County Executive has implemented a personnel policy that our City/County Human Relations Director deals with a number of these kinds of issues, Mr. Floyd Edwards. I would want to ask this Board to consider asking Mr. Edwards to, again, give our office holders, not that all need it, but certainly some might benefit from this, a question/answer over exactly what are the rights, as well as the responsibilities, in relation to the personnel policy, county employment, county hiring

and firing, and that type of area. I would ask that, maybe, we could get Mr. Edwards to put on some workshops for our county office holders and department heads regarding that particular subject.

President Tuley: Probably a wise idea.

Commissioner Mourdock: I have no problem with that. If that was a motion, I'll second.

Commissioner Borries: I would move that, yes.

President Tuley: So ordered. Any other business? Motion for adjournment pursuant to a 7:00 Rezoning, two rezonings at 7:00 p.m., which we cannot start beforehand.

Commissioner Mourdock: I move for adjournment.

Commissioner Borries: Second.

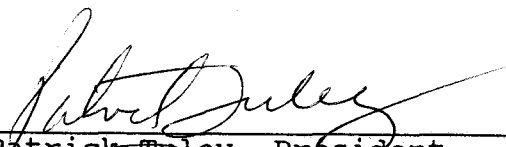
President Tuley: So ordered.

Meeting adjourned 6:42 p.m.


THOSE IN ATTENDANCE:

Patrick Tuley
Richard J. Borries
Richard E. Mourdock
Alan Kissinger
Suzanne Crouch
Cindy Mayo
Charlene Timmons
Cheryl Musgrave
Lynn Ellis
John Stoll
Bill Morpew
Members of the media
Others unidentified

VANDERBURGH COUNTY
BOARD OF COMMISSIONERS


Patrick Tuley, President


Richard J. Borries, Vice-President


Richard E. Mourdock, Member

VANDERBURGH COUNTY
REZONING MEETING

MARCH 18, 1996

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VANDEBURGH COUNTY
REZONING MEETING

MARCH 18, 1996

The Vanderburgh County Board of Commissioners met in session on Monday, March 18, 1996 for the purpose of hearing rezoning requests at 7:00 p.m.

President Tuley: If we may come to order, please. It's just a few minutes after 7:00, and it would be nice to go ahead and get started on the County rezonings for March 18.

RE: VC-8-95 PETITIONER: JAMES K. NEVILLE
5522 POLLACK AVENUE. REZONE FROM R1 TO C4

President Tuley: The first parcel up for hearing is VC-8-95. The petitioner is James K. Neville. The common address is 5522 Pollack Avenue. The request for the change is from R1 to C4 with a Use and Development Commitment. This is the third and final reading.

Les Shively: Mr. President and members of the County Commission, my name is Les Shively and I'm representing the petitioner. This property, as you can see by the location map that was submitted along with the application, is located on Pollack Avenue, just east of Green River Road. The property is surrounded by two PUD classifications and a C4 to the northeast of the subject property. The requested change is to C4, but it is subject to a revised...this is our second modified Use and Development Commitment and it is to be used only as a nursery. The Neville family, as you know, is one of the largest, if not the largest, apartment complex developers in the area. They buy a lot of landscape material on a wholesale basis and this site will be where they will store a lot of this material, and be able to wholesale the excess material they do not utilize in their apartment projects. They spend hundreds of thousands of dollars annually just maintaining what they have, plus they are in the process of expanding their west side apartment project right now which will require more landscaping. When we were first before you, I don't think we were before you--

President Tuley: No.

Les Shively: --we were before the Planning Commission, actually. The property owner most affected by this, Ms. Hoge, who lives to the west of the subject property, had some concerns. We have met her concerns and they are addressed in the second modified Use and Development Commitment. Let me, without reading it verbatim: number one, it limits it to the nursery, the wholesale nursery only; number two, we are putting in a fence along the property line. By the way, we are going to install that fence, before we install that fence, we will meet with she and her husband to tell her exactly where the location of that fence is going to be for visibility purposes, and also, so that it provides the necessary buffer, but also, their concern is that they don't want to feel like they are boxed in either. So, we want to put the fence in so it accomplishes the privacy, but doesn't give them that boxed in effect. We also are committing, as you can see by the revised site plan, the whole front area will be planted in shrubs, bedding flowers and things of that nature. As you can see, what limited structures there will be, will be far back on the property to the northeast area of the property. This passed the Plan Commission with a 9-3 favorable vote, subject to the second modified Use and Development Commitment. Ms. Hoge was present at that meeting, and I have told her that I will provide to her, following the action this evening, copies of the minutes of the Planning Commission meeting, copies of the minutes of this meeting, recorded copies of the ordinance, and recorded copies of the second modified Use and Development Commitment so she will have that in hand. Again, I reiterate, we will not put in the fence until we meet with her and satisfy her on the exact location of the posts, and things of that

type. I'm more than happy to answer any questions you have. I would note that this is somewhat in close proximity to Combs Nursery, which is a little bit south to southeast of this subject property. I believe there are some photographs of that along there.

Barbara Cunningham: There are photographs and they are down in the office.

Les Shively: Well, verify that they have them, that's good enough for me. If you have any questions, I'll be more than happy to answer them.

Commissioner Mourdock: Just one question, Mr. Shively. You said in regards to the plants that they'll be growing at the nursery, that the Nevilles will be using those primarily for their own developments, and then you said they would wholesale the excess. I just want you to clarify that it is wholesale and that there is not going to be a retail business there.

Les Shively: This allows them, in effect, to buy in bulk and then if they have any excess, they can leave it there, and they'll have an area where they can nurture it and keep it in good condition. Then, what they cannot use immediately, they will be able to sell to other landscape contractors who may have a need for the material.

Commissioner Mourdock: But, selling it on a wholesale basis, not retail?

Les Shively: No, this is not a new business venture that they are entering into.

President Tuley: I'm sorry, questions?

Commissioner Borries: Well, the only other thing, Mr. Shively, would be to ease some of the concerns that Ms. Hoge might have felt in relation to this C4. When you stipulate through this Use and Development Commitment as to what you are going to do, in order to change that, although there are other uses in C4, you would have to come back to change your Use and Development.

Les Shively: Exactly, Mr. Borries. We would have to go through the rezoning process all over again, even though it has the C4 designation. That's really a little confusing. What you're really doing is zoning this N. N or WN for wholesale nursery, that's all it can be used for. If there is ever a desire to change that, we will have to go through the rezoning process, they will get notice again, as will all adjacent property owners, and we start from scratch. That's correct, absolutely correct.

Barbara Cunningham: There is one thing I want to say so we don't mislead anybody. In the Use and Development Commitment it says, "in conjunction with a wholesale and retail nursery operation," so do you intend to strike that?

Les Shively: Yes.

President Tuley: Are there other people here to speak, either for or against the petition that you've just heard? What I would ask the Hoges, is Mr. Shively's representation of your understanding and agreement what you guys agreed to?

Carl Hoge: Yes.

President Tuley: Okay.

Commissioner Borries: Mr. President, I move that VC-8-95, the petitioner James K. Neville, be approved.

Commissioner Mourdock: I will second.

President Tuley: Roll call vote, Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Tuley: Commissioner Borries?

Commissioner Borries: Yes.

President Tuley: I vote yes.

Les Shively: I want to thank the Commissioners for giving us time to work this out and the Hoges for working with us.

RE: 96-5-PC VC-11-95 PETITIONER: JOAN SCHNEIDER
10600 CYNTHIANA ROAD. REZONE FROM AG TO C2

President Tuley: The next petition is Docket number 96-5-PC VC-11-95. The petitioner is Joan Schneider. The premises affected are more commonly known as 10600 Cynthiana Road. The nature of the case, the petitioner requests a change from agricultural zone to a C2 zone with a Use and Development Commitment. This comes with no recommendation, is that correct?

Barbara Cunningham: It comes with a denial.

President Tuley: Okay, I'm sorry, the petition was denied with five affirmative votes and seven negative, so it does have a negative recommendation.

Steve Bohleber: Good evening, my name is Steve Bohleber and I represent the petitioners in this matter. As you stated, they are requesting to rezone 10600 Big Cynthiana Road to C2, with a very restrictive Use and Development Commitment to allow a small antique shop adjacent to their home. The Schneiders initially appeared without counsel on January 3, 1996 before the Area Plan Commission. Some concerns were raised at that time, so they then retained me and we've done some substantial alterations on the initial petition that we think makes this a much more palatable operation for all concerned. I have tried to illustrate by a reduced copy of their original site plan and the one that we present to you here today, what we have tried to do. We've taken the residence and the bulk of the 1.41 acre site out of the request, for simply rezoning the structure adjacent to their home to be used for this business, together with adequate area for parking and development necessary to make it a lawful drive out to Big Cynthiana Road. I would like to show the Commissioners and make it for the record, and also ask you to examine some of the photographs that I have captioned to show the residence, the structure itself, how they relate to each other, the existing drive, and a couple of views up and down Big Cynthiana Road from the front of their driveway. In addition to reducing the size of the request, we also beefed up the Use and Development Commitment. It originally came to the table restricting it to an antique shop. We certainly did nothing to expand upon that use, but I want to reiterate that when we say sell antiques, that is all that is going to occur there. There is not going to be any refinishing or refurbishing in any way. We also eliminated a concern of land use regulators that was not in the first Use and Development Commitment, that was prohibiting the use of any billboards at that location since it is along a state highway. We, likewise, reduced both the height and maximum square footage for any on-premises signs denominating the business activity, and all that is contained in the Use and Development Commitment. My clients have always enjoyed the support of their neighbors in this endeavor. I think they were a little surprised at some members of the Citizen Plan Commission and their concerns about this. I think most everyone here this evening, and I would like for them all to raise their hands, are here in support of this

petition. These are all neighbors up and down Big Cynthiana Road; I don't think there is anyone who is opposed to this action from the neighborhood. No one has appeared at either of the initial two public meetings. A couple of other things that we did since January, the Schneiders were unaware until after they filed this petition that, since they were on a state highway, they would have to modify their drive if this zoning is approved to meet Indiana Department of Transportation standards. I've talked to the folks at INDOT and they already had a surveyor and civil engineer on board to do the legal, initially, for them, so he has been appraised of this situation, as well. We have a plan in place to begin the permitting process for the commercial driveway cut, should this rezoning be approved. My clients are fully aware that they must meet INDOT requirements if this rezoning is passed here this evening in order to be able to operate. The other concern was concerning discharge of waste water into the systems adjacent to their home. The building was not constructed with any water or sewer hookups. It will remain that way. We've talked to people in the Health Department and they have no problem with the existing system, and do not have any requirements for a commercial septic system so long as no discharge emanates from the site. So, we think with these changes, with the overwhelming support of their neighbors, this is good zoning and we ask for your approval here this evening. My clients, the Schneiders, are hidden back here in this group and can answer any questions you might have as well.

President Tuley: I'm glad you identified them because I was looking out there, and they're the only ones that didn't raise their hands when you asked.

Steve Bohleber: Well, maybe after all they've been through, they've changed their mind and want to remonstrate against this, I don't know!

President Tuley: I was going to say, I think we've got two remonstrators here! They're the petitioners, okay.

Commissioner Mourdock: I would just ask that one thing be clarified, if you would, Mr. Bohleber. I know there is a little embarrassment with this issue, but for the record, since I'm on APC there was one issue that came up at that meeting regarding the way the building was constructed and the original building permit.

Steve Bohleber: Right.

Commissioner Mourdock: Would you go over the history of that, please?

Steve Bohleber: Sure, my clients hired a builder to construct the building that you see in those pictures. They basically said, this is what we are going to do with this building, we're going to put a little antique shop in here. For whatever reason, the builder didn't say, oh gee, you have to get it rezoned, and, oh gee, you have to do a bunch of things before this can be accomplished. Apparently, from the records that we have been able to uncover, correct me if I'm wrong here, folks, he went down on his own, said he would take care of the permit, which he did. He applied for the permit as a...I've got it right here, he was the applicant...as an unattached garage. That's not what you ever wanted built there, you've already got a garage. So they were quite chagrined and upset when they determined that something had occurred that wasn't correct.

Commissioner Mourdock: Was the permit that was issued not also issued as a single story, when, in fact, this building is a multi-story or a second story?

Steve Bohleber: I, frankly, can't tell from the document that I have. It shows as an unattached garage, maybe you can read it more

carefully than I can.

Commissioner Mourdock: Well, from what I remember--I see Ms. Cunningham nodding.

Steve Bohleber: Yes, that is my impression. I don't have a document here that says that, but what I have, it shows an unattached garage, and this is the permit that was issued. This was unknown to my clients, that any permit was obtained in derogation of the law or contrary to their instructions in what they wanted constructed. In fact, what they ordered is what they got, and it's rather pretty. Unfortunately, as it stood there after it was completed, something had to be done, obviously, to make it legal. Their plans all along were to do this, and if you approve the petition here tonight, that will make it legal. They also are concerned about this revelation filed for a variance in case this doesn't happen. Obviously, if the rezoning occurs, the variance to allow a structure higher than the primary structure will be withdrawn. We hope you approve it this evening so we don't have to worry about that BZA matter, and can simply withdraw it from their docket this Thursday.

Commissioner Mourdock: One other issue then, and you mentioned it briefly in your remarks, but again, for the benefit of the other Commissioners, a large part of the discussion at APC was regarding the fact that there is no water in the building. There are no plans for water, but if water were put in the building, there would have to be an application filed for a commercial septic system.

Steve Bohleber: That is correct. If, in fact, water and sewage become a necessity or a choice by them in the future, they fully realize that they would be out of compliance with the law until such time that they obtain a commercial septic system. We've given a written warranty, of sort, to the Health Department that they shall not discharge anything into the system even after those commercial activities start without a proper permit. We believe that the Health Department is happy with the plans as stated and as limited at this point. I firmed that up at the Planning Commission meeting in writing with Mr. Townsend.

President Tuley: I may not have seen everybody, is there anybody who wishes for speak for or against the petition?

Steve Bohleber: Lot of people here to speak for it, but we won't ask them to.

President Tuley: Let me rephrase that, anybody here to speak against it?

Commissioner Borries: I find it particularly refreshing that oftentimes in this Board, things get pretty contentious with a lot of angry folks that are staring at us from out there in those chairs. Over the years, I would tend to think that, probably, I have seen more stares against than I have for, so it is particularly refreshing to, in this day and age, see so many folks come out and support a neighbor.

Commissioner Mourdock: I think there must be something in the water because at our prior Commission meeting, one of the office holders came and thanked this Commission for doing something with the computer system. I have been on the Board for 15 months and no one has ever come here in support of anything, and this is twice in one evening.

Steve Bohleber: It seems it is all too easy for us to be against things, but never for anything. I echo your observation.

Commissioner Borries: Yeah, it's certainly refreshing, and I don't say that in a patronizing sort of way, but we're always concerned

about the community and folks supporting the community, and again, it's just nice to see a lot of people turn out in favor of something.

President Tuley: It would have been real easy to sit at home tonight and not show up. Well, let's not delay, I'll entertain a motion.

Commissioner Mourdock: I will move the approval of VC-11-95 by Ms. Joan Schneider for the address of 10600 Big Cynthiana Road from AG to C2 with the Use and Development Commitment.

Commissioner Borries: I will second.

President Tuley: Roll call vote, Commissioner Mourdock?

Commissioner Mourdock: I will vote yes. I was one of the yes votes at APC and I bring that up just for the fact that I recognize that APC, in their report, raised the issue of spot zoning. While this may fall under that strict definition, it is nonetheless a reasonable use of property rights, if you will. So, I vote yes.

President Tuley: Commissioner Borries?

Commissioner Borries: I vote yes.

President Tuley: I vote yes. Petition passes.

Steve Bohleber: Thank you, gentlemen.

Commissioner Borries: Thank you all for coming this evening.

Commissioner Mourdock: I will move for adjournment.

Commissioner Borries: I'll second.

President Tuley: So ordered.

Meeting adjourned at 7:20 p.m.

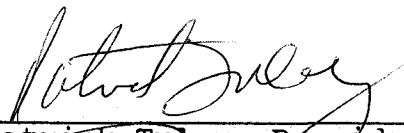
REZONING MEETING
MARCH 18, 1996

7

THOSE IN ATTENDANCE:

Patrick Tuley
Richard J. Borries
Richard E. Mourdock
Alan Kissinger
Suzanne Crouch
Charlene Timmons
Les Shively
Barbara Cunningham
Carl Hoge
Joan Hoge
Steve Bohleber
Members of media
Others unidentified

VANDERBURGH COUNTY
BOARD OF COMMISSIONERS



Patrick Tuley, President

Richard J. Borries, Vice President

Richard E. Mourdock, Member

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS
MARCH 25, 1996

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VANDERBURGH COUNTY
BOARD OF COMMISSIONERS MEETING
MARCH 25, 1996

The Vanderburgh County Board of Commissioners met in session this 25th day of March, 1996 in the Commissioners' Hearing Room of the Civic Center Complex at 5:47 p.m.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Tuley: I would like to call to order the Commissioners meeting for March 25. As a matter of introductions, to my far right is Cindy Mayo, who is our Superintendent of County Buildings and is our office manager; to her immediate left is Alan Kissinger, County Attorney; to my immediate right is Commissioner Rick Borries; to my immediate left is Commissioner Richard Mourdock; to Richard's immediate left is Suzanne Crouch, County Auditor; and Charlene Timmons is to her immediate left, and she is the Recording Secretary. Anyone who wishes to address the Board tonight should do so from the podium. The meeting is being recorded, so please identify yourself for the record, so when Charlene transcribes the minutes she will know who it was that was making the comments. I'm Commissioner Pat Tuley. If you would, please rise with us, face the flag and say along, as we say the Pledge of Allegiance, please.

RE: APPROVAL OF MINUTES

President Tuley: There were, I guess they're gone...

Cindy Mayo: They are gone.

President Tuley: I noticed it was blank. At any rate, under action items, item number 4A is the approval of the minutes from last week's meeting. If I may have a motion to approve, they are from March 18.

Commissioner Mourdock: I'll move approval of the March 18 minutes.

Commissioner Borries: I'll second.

President Tuley: So ordered.

RE: ANY GROUP OR INDIVIDUAL WISHING TO ADDRESS THE COMMISSION

President Tuley: Under item 4B, there is an opportunity each week for any group or individual wishing to address the Commission who does not find their name or their topic for discussion listed on the agenda, now is the time to come forward. Okay, Dave.

David Ellison: David Ellison, Big Creek Ditch Association. I live at 2040 W. Baseline Road. As an organization, we would like to request to the Commissioners that we get a new bridge on Bender Road between Old Boonville-New Harmony Road and Baseline Road. Hopefully, this will be in your plans this year. I know it's up for 1996, Bill is not here, I can't tell you exactly when, but, hopefully, we can get this bridge put in this year. We've got an erosion problem on the southwest side and if we would replace this bridge, we could use the existing bridge banisters, and so forth, as riprap to put on that southwest side to maintain that erosion, okay?

President Tuley: Okay.

David Ellison: Thank you very much.

President Tuley: Thank you, David.

Commissioner Borries: David, a quick question on this. I believe it is part of our replacement or one of the projects that is coming

for this year, but do you want 3:1 slopes again?

David Ellison: Yes, sir.

Commissioner Borries: You understand that costs us a considerable amount of money?

David Ellison: Yes sir, but that would really solve a lot of problems for us.

Commissioner Borries: In the past, as you know, we have worked with you to widen those out in order to ensure a better flow. So, for the record, I wanted to get that on there.

David Ellison: I'm glad you brought that up, because that is correct. Thank you.

President Tuley: Any other individual who does not find their name or topic for discussion?

RE: ERIC SCHWENKER - OAK HILL ROAD/ST. GEORGE SEWER

President Tuley: Okay, I'm going to go out on a limb here and assume that all the rest of you, since there are so many of you, are here for item 4C, Mr. Schwenker.

Eric Schwenker: Yes, sir. I came halfway prepared. My name is Eric Schwenker, 5214 Oak Hill Rd. I am the unofficial representative of a group of residents in the Oak Hill, St. George, Rode Road and Bexley Court area. On the map, Oak Hill Road is running north and south, St. George Road running to the west, Rode Road running to the west, Bexley Court running to the east. All of the folks in this area, for whom I am speaking, are on septic tank systems. All need to be on a sewer and most want to be on a sewer. This area has been notorious for many decades as having septic tank and odor problems. It's all uphill from this direction north, west and south. The only downhill is to the east and there is no part of Evansville, or a sewer system, to the east. The only way to get out of this pocket is by a pumping station. Keystone Subdivision is up over here. Their pumping station is indicated here in green. That arrangement is the only one that is going to permit us to install a gravity sewer, as outlined in red, coming around Bexley Court, coming behind the houses on the south side of Rode Road, between the houses on Rode and St. George and then this spur on the north side. There is already a sewer up here on Memory Lane. I understand there is already a sewer in this subdivision. The closest sewer is down here on Bergdolt Road, which is off the bottom of the map. The forced main...the pumping station is already in, I understand. I know that the forced main is in, shown in black, coming south on Oak Hill to the far side of the SIGECO right-of-way that goes across here with very large power lines, going west then behind these houses on Ashwood Avenue, dropping down to tie into a sewer that I understand is on Bergdolt Road. We've had two neighborhood meetings on this subject when we learned of the Keystone Subdivision with their resulting pump station that they would have to put in. We had a meeting in November '95 and a meeting in February '96; a list of people who attended that meeting is available. There is a list of people who attended both meetings, a combined and consolidated list is there, as well as a list at the February '96 meeting. We threw out an approximate figure of \$5,000.00 to get on a sewer and they said yes, they would very much be agreeable, or at least be interested, in participating in the cost of the sewer at about that cost. At our November meeting we did not have any numbers. We said, do you want on a sewer? A lot of people at the November meeting said yes. They didn't ask how much would it cost, they said yes. Then others said, how much would it cost? Well, of course, we had to know that so we spent \$500.00 of our money to get an engineering estimate and a construction estimate, a copy of which is in the information that

I have passed out to you. We engaged the same firm that designed the installation for the Keystone Subdivision, so they knew all about it, so to speak. We felt that they would be the most knowledgeable of the area and particularly, of course, knowledgeable about what Keystone is doing. We have initiated steps to form a not-for-profit organization to be incorporated so that not-for-profit organization and its elected officers could supervise, if you will, the installation of a gravity sewer for us to join in with the Keystone pumping station and result in sewers for this extremely needful area. We have, I guess, three questions for you good folks tonight, and maybe more. First question is, can the county get any government, county, state or federal funds to install a sanitary sewer for us? Secondly, can the county install a sewer and then bill each of us on an individual basis for our connection thereto, or participation therein? Thirdly, can the county help us get low interest loans if it does result in our having to pay for it out of our pockets? Can they help us get low interest loans to ease that financial burden? I had understood that there was a possibility of the county coming up with a type of activity whereby you folks could install the sewer, count up the number of people out here who need to tie into it, approximately 80, and divide the cost by whatever the number is, 80 is close. Each of us then would have to pay 1/80 of the cost of putting this in, but it could be spread out over a number of years and included in our sewer bill. Next to getting it done for us with other funds, that seems to me, at least, the most desirable approach. You are correct, sir, these other good folks are only a small portion of, but a very interested portion of the folks who live out there and need to be on this thing, and who want to be on it. I know the County Health Department would be more than happy to testify as to this area and the sanitary needs out there because they are well aware of it. I'm sure that you all know that southern Indiana clay makes beautiful bricks, but doesn't percolate worth a darn. I waltzed around here and almost forgot to pass out the copy of the map that you see in front of you. Do any of you other folks need a copy of the information I passed out? Did I overlook you? I'm sorry.

Suzanne Crouch: Thank you.

Eric Schwenker: I know why I overlooked you, they didn't let you have a nameplate.

Commissioner Mourdock: We should work on that.

Suzanne Crouch: Sometimes that works to my advantage!

President Tuley: More times than you realize, probably!

Eric Schwenker: Are there any questions or comments that you would like to pose to either me or the group?

President Tuley: I guess, primarily, we will start by trying to answer the questions that you presented to us. In terms of where does the money come from, or is there any money available through the federal government, state government or local government, my candid answer is that I don't know that there is. The reason I say that, I'm sure that a lot of these projects that we are being asked about, you guys have got one and several more people have approached us, are based on reading and understanding of what's going on in Daylight. Through the State Economic Development Office we are able to get some money from them because of job projections and what have you, into a commercial/industrial area. But, for a residential area, I don't know of any money that is readily available. So, I don't know of any money where we can just go out there, tap in and provide that service. The county cannot and does not install sewers, but we can enter into interlocal agreements with the water and sewer to get them installed. My understanding in discussions, because we knew this was coming and

we've had a chance to do some research, the water and sewer, or the Board of Public Works can enter into the arrangement you talked about through what is called a Barrett Law process where the sewers can be installed and then the cost be broken down to each of the homeowners. My understanding of that law is that you can pay it all up front if you have your share, or I think they can spread it over ten annual installments. I don't know what the rate is in terms of interest. I don't know if that is negotiable or how they arrive at that. If you carry it over ten years, I'm sure there would be, because, basically, they would enter into some bond to pay for it because none of the units of government just have the extra money sitting around to do this. This Board, since we are the ones that no longer...even though you're in the county, apparently the law that would allow the County Commissioners to enter into a Barrett Law agreement with you, the Barrett agreement we talked about, has been repealed and has to go through the Board of Public Works. Since you are residents of the county, I think there would be support amongst these Board members to act as your go between or liaison, or whatever you want, to go before the Board of Public Works and make an appeal to them to try to get that done for you.

Commissioner Mourdock: If I may, I'll try to add to that. When you and I first spoke on the phone, Mr. Schwenker, and by the way, you've done an excellent job presenting this, you've made it very clear and I wish many of the engineers who come before us made it this easy to understand and came with this much support, I might add.

Eric Schwenker: Well, I'm a registered professional engineer in the state of Indiana!

Commissioner Mourdock: Ah, okay, alright! Originally, we had talked with several other groups, as Pat was mentioning, about the possibility of the county doing this funding under the Barrett Law, and it is only recently, in fact, earlier today, that we were advised by counsel that the Barrett Law that has been used previously has been repealed, in its ultimate wisdom by the State Legislature, for use by counties. But, the city still has the right to use that within areas of enabling legislation, effectively four miles, so certainly you all are within that. I think there is probably a pretty good chance given the number of people that are here, not in this room, but within your defined area, that it could be done. There is some limit and we are not sure, at this point, but it's either 70 or 80 percent, something like that, would need to sign a petition, basically, saying that they are willing to be involved with this. Do you think, at this point, the number of homeowners that you have would approximately be 70 to 80 percent willing to get on the system? I'm not holding you to that answer.

Eric Schwenker: I would think that we could kick, claw and scramble to get to such a figure. Yes, depending once again on how it could be paid, because there are several folks who I have spoken to who would love to get on it, but said they couldn't afford it. They just cannot do it, and to the best of my knowledge, that is the truth. They cannot, for various reasons such as a husband having a stroke and all sorts of various personal problems. So, that if they knew that, well yeah, it could be put on the sewer bill at the rate of \$20.00 per month or something like that, they could do that, but if they had to come up with \$5,000.00, they can't do that. The more detailed that we can get as to what possibilities that we have before us, then I think we can probably get three-fourths of the people out there.

Commissioner Mourdock: With that being what I understand, at this point, to be the largest contingency as to whether something like this can or cannot be done, I would certainly agree with Pat in preparing a letter, or whatever, for the city utility board for them to work with you to try to do this with that type of program

where it is carried out over a 10 or 15 year period.

Eric Schwenker: Well, we would appreciate any and all help you can give us, also any suggestions as to the approach that should be taken. If you should move first and we should follow up with some type of presentation, or how is the best way to go at the Board?

Commissioner Borries: Well, I want to briefly echo some comments here. You did an excellent job. It's always refreshing to see the support of a lot of residents here. I've said this a lot of times, I don't know of any other more important economic development tool than the extension of sewers into many parts of the county. It is critical, just as you say, for a variety of reasons, but specifically, as subdivisions get older, the soil is just not adequate. We are reaching a point where it severely limits not only development, but frankly, resale of houses. The project that the other two Commissioners referred to was one that I was vaguely familiar with and we have had to refresh our memories. That is why we have asked our attorney to do a little research. The Caranza sewer project, as it was called, was one off of Old State Road in which the Barrett Law was used and there were two options. One, where you could pay initially the entire amount as it was determined. The second way was through the Auditor's Office, or I guess it maybe even came out on your tax bills, you could pay it off over ten years. There was like, again, we're going to have to go back and do some research on the records, eight percent or ten percent interest, but when you amortize that out over ten years, that's only like one percent a year and that's not very steep. That was the other option. So if that law, and we are going to have to ask our attorney to research that, has been repealed, and for the life of me I can't understand why the legislature would want to repeal that, but if they have, then that's why Commissioner Tuley, as he has pointed out to you, why now we are going to have to take a different approach and go to the city utility company and go ahead and act as your advocate to see if we can work out the Barrett Law through them, if this law has changed. What this law previously allowed was for counties to do exactly what I have described to you. I don't think that there will be any, as you have heard, opposition from the Commissioners to act as your advocate. I would suggest that we need the schedule then, find out when the utility board will meet. We can be in attendance and I would urge as many of your group who can to attend because strength is always there in numbers, so the more of you who can attend, the better off you'll be. That is just political reality. It would be very advisable that you attend those meetings. In a real sense, what the utility board is, they're kind of like a bank. They just use your money. It's a user fee, in effect, for you to tap into the sewer and what they do then is recoup part of this back through payments, as well as obtaining a small amount of money for maintenance, for lift stations that they have to build later, and sewers that might crack or break and there might be other problems with them and growth. They have to have money to expand and renovate, as you would well know. So, in effect, it's just a user fee is what they do. What we have to do is persuade them that this is obviously in the best interest of you all as well as community development in the county and get this done. If we can do it ourselves, frankly, it probably be a lot quicker in the sense that I think there would be a very good commitment here to do this. If we cannot do this, as I described earlier, under this Caranza sewer project that we had done, the only one that we know that has ever been done that way, then we are going to have to go to the utility board and that is why there should certainly should be some strength in numbers there. You folks need to be there, get your friends and neighbors to come as well. If we three show up and no one else is there...it's a lot like, we'll put that one on the shelf and see what else comes about, but if you, which you have done, presented an excellent case, a compelling need...we can also examine and see if there are other low interest loans through the state. We are aware of at least one program that we are helping a

subdivision, that back in the '70's started their own private sewer project. Frankly, it has been a disaster, and you never want to do this. This was done by a developer who went bankrupt and now the residents in this area have had to take this thing over. They are looking at a way to get into the Evansville Sewer and Water Utility. Sewer and Water Utility has given them a punch list of what they have to do, and they are talking about a lot of money, too. We are trying to get some information through some state low interest loans there, and if there is any possibility of doing that, we will certainly do that. Perhaps even one of the banks might be, as competitive as banks are, we might see if there is a special program we can do there. But, even if you could do this over ten years and amortize it out to one percent interest a year, that is pretty good. I know that was, at least from going back and doing some research today, I think that was one of the options that was there. I didn't mean to talk too long, but I hope that gives you some indication that, yes, we will support you and we have to get more information to find out if we can do it ourselves or if we have to all go to the utility department.

Eric Schwenker: Okay, then if what you just said last then, Mr. Borries, could you let me know when you find out for sure?

Commissioner Borries: Yeah, or President Tuley, it's his turn in the box, he will let you know.

President Tuley: Yeah, I want to let Richard here, you're trying to say something?

Commissioner Mourdock: Yeah, there is something. You asked the question a moment ago, what can we do at this point and who needs to do it? We can certainly make sure that you are aware when the next utility board meeting is, but what I think is very important for you to do, and that is the plural you, this 70 to 80 percent number is going to be critical, I think, in what the utility board will do. If you could prepare a petition through your area out there, take it door to door with people signing it, realizing that no one knows exactly what the dollar figure at this point is, but you had an estimate at \$5,000.00. If that were worded in the petition, would you be willing, if this can be put together over a ten year period, to accept \$5,000.00? See how many signatures that you can get on that as a percentage of the number of people who will be affected. I think that is going to have great impact on what the utility board will want to do and possibly what they can do under the statute.

Alan Kissinger: For your information, the Water and Sewer Utility Board meets each Tuesday.

Eric Schwender: One thing that would be of tremendous help to us would be if a governmental entity, such as the water utility board could put up the money and install the thing and then charge each of us as we get on to it, which would mean then that anyone who lived in the neighborhood who wanted to tie into that sewer would have to ante up, whether they did it this year, or next year or five years from now, they would still have to ante up the cost to get in. They couldn't let half of us pay for it now and then a year or two later say, oh yeah, I'd like to get on that sewer, here is my \$450.00 tap-in fee. That would be the best protection for the whole neighborhood, insofar as seeing that everybody pulls their own weight.

President Tuley: If you will, give me your phone number.

Eric Schwenker: 479-3127.

President Tuley: Okay, I will call tomorrow down there. Since they have a meeting tomorrow, I think it would be next to impossible to get us on their agenda for tomorrow, but to see if we

can be on the agenda for the next week where at least we can go down and make our presentation to them, let them guide us as to what we have to do from there. Then, at that next week's meeting, maybe we could present these petitions or have as many bodies there...the problem we are going to have is trying to get numbers down there because people are working. But, we'll get as many people as we can get there, if that's what we need to do. I don't know, with us working with you, I'm hopeful that maybe we won't have to bring everybody down there. If they know how many there is going to be they can say that you need to present them with a petition that has X percent of the people. We can work on that and once we have that, we can go back and make our pitch to get this thing going. I will stay in contact with you after I talk to those people down there tomorrow and see when is the earliest that we can come in and make our initial presentation to them.

Eric Schwenker: Well, unless the utility board has changed their location, you can't get a whole lot of folks in there. You can maybe get 10 or 15 people around the side, so I couldn't bring to many.

President Tuley: Couldn't bring too many there anyway!

Commissioner Mourdock: It's always good for dramatic effect, though!

Eric Schwenker: Everybody standing in the hall!

Commissioner Borries: We could move the meeting up here, if this room isn't being used.

Eric Schwenker: Didn't you say that the first thing would be that the attorney would confirm that you either can or cannot do this Barrett Law thing?

Commissioner Borries: Yes.

Eric Schwenker: That's number one, because the way I understand it, is that you're not dead sure that you can't.

Commissioner Borries: We believe that the law has been repealed, but he will need to verify that.

Eric Schwenker: Then, if that, unfortunately, does turn out that way, then we will take the utility board approach?

President Tuley: Yeah, based on--

Commissioner Borries: But in the meantime, as I think Commissioner Tuley and Commissioner Mourdock said, it is critical that you get as much support as possible. What is going to happen is this, everybody's for it until they have to pay for it. Again, there are different needs out there, but that is the only way that this is going to work. It will get a little bit crusty from some folks who say, by gosh, I don't believe in it and I don't want to pay.

Eric Schwenker: Oh yeah, I've had a little run in with that crust already.

Commissioner Borries: That's why we have to insist that you have got to move forward, because it's just, frankly, a numbers game with the utility department. If you generate enough numbers in terms of dollars to be able to make this a financially...they really are not there in terms of a profit, but, frankly, it's just a matter of if it's feasible they can do it, and again, you have the numbers and the support, I think they can do it. But, as always, it takes a little nudge.

Eric Schwenker: We would be more than happy to nudge. Then I

shall hear from you?

President Tuley: You will hear from me.

Eric Schwenker: Thank you ladies and gentlemen, very much.

Commissioner Mourdock: Just for the record, is there anyone here who is against this project? I didn't think so, but I just wanted to be sure.

President Tuley: To some of you sitting there, you are more than welcome to stay for the rest of the meeting if you want, but if you have other things or better things to do, you can leave as well.

Commissioner Borries: Thanks a lot for coming. That's why we always put your portion at the beginning of the program other than at the last.

Eric Schwenker: I do have one more question. We had taken initial steps to form a not-for-profit incorporated organization. Will that be necessary if the utility board participates in this?

President Tuley: I wouldn't think so.

Eric Schwenker: So, can we tell the lawyer to put that on hold?

President Tuley: Yeah.

Alan Kissinger: I'm not going to tell you to do that, but it isn't essential for you to form a corporation.

Eric Schwenker: So, tell him to slow down?

President Tuley: At least not for this, I don't think you will.

Maurice Boultinghouse: My name is Maurice Boultinghouse and I live on Schmitt Lane which is north of the Keystone project. I hate to ride on the coattails of somebody like this, they've done a lot of work. We weren't invited into this thing. I have looked into our sewer problem, we have the same type problem that they do. There are perhaps, I don't know I haven't counted, maybe 40 houses. This is from Heckel Road, Oak Hill Road, Schmitt Lane to the McCleary property, if you all are acquainted, there are about 40 houses. There is only one person, maybe two, who is on a bootleg sewer. Now, I almost feel like a teacher who doesn't belong to the ETA, coming to you in a crisis, do you understand, but we have a problem. The same problem. We would like to hook into the same sewer. Mr. Biggerstaff has already projected a tap into his sewer; no manholes, nothing across Schmitt Lane. I managed to get him to do that for the future, knowing that someday when they get that housing in there, and some of this black stuff starts going around and gets into those sewers and permeates these odors, there's a big problem. Rode Road area is bad, I know it is. Schmitt Lane area, Heckel, Oak Hill are too. We have the same problem, sir. No organized program has been done with the people. I have gone around and tried to see just how much interest there is, but when you get people with gray hair like me and ma and pa are the only ones who live there, a sewage system that maybe didn't work when the kids were there, but you're getting by now, they might look at this...like he said, you have to nudge. But, we have a problem too and we would like to be included if it is possible. If there is anything that I need to do to help, I will try to help out and get information. I just did not go as deeply into the situation that they did. Having come from a company that used to do a lot of design and build, I had hoped that perhaps we could get with Biggerstaff and design and build that sewer, come into that line without going through all that. I know when you've got 40 different personalities, 40 different people, you've got a situation where you need to dot the I's and cross the T's. It

isn't beyond the possibility and Mr. Biggerstaff gave me some estimates which were a little bit less than what they have for just our area.

Commissioner Borries: Did you hear our discussion?

Maurice Boultinghouse: I heard every word of it and I have a page full of notes.

Commissioner Borries: If you could start your process, I think that will be the most critical point. We probably need to talk to Mr. Biggerstaff, or hopefully, somebody better design a little bigger lift station out there.

President Tuley: That's what I'm worried about, what's going to happen out there?

Maurice Boultinghouse: Of course, I think it has been upped in size since they started. There was even conversation that the area which is west, that latest edition over there, thought about tagging on to the thing. This is an opportunity for the county and the city to take care of something which is bad. It's going to be worse.

Commissioner Borries: No question.

Maurice Boultinghouse: But then we're just one area, I know the city has got it all over. That's going to be, what Mr. Bussing and those people are doing out there, is going to be such a lovely addition and it's just choice and this thing should be corrected because it's going to be a problem. When that black stuff starts going the county health is going to get into it. There are going to be some mandates and then you have to react instead of act. Now is the time to act in my estimation.

Commissioner Mourdock: If you will, maybe you did this in the beginning, did you state your address?

Maurice Boultinghouse: Yes, sir, 3512 Schmitt Lane is my address.

Commissioner Mourdock: The reason I wanted it is that we can make sure you get a full copy of the minutes from tonight's meeting regarding a possible solution.

Maurice Boultinghouse: I appreciate that. Once again, I wasn't invited by this group. I did attend their first meeting, but I hated to push that we would like to get on. Maybe I did wrong by not moving, but I just wanted to make you aware that there are some additional problems. Thank you all for your time. If there are any answers I can give you, feel free...

Commissioner Mourdock: It might, and Commissioner Tuley just raised the question here, be worthwhile to help carry their petition out there through your area even though, and I'm speculating here, your area is not immediately contiguous to theirs. I'm wondering if the utility board would look at it as one, given the overall development. You spoke as if you didn't think that the 70 or 80 percent might be there in that given area and that is going to be very important.

Maurice Boultinghouse: I would hesitate to say 80 percent. There is a substantial group that I've just...I've never made a call because I didn't want to queer the situation. I didn't want to create any hostility until I knew just a little bit more about what to do or how to go about it, you see?

Commissioner Borries: You are not going to do that, but I'll tell you, you will not in all cases, as is true in most things in life and you are certainly experienced in that, you know that you're not

going to get a unanimous decision, but you've got to get a significant majority, I'll tell you that. You have to start, and I think the petition process would be the way to do this because it is a numbers game, Mr. Boultinghouse, and if we can prove the numbers are going to work, number of homes, number of dollars, number of potential residents here who need the service, they'll work it. We can work it out.

Maurice Boultinghouse: But I wanted to make you aware that there were some additional people that need to be taken care of.

President Tuley: Before you leave, do you want to give me your phone number? Once I know this group is going, if I'm going to go there, or the three Commissioners are going to go, I'll call you.

Maurice Boultinghouse: I appreciate that, 476-8360. I'm retired, I should be around the house.

President Tuley: Okay, so once I know when we are going down there, I'll be sure to call you.

Maurice Boultinghouse: I tried to get a couple of guys to come up with me, but you know how that is? They were busy tonight.

President Tuley: There have been a few gentlemen come in since the meeting got started. Are you just to watch?

Unidentified: We're here for the ditch on Burkhardt.

President Tuley: Drainage Board?

Unidentified: Yes, Drainage Board.

President Tuley: Okay, alright. We will just move along with our agenda because that meeting will take place as soon as this one is done.

TAPE CHANGE

LYNN ELLIS - PURCHASING

President Tuley: Okay, we have a new tape and under department head reports Lynn Ellis' name is on here, but I don't see Lynn.

Cindy Mayo: She has nothing to report.

JOHN STOLL - COUNTY ENGINEER

President Tuley: Okay, John Stoll came in and told me he wasn't going to hang around if it was okay because he had nothing to report, so I turned him loose.

BILL MORPHEW - COUNTY GARAGE

President Tuley: Bill Morphey, from the County Highway is on vacation this week, but Milton Hayden, who is the Assistant Superintendent, did drop off the report.

Commissioner Mourdock: I bet there is a four letter word on that report! There it is.

President Tuley: The report covers the period of Friday, March 15 through Thursday, March 21 for the Highway Department and for the Bridge Crew. I think it is safe to say starting last Tuesday morning they worked on a whole lot of snow removal. There was a request, I thought...I don't know if it got submitted down here or not, Milton said something to me that they were requesting to send Stan Lutz to Road School.

Cindy Mayo: I have that. I have a couple of requests that I was just going to add to the consent agenda if that's alright?

President Tuley: That's fine. Bill is not here, he's on vacation and Milton is not here either, but I think given the circumstances of what they had last week the road crews did a pretty good job in terms of trying to remove the snow, given the blizzard conditions, blowing snow, equipment and everything else. I know a lot of the guys out there worked a lot of hours, and in fact we ended up contracting with eight different private contractors as well, trying to get the roads cleared. I won't say anything else until Bill gets back here, but I would like to commend those guys and gals for a truly difficult job that they've had to do in the last week.

Commissioner Mourdock: I'll add to that, and I think it would be fully appropriate if this Board sends them a little congratulatory letter, if you would prepare it.

President Tuley: I would be glad to do that.

Commissioner Mourdock: I agree. I know I got a number of calls, as both of you did. People would like us to snap our fingers and have the snow melt and disappear. We would have liked to have done that ourselves, but I think they did an extraordinary job given the conditions.

President Tuley: There really was a cooperative effort between emergency management, the Sheriff's department, highway, volunteers from the farming community and everybody. There was a whole lot of people out there trying to get our roads clear.

RE: ALAN KISSINGER - COUNTY ATTORNEY

President Tuley: Okay, Alan.

Alan Kissinger: Number one, we have had a final inspection on the ARC building. John Stoll has advised me that the roofing repair that was completed some time ago has now been inspected. All of the defects have been cleared up and John indicates to me that the building is now approved, as far as his office is concerned. If the Commissioners authorize me to do so, I'll prepare the necessary documents to begin consideration of transferring that real estate from the county to the Association for the Retarded Citizens.

Commissioner Borries: I will so move.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

Alan Kissinger: I have reviewed the proposed Fixed Asset Policy that has been prepared by the County Auditor. I have discussed it briefly with the County Auditor and at some greater detail with her Chief Deputy. I am satisfied that they are satisfied that their ordinance covers everything, and, quite frankly, I don't pretend to be an expert in this area, but with the understanding that this is the first effort as far as Vanderburgh County is concerned, I believe it is certainly a step in the right direction. I would ask the Commissioners to give favorable consideration to authorizing the advertisement of this Fixed Asset Policy as an ordinance to be considered for a vote at sometime in the near future. I think, Suzanne, that we can just advertise this on one occasion, so, basically, whenever you want to consider it, or whenever you're ready to field the Commissioners questions in reference to it, I guess we can do that. It makes no difference to me which meeting we do it at. Do you have a choice of meetings? When is the road meeting?

President Tuley: The 8th.

Alan Kissinger: The 8th, let's do it after that.

President Tuley: The 15th.

Suzanne Crouch: Good plan.

Alan Kissinger: Okay, April 15. If we could advertise it to be considered by the Commissioners on April 15.

Commissioner Mourdock: I'll move the advertisement of the Fixed Asset ordinance.

Commissioner Borries: I will second it.

President Tuley: So ordered.

Alan Kissinger: Once again, the Auditor comes into the picture. I have been advised that the Auditor is refusing to make payments on one of our leases with the Jobs Program building, actually it's the Community Corrections building. That refusal is appropriate based on the policy of the County Commissioners, the policy of the County Auditor and state law that there should be some contract or lease in writing evidencing the obligation to pay. I have talked with the people involved in this matter from Community Corrections and if the Commissioners authorize me to do so, I will look into this situation, make a determination as to whether or not the lease should be extended, or attempt to get information to help the Commissioners make the determination as to whether or not this lease should be extended, and then report back to the Commissioners or have the appropriate officials from the Community Corrections program come in and address the Commissioners in reference to this. So, if the Commissioners authorize me to do so, I will go ahead and proceed with that effort.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Alan Kissinger: The next thing I have, luckily Mike Robling came back, I'm going to go ahead and defer to him as to any questions, but what we have are matters relating to the Daylight sanitary sewer project. Obviously, I know the Commissioners understand that before this goes before the Water and Sewer Utility that certain things must be accomplished.

1. Mike has prepared a resolution approving the interlocal agreement with the City of Evansville in reference to the construction of this sewer and recoupment of the County's expenses for that construction.

2. Is a resolution authorizing a contract with Three I Engineering to be the consulting engineer for the project. My understanding is that Three I is recommended as the consulting engineer for the project because there are time limits involved in this interlocal agreement. They have been aggressive as far as their projections are concerned and it appears they can assure us of a completed project within those time limits.

3. The third matter is a motion to authorize the Department of Metropolitan Development to issue a request for proposals for financial consulting services to develop a recoupment plan. This recoupment plan will be the plan, obviously, that is intended to allow the county

to recoup any funds that it may expend on this project along with the state grant that we anticipate is forthcoming. This will be the plan that will be incorporated into the final agreement with the City which will be charged and recouped through a tap-in surcharge fee.

I recommend that the Commissioners give favorable consideration to the approval of the interlocal agreement with the City. I also recommend that the Commissioners give favorable consideration to the resolution authorizing the contract with Three I Engineering. I also recommend that the Commissioners make and approve a motion to authorize the Department of Metropolitan Development to send out the requests for proposals for the financial consulting services.

Commissioner Borries: Do you want three separate motions?

Alan Kissinger: I think it would be appropriate, yes.

Commissioner Borries: I move that a resolution be approved with the City of Evansville regarding an interlocal government agreement regarding the Daylight sanitary sewer project.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

Commissioner Borries: I move that a contract with Three I Engineering be authorized to be the consulting engineers for this project.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Commissioner Borries: I move that the Department of Metropolitan Development send out a request for proposals regarding financial consulting services to develop a recoupment plan regarding the Daylight sanitary sewer project.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

Alan Kissinger: The last matter that I have, once again, is sewer business. There is a lot of sewer business. In reference to the University Heights sewer problems, I think all the Commissioners are familiar with this and it is memorialized in the minutes of our past meetings. The Department of Metropolitan Development is requesting a resolution authorizing the Department of Metropolitan Development to pursue funding options to resolve that University Heights sewer problem. Some of those funding options...one of those funding options, at least, we have discussed previously, which would make the Board of Commissioners a sponsoring applicant in this matter. I think it's obvious at this point that we are certainly in need of an education and enlightenment in reference to what we can do here.

Commissioner Borries: I would move that the resolution authorizing the Department of Metropolitan Development to pursue funding options to resolve the University Height sewer be approved.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

Alan Kissinger: I have nothing further to report.

Commissioner Mourdock: With all the sewer items, instead of having

Road School at Purdue, they ought to have Sewer School. I wonder how many attendees they would have?

RE: CINDY MAYO - SUPERINTENDENT COUNTY BUILDINGS

President Tuley: Okay, Cindy Mayo. Thanks, Mike.

Cindy Mayo: I do have two travel requests. The first one is an amended travel request from John Stoll. He submitted this January 29 and it was approved. At that time, he did not need lodging and he will need lodging now, so it's an amended request. I do have a travel request for Stan Lutz to attend Road School, so I would like to submit these to be added to the consent agenda.

Commissioner Borries: I move they be approved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Cindy Mayo: I also have the County Treasurer's report for acceptance. It's the February report and we failed to put it in your folder, so I need to submit that for the record.

Commissioner Borries: I move that it be approved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Cindy Mayo: My final item, Dennis Feldhaus brought in a claim service contract between the Commissioners and Willis Corroon Administrative Services Corporation. He said this is part of the all encompassing insurance that is done. Willis Corroon handles all of the claims for us and everything is spelled out in here. There are no additional costs, it's just what is included with the services, that he would like to have signed.

Commissioner Borries: I move that it be approved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Cindy Mayo: That's all I have.

RE: CONSENT ITEMS

President Tuley: We are ready to go on to consent items, we have some employment changes and travel requests from the Health Department. Here are claims that were submitted as part of the Engineer's report, their request for approval.

Commissioner Mourdock: I don't have all the employment changes.

President Tuley: The only one we have is the one that will come up under old business, that I see. That is the only one I see, so actually, there are no employment changes for consent.

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

Commissioner Borries: Second.

President Tuley: So ordered.

RE: SCHEDULED MEETINGS

President Tuley: Scheduled meetings. This week there is a

Personnel and Finance meeting on Wednesday at 3:30 p.m. The next Monday, April Fools Day, there will be a 4:00 p.m. Executive session and a 5:30 p.m. Commissioners meeting.

RE: OLD BUSINESS

President Tuley: Okay, old business. Do you want to bring this up under old business.

Commissioner Borries: I can. Mr. President, last week we were looking at the appointment of an assistant manager. This has been a county position since, I guess, the service contract with Given & Spindler was approved, I think back in 1990 or '91.

President Tuley: 1992.

Commissioner Borries: 1992. But, at this time I would put the name of Mr. Randy Giles on record as assistant manager. Mr. Giles is a University of Evansville graduate and would fill that position.

President Tuley: Is there a second? Do you want to request a roll call?

Commissioner Mourdock: Yeah, I'll make the request for a roll call.

President Tuley: Will you second as well?

Commissioner Mourdock: I'll second as well. We'll get the order here.

President Tuley: We'll get it going. Commissioner Mourdock?

Commissioner Mourdock: No.

President Tuley: Commissioner Borries?

Commissioner Borries: Yes.

President Tuley: I vote yes. Okay, is there any other old business?

Commissioner Borries: I don't have any other old business.

President Tuley: No old business. Do you have any new business, then? Either one of you?

Commissioner Mourdock: I will simply make the point that after last weeks meeting when we had an office holder in complimenting this Board, then we had a rezoning meeting with all kinds of neighbors coming in support, I made the comment that it was such a nice thing to have and Alan told me not to file for reelection yet, because it would get worse, and when the phones were ringing this week with the snow, Alan's words came back to me. So, he was right.

RE: NEW BUSINESS

President Tuley: Okay, under new business I have a letter here from Dennis Feldhaus, who is our insurance representative from Helfrich Insurance. Basically, it is in reference to Blue Cross/Blue Shield medical plan.

"You will recall that our Blue Cross/Blue Shield portion of the County's medical plan has a "refund agreement" endorsement that allows us to recoup up to 60% of the underwriting gain for the policy year.

Per copy enclosed, the good news is that we are entitled to a refund of \$91,324.01!

I need for you to instruct me on what to do with this refund. In years past we have received the check and deposited it back into the Auditor's Office as use as payment toward monthly premiums."

Basically, if we wish to continue to do that, then I need to select item number two, which tells them to do exactly that. They will send us a check and we will place it into the Auditor's Office and continue to use it to make payments with, if that is your desire then I can sign this and turn it back in to Dennis.

Commissioner Borries: That's what I would suggest, and I move that it be approved.

Commissioner Mourdock: I'll second that.

President Tuley: So ordered. Any other new business? We have a Drainage Board immediately following this meeting so does anyone want to motion adjourn the Commissioners meeting?

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered, we are adjourned.

Meeting adjourned at 6:47 p.m.

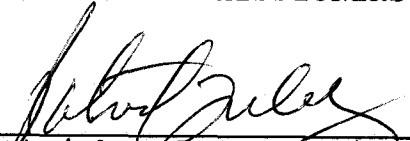
COMMISSIONERS MEETING
MARCH 25, 1996

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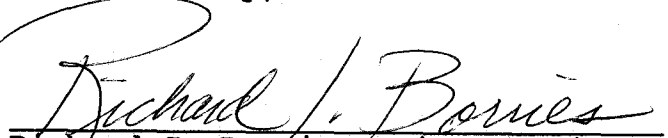
THOSE IN ATTENDANCE

Patrick Tuley
Richard J. Borries
Richard E. Mourdock
Alan Kissinger
Cindy Mayo
Suzanne Crouch
Charlene Timmons
David Ellison
Eric Schwenker
Maurice Boultinghouse
Members of the media
Others unidentified

VANDEBURGH COUNTY
BOARD OF COMMISSIONERS



Patrick Tuley, President



Richard J. Borries, Vice President

Richard E. Mourdock, Member

Recorded and Transcribed by Charlene Timmons

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS
APRIL 1, 1996

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VANDEBURGH COUNTY

BOARD OF COMMISSIONERS MEETING

APRIL 1, 1996

The Vanderburgh County Board of Commissioners met in session this 1st day of April, 1996 in the Commissioner's Hearing Room of the Civic Center Complex at 5:45 p.m.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Tuley: Good evening. We are calling the County Commissioner's meeting for April 1, 1996 to order please. There are a few new faces in here, some old faces in terms of experience and relationships. Some of you know us, some of you don't, so normally, what we like to do is introduce who we have sitting up here. To my far right down there is Cindy Mayo, who is the Superintendent of County Buildings and also our office manager; to her immediate left is Alan Kissinger, County Attorney; to my right is Commissioner Rick Borries; Richard Mourdock, the Commissioner who normally sits here is not going to be with us tonight; to my immediate left is Suzanne Crouch, County Auditor; and to her left is Charlene Timmons, who is the Recording Secretary, and she will be recording this meeting. If you would, please stand and face the flag as we say the Pledge of Allegiance; please join in.

RE: AUTHORIZE OPENING OF BIDS - VC9602 - AUDIO/VIDEO EQUIPMENT FOR JAIL

President Tuley: Okay, I tell you what, we've got some bids that need opened, as was just pointed out to me by the County Attorney, and if you don't mind, I'm going to change this agenda around just a little bit. Under item 4C, the first item we would like to do and then we will get back to the normal print of the agenda here, if we can authorize the opening of bids VC9602 for audio/video equipment for the jail. Can I have a motion for the attorney to open the bids?

Commissioner Borries: I'll so move.

President Tuley: I will second and so order.

RE: APPROVAL OF MINUTES

President Tuley: The next item, we will go back up to 4A, approval of the minutes from last week's meeting.

Commissioner Borries: Mr. President, I move that the minutes of the Vanderburgh County Board of Commissioners meeting of March 25, 1996 be approved as engrossed by the Auditor and we will dispense with the reading.

President Tuley: I will second and so order.

RE: ANY GROUP OR INDIVIDUAL WISHING TO ADDRESS THE COMMISSION

President Tuley: Under item 4B, any group or individual wishing to address the Commission who does not find their name or topic for discussion listed here, now is the time to come before the Commissioners. I know we have this individual and we have this couple here. I know you contacted the Commissioners, so if you want to come forward and go ahead and give yours, then we will come back to you right after him.

Thomas Henderson: My name is Thomas Henderson and I work at the Vanderburgh County Safe House, I'm a Correctional Officer. I put in for a family emergency leave of absence because my wife is ill and can't go to work and she has to be cared for. They tell me that...I guess the reason that I'm here is because of insurance purposes. I've got three weeks left on my insurance until it is

due again. I have to pay again, but they're telling me that I have to pay \$600.00, I guess the full premium, to be off the six weeks that I'm asking. Three of the weeks I'm going to be covered, but three of them I am not.

Commissioner Borries: Okay, but is that usual and customary?

President Tuley: Well, there was some discussion to determine, and in my discussions with Alan, we may be setting a bad precedent if that is the procedure that we follow. You are, in fact, a grant employee and not actually a county employee per se. As long as, through the grant the Community Corrections program continues to reimburse the county, so long as you go ahead and pay your portion, not the \$600.00 or \$500.00, or whatever--

Thomas Henderson: I offered to pay my portion.

President Tuley: --then your insurance could continue.

Thomas Henderson: I offered to pay my \$40.00 and they told me I had to pay \$600.00.

President Tuley: Well, if you were forced to pay under the circumstances...normally, when someone goes on family leave or emergency leave, the county's policy has been to grant for the insurance to be continued as long as they pay their portion to the County Auditor's office.

Commissioner Borries: How long will you be off, Mr. Henderson?

Thomas Henderson: Anywhere from two to six weeks. I turned in to the...

President Tuley: Yes, I have it in front of me.

Alan Kissinger: Have you used all of your sick days?

Thomas Henderson: Yes, I used them. I had five vacation days and three stress days left, and I used them before I came to put in for this.

Alan Kissinger: Okay, so you have used all of them?

Thomas Henderson: Yes, I don't have anything left.

Commissioner Borries: You've done this as part of your wife's illness, is that correct?

Thomas Henderson: Yes. The insurance will not pay for her to have a nurse there unless she is bedridden, or I would return to work.

Commissioner Borries: Okay, I move the request be approved.

President Tuley: I will second and so order. Your pink slip granting your leave has already been signed by Judge Young, so we will recommend to the Community Corrections program that the Commissioners have no objections for them to go ahead and continue to pay out of the grant fund, and all you have to do is pay your portion only.

Thomas Henderson: Okay, thank you.

Commissioner Borries: Mr. Henderson, if this is true, though, in terms of what the attorney asked you about your other days that you have used through your employment, I would suggest that you need to be very careful. Take the appropriate amount of time that you need with your wife, because when you come back, you are not going to get any retroactive benefits. Unfortunately, that isn't the way this works, you understand that? So, take the time you need, there

aren't any other benefits.

President Tuley: You are not accruing any time while you are on this leave.

Thomas Henderson: I know. I have requested two to six weeks because that is what the doctor stated. I don't know if it's going to be any longer or not.

Commissioner Borries: Well, you need to keep in touch with Judge Young and everybody to provide adequate information as to your wife's status. Again, take the time that you need on this because, again, should you come back and then have to request some other benefits or something, they may not be there because there is nothing else that we can go back for.

Thomas Henderson: I understand, thank you.

Commissioner Borries: I hope she gets well soon.

Thomas Henderson: Thank you.

President Tuley: Okay, the couple here in the front row. I'm sorry, I didn't even get your names.

Martha Runnion: Martha Runnion.

President Tuley: Okay, Mrs. Runnion talked to me right before the meeting started. They were under the impression that the road hearing was tonight, so she asked since they were here, if they could go ahead and speak about a particular road that they want to talk to us about. I informed her that it was not a problem. The meeting will be next week, the minutes are recorded and we can bring it back up and make it part of next week's meeting as well.

Martha Runnion: We appreciate that. We live on Mann Road and we would like to put in a request for them to widen that road. It's a narrow road and someone is going to get hurt seriously or even killed out there. They did pave it a few years ago, but the pavement is really breaking up bad on it.

Commissioner Borries: It is, you're right, the pavement is breaking up.

Martha Runnion: So we would like to get it in for a widening and fix the pavement where it is breaking up. It's gotten bad. We were under the impression last year that they were going to pave it on through, which they never did, from Montgomery to Bixler.

Commissioner Borries: Well, there was some bridge work done out there, that was one of the reasons that they didn't finish that. Are you referring to widening it, Mrs. Runnion, on the east side back toward Owensville Road? If you start going west, don't we have some ditches along there?

Martha Runnion: Right, between Owensville and Bixler, there are a few little hills in there.

Commissioner Borries: Between Owensville and Bixler, what else T's in there? What is the other road that T's in there? Is it Montgomery?

President Tuley: Yeah.

Martha Runnion: Well, yeah, Montgomery.

President Tuley: She mentioned Montgomery and Bixler.

Martha Runnion: Montgomery T's onto Mann.

Commissioner Borries: Yes.

Martha Runnion: Bixler T's onto Mann.

Commissioner Borries: Yeah, that part doesn't concern me as much as when we start getting past Montgomery towards Bixler. Do we have side ditches on both sides?

Martha Runnion: Yeah.

Commissioner Borries: Yeah, see that is our problem. I don't know if there is enough right-of-way, but we'll look into it. That's a tough one there.

Martha Runnion: We understood that they had a 17 foot right-of-way on either side, but it's really east of there that it is so dangerous. It's where those little hills are, and when it was a gravel road you could see the dust fly. But it's paved now, and when you're on those little hills, you don't know what is on the other side.

Commissioner Borries: The east isn't as much of a problem, if I can visualize where we are, east of Montgomery isn't as much as a problem as west.

Martha Runnion: Yeah.

Commissioner Borries: West is really a concern because you get into Big Creek as you're coming down there. We've got side ditches on both sides and I don't know how much we can widen that out.

Martha Runnion: Any little bit would help because there are times when, if you meet a tractor on that road, you have got to back up. Two automobiles, one of them is going to have to pull over. There are a lot of residents out there who are really concerned about that road.

President Tuley: Are the ditches, you say, legal drains that run right beside it?

Commissioner Borries: Well, Big Creek kind of cuts through there. That is where we replaced a bridge. I'm real familiar with Mann Road. Years ago, we tried to vacate that bridge and that didn't happen. The judge reversed that, so I remember that real clearly. I'm just as pleased that they did, we paved it, it was a gravel road.

Martha Runnion: Well, they paved it from Montgomery to Owensville.

Commissioner Borries: Yeah.

Martha Runnion: Well, it's from Montgomery to Bixler...

Commissioner Borries: From Montgomery to Bixler it is not paved is it?

Martha Runnion: Right, except where they put the new bridge in. They did pave over the bridge.

Commissioner Borries: Did they?

Martha Runnion: Yes, but, like I said, we were under the understanding last spring that they were going to pave from Montgomery to Bixler. Then when they put the new bridge in, they just paved over the bridge and that was it. The pavement that they put in a few years ago is really crumbling and breaking up bad.

Commissioner Borries: Starting to break up?

Martha Runnion: We hate to see it go back to a gravel road.

President Tuley: I understand that, we would too.

Commissioner Borries: We don't want that to happen.

Martha Runnion: So, we just wanted to get the request in for Mann.

President Tuley: Okay, we will have our hearing next week and get some recommendations from the engineer and the county highway superintendent...

Commissioner Borries: And we will add this to the list.

President Tuley: Yes, we will add this to the list of things to be considered.

Martha Runnion: Okay, thanks a lot.

Commissioner Borries: We appreciate it. Thanks for coming.

RE: RANDY GILES - AUDITORIUM - AGREEMENT ON EQUIPMENT MAINTENANCE

President Tuley: Did Randy Giles...did Randy hang around? I don't see him.

Commissioner Borries: I think this is a boiler plate, Mr President, a boiler plate agreement where there is no change at all, so at this time, I would move that it be approved.

President Tuley: Okay, Commissioner Borries is talking about an equipment maintenance agreement between Vanderburgh County and Johnson Controls with regard to the Vanderburgh Auditorium. You made the motion so I will second and so order.

RE: SUZANNE CROUCH - TIME ACCRUAL PROJECT

President Tuley: Okay, Suzanne.

Suzanne Crouch: The Auditor's office has submitted a sample memo and an instruction sheet regarding the time accrual process. I have been in conversation with really, I think, just about everyone here. If you all agree to do so, we can move forward on implementing this with the next payroll period. The employees or the offices can start submitting their vouchers to us and then we will start reflecting the time accumulated on their payroll stubs. We realize that not everyone is going to jump on board and be able to do this immediately, but we are ready to implement it and the timing is really up to the Commissioners, but we can do so for the next payroll period if you would like to.

President Tuley: Don't most offices have a PC? Something like this, it seems they could put that on their PC.

Suzanne Crouch: I think so.

President Tuley: They could generate this as opposed to a manual.

Suzanne Crouch: I would think so, most offices do have PC's.

President Tuley: I don't know too many of them that don't.

Suzanne Crouch: Certainly, we would or computer services--

President Tuley: Would work with anybody.

Suzanne Crouch: --yeah. Cindy put it in place in our office prior to us being there, so she is very familiar with that payroll system.

Commissioner Borries: We have to start somewhere.

President Tuley: Well, what I would like to recommend that we do, is ask for a motion to have this put on our letterhead and sent to the office holders and department heads in the county. We can just use the exact letter, samples and instructions that were given and ask the office holders and department heads to comply.

Suzanne Crouch: We had talked about doing a report for the Commissioners and we could probably do that on a monthly basis, perhaps for the first six months, to keep you updated on the progress. Then, I think, at some point in time, at your call, we could probably go to a quarterly report.

Commissioner Borries: Yes, I think that's true. It would be good to have some accurate accounts here on a monthly basis.

President Tuley: I think initially we can do it monthly and then once things fall into line, we could do it quarterly or biannually, or something like that. I think monthly, if it's not a problem for you to start with, would be beneficial. I need a motion to approve the letter, the instructions and the sample form and to ask Cindy or Sunny to get this on Commissioner's letterhead and get it out to the office holders and department heads.

Suzanne Crouch: Would it be a problem to do that this week?

President Tuley: I'm sorry, I mean this week. I didn't say that, but the next couple days if possible.

Commissioner Borries: I move that the form be approved and sent to county office holders and department heads.

President Tuley: I will second and so order.

Cindy Mayo: Suzanne, would you want that put in their boxes or do you want to submit that with the pay since this is a pay week?

Suzanne Crouch: We could do it that way.

Cindy Mayo: It would maybe get to the right person that way.

Suzanne Crouch: Maybe they would pay a little more attention to it that way.

President Tuley: Put it out with the paychecks, that's a good idea.

Suzanne Crouch: Good idea.

RE: LYNN ELLIS - PURCHASING

President Tuley: We are now ready for the department head reports. Lynn Ellis, basically has a request here that says authorize the opening of the bids for the audio and video equipment for the jail. I assume that will be taken under advisement by the Sheriff's Department and reviewed by the Sheriff's Department.

Alan Kissinger: If you wish, I will go ahead and announce the bid recap. I have talked to the deputies here and they have asked that this be taken under advisement and that we can just turn these over to Lynn Ellis and have her report back next week in reference to their recommendation.

Commissioner Borries: Sure.

Alan Kissinger: Okay, the bid recap on VC9602 for jail video equipment. The first bidder is Risley's Electronics, Inc., in fact, they merely notified us that they would not bid, so there was

a no bid there. Number two was Ohio Valley Communications, Inc; the total amount of their bid was \$79,550.00, plus their bid bond was \$80,297.77. The third bidder was Southwestern Communications, Inc; the total bid was \$56,152.00, plus their bid bond was \$56,227.00. As I said, I request that the Commissioners allow this to be taken under advisement for one week, until next week, at which time we can ask Lynn Ellis from Purchasing to report back to us for her recommendations.

Commissioner Borries: So moved.

President Tuley: Second and so ordered.

Alan Kissinger: That is all that Lynn has to report.

RE: ALAN KISSINGER - COUNTY ATTORNEY

Commissioner Borries: How about you, while you're here?

President Tuley: Yeah, while you're up.

Alan Kissinger: I wish to report to the Commissioners that I have researched the sewer statute, which the Commissioners asked me to research, which would allow Vanderburgh County to, basically, engage in a sewer project; the financing and building of a sewer project. Mr. Jeffers from the County Surveyor's Office was correct in that, that statute was repealed in 1993. There was no saving clause. By saving clause what I mean to say is, often these are repealed and then they are brought back under a different statute number, amended somewhat and retained. This one was repealed in a very final manner, in that, not only did they repeal the existing statute, but they made provisions for maintaining contracts, projects, etc. that had been undertaken under the statute before it was repealed; made it legal to continue those projects, but does not allow the county to engage in that type of project in the future. So, that repeal is final, so as far as the Commissioners assistance to these various community groups who have been contacting us, I think that you are accurate that the Commissioner's voice is going to be, perhaps, of a more persuasive nature, maybe received more readily by, in this particular case, the city. So to that extent, the county can certainly still help, but as far as any statutory authority to proceed as we did with, I think it was called the Caranza project, we no longer have statutory authority to engage in that kind of thing.

President Tuley: Alan conveyed that to me earlier today so I put a call in to Jack Danks at Water and Sewer. He was on vacation today, but will be back in the morning, so I have asked that he call me. I talked to Mr. Schwenker and relayed that to him and after I talk to Jack, I am going to call him back and see if we can get a meeting set up with the Board of Public Works after Jack gives me guidance on what we need to do.

Commissioner Borries: Man, oh man, I just don't get that. I cannot understand why they would repeal that.

Alan Kissinger: There was no history, there was no legislative history. Nothing to indicate why it was repealed, so it's a total speculation on my part, except that I would assume that there was probably some crossing of jurisdictional fences and this was probably one way to solve that problem in the future.

Commissioner Borries: Boy, it sure did. The only other thing that we might be able to look into is this Indiana Bond Bank or some kind of low interest loan through that.

President Tuley: Well, as luck would have it, and I haven't returned his call, I just got a call, one of the local banks called along those same lines, so I need to call him and find out exactly

what they are talking about. What kind of low interest they are talking about. They picked up an article in the paper that was written and they called me and said they would like to sit down and talk about it. I was encouraged by that.

Commissioner Borries: Yeah, it would be helpful if the local banks...they would be much more responsive and quicker, but we're just crippled in terms, if you don't have that law...you always had some kind of percentage which was a little bit nebulous, but there was something that you could hang your hat on and say you've got to have X number of people who want to get in the sewer, you move forward and everybody is assessed. Now, if you don't have this law, I don't know how you force--

President Tuley: We're at the mercy of the city, to appeal to the city to do it.

Commissioner Borries: I don't know how you even force...I had one woman talk to me before this meeting that said, you know, we would really like to have sewers out there on Schmitt Lane but not all of them are for it. Well, one person trying to do it individually, that's a killer to try to get installed to a sewer. If you get a whole group of residents, and there used to be this law that had to do with how many you had to have and all that...gee whiz, I don't see how any...they must be, getting back to Alan, there must have been some kind of jurisdictional dispute somewhere, because I don't see how residents of the county, at this point, are helped out at all as a result of what we're able to do on that.

President Tuley: No, the only thing that we can do is carry the ball for them and hope, as Alan indicated, that another agency will be more receptive to us bringing it to them.

Commissioner Borries: And the residents are going to have a heck of a lot more responsibility because they are going to have to still get a certain number of people who are willing to tap-in in the neighborhood because the more they get in, the cheaper it is for everybody else.

President Tuley: Right.

Commissioner Borries: And the more doable it is, because the utility department is not going to do it if it's only one homeowner.

President Tuley: I agree. Anyway, after I talk to Jack, then I will report back next Monday night with where we are at and what we are doing.

Alan Kissinger: Unless someone else has questions, I have nothing else to report. I beg your pardon. Suzanne, Ms. Crouch talked to me today about the...say the words for me please, Suzanne.

Suzanne Crouch: Fixed Asset Ordinance.

Alan Kissinger: Fixed Asset Ordinance, yes. We had requested the Commissioner's permission to advertise that for the meeting of the 15th. We may now have some time problems, although we may not now have some time problems, but I think that we could probably do away with the confusion if we just went ahead and asked the Commissioners to allow us to advertise it for the 22nd instead of the 15th and then we know we can proceed with that time. I would request that the Commissioners give favorable consideration to changing the date that the Fixed Asset Ordinance will be considered by you for passage from the 15th to the 22nd of April.

Commissioner Borries: I'll so move.

President Tuley: Second and so ordered.

Alan Kissinger: Now, unless someone else speaks up, I have nothing further to report.

RE: JOHN STOLL - COUNTY ENGINEER

President Tuley: Okay, John.

John Stoll: The first two items I've got are street acceptances. The first one is for 1,368 linear feet of Secretariat Court. This is in Autumn Hills Subdivision, Section III. This is an asphalt street with earth shoulders, no curb and gutter. It was built according to plans and it has had all its deficiencies corrected and I would recommend that it be accepted.

Commissioner Borries: So moved.

President Tuley: Second and so ordered.

John Stoll: The second request is for 430 linear feet of Hunters Green in the North Greens. This street is curb and guttered and has been built according to plans and I would also recommend that it be accepted for maintenance.

Commissioner Borries: So moved.

President Tuley: Second and so ordered.

John Stoll: The next item I've got is a travel request for Tim Spurling to go to INDOT tomorrow in Vincennes to take a certified technician examination that he was unable to take a few weeks ago due to him being out of town. There is no registration fee or no per diem or anything like that associated with it, he just needs to go take the exam after taking the classes in Jasper. I recommend that it be approved.

Commissioner Borries: So moved.

President Tuley: Second and so ordered.

John Stoll: The final item I've got is an agreement with United Consulting for revisions to the plans to Green River Road, Section B and it's also for construction inspection for Green River Road, Section B. The amount of the agreement is for, the revision of plans would be \$13,800.00 and the construction inspection would be for an amount not to exceed \$75,000.00. These amounts would cover the construction of Green River Road from where the five lane section ends near Day School and it would go through the Lynch Road intersection for about 500 feet to include the turn lanes, and then it would taper back down to the two lanes about halfway between Lynch and Hirsch Road. The money to fund this construction was approved by County Council last month and we were notified today that it has been okayed by the State Board of Accounts, so everything is in place and we can do this project now.

Commissioner Borries: I move that the agreement be signed.

President Tuley: Second and so ordered.

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

Commissioner Borries: Thanks, John.

RE: BILL MORPHEW - COUNTY GARAGE

President Tuley: This says Bill Morphey, but Bill is down in his back and had to go home early today. So, Milton Hayden, the Assistant Superintendent is here. Let the record show that Milton has submitted the progress report for the Vanderburgh County

Highway Department and the Vanderburgh County Bridge crew covering the period of Friday, March 22 through Thursday, March 28 showing various repair work, as much as anything. What kind of real damage do we have on the roads yet? Any particular damage or anything, Milton?

Milton Hayden: No, not really.

President Tuley: Nothing out of the normal?

Milton Hayden: No, it's just about the same. We've got a lot of chuckholes and we do have to repair those.

Alan Kissinger: Poor old Chuck sure gets a bad name, doesn't he?

President Tuley: Milton, last week, and I don't remember, but I don't think you were here, but Commissioner Mourdock made a motion and it was seconded by Commissioner Borries that we draft a letter to the Highway Crew regarding your efforts. I would just like to read the letter into the record and then we will give you a copy of it later. It is addressed to Bill Morphew.

"Bill, this letter is to you and your crew at the Highway Department. The County Commissioners would like to take this opportunity to let the men and women of the Highway Department know how much we appreciate the outstanding job performed by all under very adverse conditions.

I do not believe anybody had predicted the snow accumulation coupled with the wind to have any of us 100% prepared. However, everybody demonstrated their wonderful dedication to the citizens of Vanderburgh County. We just wanted all of you to know we really appreciate your efforts.

Thank you."

Milton Hayden: Thank you.

Commissioner Borries: Yeah, I certainly will echo those remarks. I think it's outstanding and unfortunate that, as it is in all cases, you have some complaints about some roads that didn't get done, but we don't live in an instant society. Nobody had a magic wand out there trying to get five feet of snow drifts off some of those roads. Also, in terms of...you always learn something, but I think that to go through the procedure when you...what a lot of our county forces have to do is to contend with, at least they did in this situation, some abandoned vehicles. They are not empowered, the County Highway Department, to remove those vehicles because they are someone else's property, so they have to contact the Sheriff's Department; the Sheriff's Department has to come out and ticket the vehicle; then the vehicle has to be towed away through a provider.

Milton Hayden: That is correct.

Commissioner Borries: So all that, certainly, slows up a lot of the delivery of services, particularly when you're in a situation like we were with this. I think they did an outstanding job. I think the Sheriff's Department cooperated, again, we didn't have instant success with every road in every part of the county at that particular time, but the hard work that was done, I think, was outstanding.

Milton Hayden: Thank you.

Commissioner Borries: We did the best we could do in a lot of adverse circumstances.

President Tuley: I would like to give you a copy of this before you leave.

Milton Hayden: Sure.

Commissioner Borries: I'm sure that Commissioner Mourdock would sign this as well. He was the one who suggested it last week, so perhaps there is some way we can get his signature affixed to this as well. I'm not sure when he'll be back.

Milton Hayden: Do you have any more questions?

President Tuley: I have nothing for you.

Commissioner Borries: Thank you, sir. Again, a job well done. Did you get some rest?

Milton Hayden: A little bit.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

President Tuley: Cindy Mayo.

Cindy Mayo: I have nothing to report.

RE: CONSENT ITEMS

President Tuley: We have consent items including employment changes, travel requests, Sheriff's Department monthly report for February. There is a copy of the agreement...I'm sorry it's a blue claim for Willard Library for January 1, 1996 through December 31, 1996 with the changes in the contract that we had asked them to change a while back. Now they have submitted their blue claim with it for payment.

Cindy Mayo: Right, you did sign the contract on that already. When Sunny first looked at that she thought it was an addendum and then realized that it is just a blue claim.

Commissioner Borries: Well, I still wish, Mr. President, this thing is a little confusing to read. I understand where they were headed with this. We'll go ahead and approve it, but I guess my concerns with this before...Willard has had a rich tradition of being the record keeper of the county's records and they do a good job, but up at the top they keep putting down \$53,184.00 and then you've got to read all the way down to the bottom that the County Council approved \$46,200.00, so that is what the blue claim is for, is that correct?

President Tuley: The blue claim is in the amount of \$46,200.00 as per the contract signed February 26, 1996.

Commissioner Borries: I don't know where they are headed with trying to put \$53,184.00, but they are not going to get that.

President Tuley: No, I think that's what they asked for.

Commissioner Borries: Well--

President Tuley: Here is what they're getting, \$46,200.00.

Commissioner Borries: --I move the claim be approved for \$46,200.00.

President Tuley: That's what the claim is made out for.

Commissioner Borries: Okay, it's just every time I read through this thing...it's kind of like you have to read the fine print at the bottom because you don't see anything about \$46,200.00 on here

until you get way down here to the bottom.

President Tuley: I will second and so order. Then, do we have a motion, or was that part of the consent items as well?

Commissioner Borries: I believe it is, but I move that the consent items be approved.

President Tuley: I will second and so order.

RE: SCHEDULED MEETINGS

President Tuley: Do we have any old business? Scheduled meetings, I'm sorry. Let me go to scheduled meetings, then we'll go to old business. There is a County Council meeting scheduled for Wednesday at 3:30. Is it a county holiday Friday, Good Friday?

Cindy Mayo: Yes.

President Tuley: Okay. Clocks go back on Sunday morning to Daylight Savings Time. There is a Solid Waste meeting next Monday with a 5:30 Commissioner's meeting. Next week will be the annual road hearing, highway hearing as well, just a reminder.

RE: OLD BUSINESS

Commissioner Borries: We may want, Mr. President, under old business, at least, to consider...maybe we need to wait until Commissioner Mourdock is here, getting some information to express our concerns about the National Weather Service situation. We are moving into tornado season. I think, as I understand this procedure, we get our actual weather forecast out of Indianapolis, Indiana, but when you get into the storms seasons, because of the way storms track, that is when this Paducah, Kentucky station gets in. It was also my understanding that during this recent storm that we had, which literally was a foot of snow with drifts of way above that in many places in the northern part of the county, Paducah, Kentucky did not receive any snow during that time. So, it appears to me that we ought to have, as we are moving into the tornado season, some real concerns about the accuracy of this. As the largest urban area in 100 miles in any direction, we need that National Weather Service radar system here in this community. So I would ask that we should consider gathering some information, apparently the airport has pulled together that and we may want to talk to the Sheriff's Department, County Highway Department and look back at the information they received as to whether or not...I mean, they have to get out there in the snow, but I didn't really think that anyone had a full handle on exactly how much snow we were going to get. Again, you've got some weather people who are sitting in a place where they didn't receive any snow, trying to predict 100 miles away what we are going to get, it just doesn't seem like it's a good situation. Maybe we need to add our voice of concern to this whole argument and see what support we can get for having some reconsideration, or at least at this point, if they're going to keep it in Paducah, add Evansville and Vanderburgh County to the list of weather information sites.

President Tuley: I would agree, it was next to impossible to predict what was going to happen last week in terms of getting ready for it. I never really heard until it was already up.

Commissioner Borries: I'm sure they updated it as the storm gathered, but it just doesn't seem, again, as we are approaching the storm season, that 100 miles away...that oftentimes tornados literally blow up.

President Tuley: You'll know after a tornado blows your house down that there is a tornado coming.

Commissioner Borries: That's right. We could be in a very vulnerable path and I hope that we can add our voices of concern in this argument.

President Tuley: Okay.

RE: NEW BUSINESS

President Tuley: I have one item under new business. There is a request from the two voter registration representatives, Susan Kirk and John Hill, to change the polling place for precinct 3-15.

"Dear Commissioners,

Our office recommends that Ward 3 Precinct 15 polling place at Garvinwood General Baptist Church be moved to the Bradford Point Apartments located at 1680 E. Franklin St., due to the fact that Garvinwood General Baptist Church is not accessible to the disabled and Bradford Point Apartments is.

Both of these locations have been notified and both are agreeable to this change.

We are asking that this change be approved by the Commissioners and request confirmation as soon as possible so we can change the polling place address on our voter registration cards."

That is my precinct and I would strongly recommend that we take their recommendation.

Commissioner Borries: I move that the request of the Voter Registration Board be approved.

President Tuley: I will second and so order and we'll get notice to them tomorrow that this was approved tonight. Is there any other business before the Commissioners? We do have a short special Drainage Board meeting set to begin here, I thought I saw Mr. Jeffers.

Commissioner Borries: He's here.

President Tuley: For his recommendations in reference to our ditch contracts for cleaning and/or spraying and that will be the only business conducted at the Drainage Board hearing. So, motion to adjourn the Commissioner's meeting?

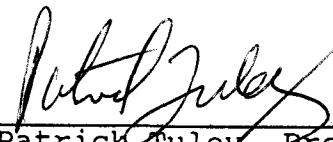
Commissioner Borries: So moved.

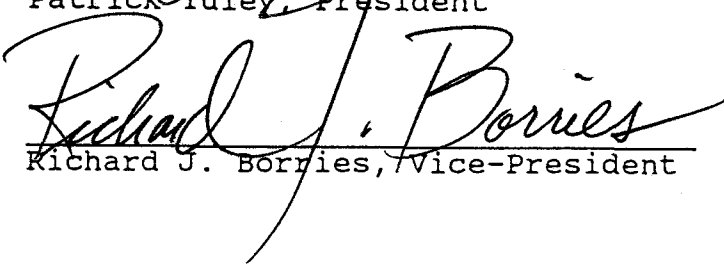
President Tuley: Second and so ordered.

Meeting adjourned at 6:25 p.m.

THOSE IN ATTENDANCE:

Pat Tuley
Richard J. Borries
Alan Kissinger
Suzanne Crouch
Cindy Mayo
Charlene Timmons
Thomas Henderson
Martha Runnion
John Stoll
Milton Hayden
Members of media
Others unidentified

VANDERBURGH COUNTY
BOARD OF COMMISSIONERS

Patrick Tuley, President

Richard J. Borries, Vice-President

Recorded and transcribed by Charlene Timmons

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS
APRIL 8, 1996

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VANDERBURGH COUNTY

BOARD OF COMMISSIONERS MEETING

APRIL 8, 1996

The Vanderburgh County Board of Commissioners met in session this 8th day of April, 1996 in the Commissioners' Hearing Room of the Civic Center Complex at 5:40 p.m.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Tuley: I would like to open the meeting of April 8. There will be a public road hearing conducted tonight. We will get started in a couple of minutes with the road hearing, but first we've got a couple of things that we normally have to do. As a point of introductions for those of you who are not familiar with who we are up here, to my far right tonight we have Alan Kissinger, who is the County Attorney; to my immediate right is Commissioner Rick Borries; to my immediate left is Commissioner Richard Mourdock; to Richard's immediate left is Deputy Auditor, Bill Fluty; and Charlene Timmons is to our far left, she is Recording Secretary. She will be recording the minutes of the meeting tonight so, please, if you want to address this Board, after you have been recognized come to the podium, identify yourself by name and address so when she goes back to retype all the minutes for next week's meeting, we will know who it was that was addressing the Commission in case we need to get back in contact with you. If you would please, stand up and say with us the Pledge of Allegiance; face the flag with us and feel free to jump in. One thing I would like to do before we actually continue on with the meeting, we do have, besides the people who will be here tonight to address the Commission, we have a pack or den...what are we, a pack? We're a den. I'm sorry. We have a den of Webelos, Troop Number 349 that are here to observe the Commissioners as part of a civics project, citizenship project that they are working on. If you guys and the troop leaders, if you would stand, please. Would the two leaders please identify yourselves; who is leading these young men?

Peggy Tuley: I'm the leader, Peggy Tuley.

Deedee Stafford: I'm Deedee Stafford and I help Peggy.

President Tuley: I do know Peggy, she is not my wife, but Peggy and I...we know each other, let's just leave it at that. One of those young men out there is my nephew, as well. Where is Christopher at? Right there, okay. Feel free, you guys, you're more than welcome to leave anytime you want to or you can stay as long as you want. You are welcome to stay through the whole meeting if you would like. If one of you would like this chair, I'll leave.

Commissioner Borries: Mr. President, they might also be sure to sign our roll that we pass around so that we can get your name on the official record. Ms. Timmons can make sure that we verify that you attended this meeting and we can have an official record of that if you'll sign our roster.

RE: APPROVAL TO OPEN BIDS - VC9603 & APA035-96 BURDETTE PARK CONCESSIONS, HATS & SHIRTS

President Tuley: Okay, item 4, under the action items, we would like to do something, if we could. As you might see, we've got a box and several envelopes here, we want to jump down to 4D, which is only the approval to open the bids, so that while we are conducting the road hearing, our attorney may begin to open up and evaluate the bids. So, I'll entertain a motion to open the bids VC9603 and APA035-96. They are bids for Burdette Park concessions, hats and shirts.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

RE: ROAD HEARING (See additional remarks on page 13)

President Tuley: Okay, I would assume that most of you are here for item 4A, the public road hearing. This is where the Commissioners are now seeking input from the citizens of our county. We've had our Engineer and our Highway Superintendent as well as their staff, driving the roads and compiling lists of roads that they feel need to be paved, repaired or whatever. But tonight is the night that we would like to have input from our citizens who are also out there driving the roads and can give us some insight on some roads that they are aware of. Roads that they live on or roads they drive or whatever. At this time, I would like by a show of hands anyone who is ready. There is a gentleman, the first one to raise his hand. Come forward if you would, sir.

William Knapp: My name is William Knapp. I live on Barbara Jane Lane which is off of North Red Bank Road. I was instructed to come to the meeting, as you have said. I'm asking for consideration for repaving of Barbara Jane Lane. I moved to Evansville with my family in 1966. Shortly after that, it was a private lane at that time, each of the property owners, at that time, went together and had David Construction Company put a top on it. There was already a top, but they put another top on it, it was a very thin one. Now since then, that was 30 years ago, since then, I personally have been filling potholes with cold patch. Within the last two years, I have been in touch with the County Engineer and they have been looking after that and they have filled several of the potholes. However, I ask you to have a serious look at it because there is some change in the pitch of the road and it's really beginning to break really badly. Also, we have an easement...North Red Bank Road is very high. It is one of the highest points, I think, in the county, particularly in Perry Township. Of course, the ground water rolls pretty fast there and the easement, as of the last paving of Red Bank Road, the easement into Barbara Jane Lane was not a very deep one. Since then, the Water Department has come in and helped lay a new line. They laid a new line for us. However, the easement really is in bad shape there, and the man that I talked to at the Water Department, who supervised that, said that they couldn't deal with the easement, that it was another problem. There is a growing problem, and if you could look at that, I would really appreciate it. Also, consideration for the condition of the road at present and be considered for somewhere along the line to be repaved.

President Tuley: Okay, questions?

Commissioner Borries: Mr. Knapp, are you saying that the Water Department did not, in your opinion, solve part of the problem when they repaired their stretch?

William Knapp: It was not under their jurisdiction as I understood. I had no problem with that at all, it's just--

Commissioner Borries: What wasn't under their jurisdiction?

William Knapp: The easement, the joining of the lane, or where they had worked which was a connector. There is a big connector there and there is quite a hole there now. They had left some chat but it really...the reason that I'm looking at it more carefully is because the lane is...our only access out is the connection there and also, that I have through the years...I'm the only property owner now that was originally there 30 years ago and I have maintained the grass strip that runs along side of the road which is, I assume, part of the county now since the county took this over in about '86, I think, took over our lane in about '86, so

that's why I look at that very carefully, because it is a problem for me to maintain.

Commissioner Borries: Thank you. The only reason that I ask is that, as we go around the city, and I know I have worked with a group that the Chamber of Commerce had urged to be formed a couple of years ago, basically, to just get the Water Department or the utility departments, whenever there is a cut made in the road, to do one simple thing and that is to just return it as it was. What you're saying is that the condition of the road is something else we need to look at, but I have some concerns. I have seen some recent repairs in the city along Lincoln Avenue that are just real thumpers and over freshly paved road, really about a year or so old. They have a problem like everybody does in wintertime because, obviously, hot mix and a few things, we can't pave during that time, but we also need to know when there are some situations here that we need to call to the attention of the Water Department that, whoever they have asked to do these, have not done it properly. So, that was my point.

President Tuley: John or Bill, are you familiar with the particular road that he is talking about?

Bill Morpew: Barbara Jane, yes, I am.

President Tuley: Is it on a list that you've compiled?

Bill Morpew: No, I just wrote it down. I have some recent work orders there for patching.

William Knapp: I have the first lot on that lane, and the road has held up pretty well from the top of Red Bank down to the end of our property, but it is the end of our property, if you remember looking at that, that is really breaking up there and it's not going to be long that it's going to be gone. I don't know whether you noticed, but the cold patching that I did by hand, I just can't do that anymore. That's why I am here.

President Tuley: Okay, we'll take a look at it. There will not be any final decisions made tonight as to what roads are going to be done. We are looking for input and we will get out and compare with what we've got and readjust our list and do what we can.

William Knapp: Thank you very much.

Road Hearing interrupted briefly.

RE: AUDIO/VIDEO EQUIPMENT FOR JAIL - VC9602

President Tuley: If you don't mind, what I would like to do, we have Chief Deputy Beckham here from the Sheriff's Department and he has a very simple, quick request. There won't be any discussion or anything, he just needs to make a request to the Commissioners, so we are going to let him get that in so he can get on out of here.

Bob Beckham: This is in reference to the Audio/Video equipment that is for the jail. The bids came in last week, but we have run into a problem with that. We would just like to defer that until next week.

President Tuley: Okay.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Road Hearing resumed.

President Tuley: Okay, we'll get back on our road hearing because I know that is why several of you are here and that is the only reason that you are here. Who's...either one of you two ladies in the front row want to come forward?

Mary Naghdi: Good afternoon, my name is Mary Naghdi. I'm here to ask for your consideration for repaving. I'm referencing two streets, one is Huckleberry Lane and the other is Barbara Drive. These two streets comprise the Village Acre Subdivision of approximately 25 to 30 homes. This subdivision is approximately 25 years old and the streets have never been resurfaced or repaved. They have been patched numerous times. I would liken their surface to an alligator's skin, different sizes and constructions of zigzags. I guess alligator skin is the best thing to describe. The reason that I am here is because I feel that they are both a safety hazard to not only the individuals in the neighborhood, but to others who use those streets for walking and exercise. Huckleberry Lane runs right off of Peerless Road which is a very busy and heavily traveled road. As a result, these two side streets are used heavily by people and children on bikes. Due to the fact that the asphalt is so chunked up and also the pieces are very fine, so that when kids ride their bikes and put on their brakes, they are liable to fall. The other reason that I feel, besides safety, is that it is devaluating property values on those two streets. My neighbor spent approximately \$10,000.00 just last fall redoing the exterior of his house and I think that it would really help the value of the neighborhood. So, that's really all I have to say. Do you have any questions?

President Tuley: The only question I have is you said the road has been patched, so it is a county accepted road and the county has been patching it?

Mary Naghdi: Yes, it has been patched. I think they came by and patched it last year, and then several years back they patched another thing. It's been patched three or four times here and there. Right now it has two chuckholes in it; one on Barbara and two on Huckleberry.

Commissioner Borries: What's the second one, ma'am, I didn't get your second road?

President Tuley: Barbara Drive.

Mary Naghdi: Huckleberry Lane is the main road going off of Peerless and then Barbara Drive cuts off of that. They're two dead-end streets and they comprise Village Acre Subdivision.

Commissioner Mourdock: Because we have an audio system and not a video system, to make it for the record, Pat, you asked the question, was it dedicated to the county? Bill Morpew's head was nodding in the affirmative.

President Tuley: Okay.

Commissioner Borries: Do you have an idea of what kind of surface is there now? Is it asphalt or concrete?

Mary Naghdi: It's asphalt.

Commissioner Borries: Asphalt?

Mary Naghdi: Yes. Thank you very much.

President Tuley: Thank you.

Denise Hess: Hi, my name is Denise Hess and I'm here in reference

to getting Grace Lane off of Bergdolt paved. It is still a dead-end gravel road. I've spoken to Bill Morpew several times and they have come out, it was about a month ago, and have started to widen it and get it grated and get it prepared, but he told us to still come and show our concern.

President Tuley: Is that back there by the trailer park?

Denise Hess: Right, just before it.

President Tuley: Okay.

Denise Hess: One of my concerns is that there is a cul-de-sac at the end of the road and we are wondering how that is going to be formed. Whether it will be a proper turn around for the mailman and whether or not any of the driveways will need pipes put in and who will pay for that.

President Tuley: Bill, you've been out there then?

Bill Morpew: Yes, I have.

President Tuley: Is that on your list?

Bill Morpew: Yes, it is.

Commissioner Mourdock: Would you address the lady's questions, Ms. Hess' questions, regarding the cul-de-sac?

Bill Morpew: Yes, I will. At the very end of the road there is a...we really don't know where the cul-de-sac is supposed to be. I have asked John Stoll's group to mark it and show us the right-of-way so we can actually form a cul-de-sac at the end of this road. It's a gravel road about 1000 feet long. It goes to the north off of Bergdolt. We are going to pave it 16 feet wide whenever John's group gets the right-of-way staked so that we can actually see whether there is supposed to be a cul-de-sac back there. Then we will know more about what to do.

President Tuley: The other question that she has, apparently there are some driveways that intersect with this road. Will they require piping?

Bill Morpew: There is about four.

President Tuley: Okay, is that part of our responsibility financially, or is that...any piping that has to be done?

Bill Morpew: No, that's the homeowner's responsibility. There are ditches out there now. We do need to clean the ditch lines out before we pave. We have started on that road, actually. We've started grating the rock and all that.

President Tuley: Will any of that change? I think what she is trying to find out, is it going to cost them?

Bill Morpew: Don't you have a driveway culvert now?

Denise Hess: Yes, but the ones that don't have them, are they going to have to put one in?

Bill Morpew: Yes, they will.

Denise Hess: Any ideas--

Bill Morpew: This one right here is going to have to have a driveway culvert.

Denise Hess: On all three of these.

Bill Morphew: These are. They have culverts, they just need to be cleaned out.

Denise Hess: Oh, he has them there, but they need to be cleaned out?

Bill Morphew: Yes.

Denise Hess: Okay, will anybody have to put new ones in?

Bill Morphew: Not that I've seen.

Denise Hess: Okay, but it's the responsibility of him to clean these out before it's paved. Is that what you are saying?

Bill Morphew: Yes. We will clean the ditch line.

Denise Hess: Oh, I see.

Bill Morphew: We will clean the ditch line and open up the other culverts.

President Tuley: Another one right here.

Scott Winstead: My name is Scott Winstead and I live at 5224 Nolan Avenue off of Speaker Road in West Lankford Subdivision. The pavement ends at 5220 Nolan. I'm here to ask for paving of 5220 through 5300. It's never been paved, it's a gravel road. The county comes out several times a year, a minimum of three times a year, and puts gravel on the road. It's a big expense to put gravel when the gravel washes away in less than a week and a half after putting it on. It's a very steep hill. The hill is...in the snow, when they come out to clear Nolan, when they do get around to doing that, they clear to 5220 where it is paved and they stop. Basically, the last couple of snows that we've had, we've just had to sit until it thawed out because the county can't get down in there because it is all gravel. Ninety percent of the time it's about six inches deep in mud because there is no gravel on the road. At the top of the hill where the pavement turns to gravel, because of the gravel constantly washing away no matter how much we put...I've paid for a load of gravel myself at the top of the hill...with the gravel constantly washing away, it keeps it down to a single lane at the top of the strip and down the hill. It's very dangerous. Kids ride their bikes up and down it and you can't see them when you cross the hill. You can't see oncoming cars until you get to the top of the hill. We've got a culvert that runs under the road at the bottom about 5225 address and it gets so bad that sometimes it's a foot or two deep where that culvert is, and you are actually driving on the culvert the way it washes the gravel out. I'm just asking for a first time paving on that road.

President Tuley: Okay, Bill, you might as well get a seat in the front row.

Bill Morphew: Right now I have a back problem. Anyway, Nolan Ave, the rock section of Nolan, there was a conflict on that. We used to grade rock that whenever it needed it. As a matter of fact, I believe it was about five or six years ago, there was a snow plow that turned over right there where the asphalt and the rock meet. Come to find out, the rock section was not county accepted, not accepted for maintenance. That is another one that we have asked John to look at and Mr. Higgins is going through records at the Records Office to make sure whether it is or it isn't accepted for county maintenance. If it is, we were going to extend it on back through the length of whatever the county owns. Of course, if it isn't, then we won't do anything.

President Tuley: Do you understand what he is saying?

Scott Winstead: Yeah, I guess the question that I had was, for years and all, the neighbors who have lived in the area four or five years say that they have been grading it and plowing it and everything, so it had already been accepted, basically, is what the neighbors thought because they had already been grading and plowing it. Up to date, just last week they put two or three more loads of rock on it again. That was just last week so everybody in the neighborhood thinks that it has been accepted because they are still maintaining it, they're just not plowing it.

Bill Morpew: If they put rock on that last week then we may have...I was on vacation last week...we may have gotten some word that it is accepted.

President Tuley: Okay.

Bill Morpew: Because we had asked them to do this several months ago. We had asked John Stoll's group to look at that. Like I said, if it is, then we will go ahead and take care of it back to the dead-end.

Commissioner Borries: Have we checked our accepted road list on that?

Bill Morpew: Yes, I have. I wheeled that road; I measured it.

Commissioner Borries: But I mean on the linear feet, is it?

Bill Morpew: On our road list, the one that had been compiled, the one that has been at the garage forever, where the pavement stops is what it shows on the road list, but some of the records are wrong and that is one of them. We've found two so far. Dogwood is also inaccurate.

Commissioner Mourdock: Bill, is the 5300 address, is that the end of the road? I heard you say--

Scott Winstead: 5220 is the exact address where the pavement stops, and I live at 5224 and there are two more houses past mine.

Commissioner Mourdock: When you initially described it, I had the picture...you really need to go to the microphone, Mr. Winstead, if you would, our audio isn't very good. When you initially described it I got the picture in my mind of an asphalt stretch, then a stone stretch, then another asphalt stretch. Is that not right?

Scott Winstead: The way it is, it's asphalt and then it drops off a hill and where it drops off it's gravel, and it goes back up to the top of a gravel hill. The road dead-ends there and picks up about half a mile away.

Bill Morpew: I don't know that section.

Scott Winstead: It's off of Broadway where the old West Side Drive-in is, Alta Vista picks up, then it comes in off Alta Vista.

Bill Morpew: There is a section that's at the city/county line right there. We have part of Speaker and the city has the other part of Speaker. The section that he is talking about from Speaker Road to the top of the hill, it goes uphill on Nolan, is approximately 600 feet that is paved and from there back, I believe it's another 500 or 600 feet that is rock and that is the section that he is talking about that they're wanting paved. Like I said, if it's county right-of-way, we will certainly take care of it. He is also correct, dead-end lanes in subdivision are the last things to get plowed. A snow like this last one we were very busy.

Scott Winstead: That's acceptable, but when they did get around to plowing it they only plowed the paved part and that is what we were

concerned with. They kind of piled it up against where the rock and the pavement ends, so once you got to the top of the hill, there was no getting through. I did check, I had a surveyor out and I did check the first 20 or 25 feet of my property line is an easement, so I checked with the two other neighbors and it's the same way. There is an easement there that they can come into to make the road wider if they needed to.

Commissioner Borries: We will look into this, Mr. Winstead. I think one of the things that we will have to do though is, if they can not find the records, it may take a petition, which is not a difficult thing to do, but some kind of request on the part of you and your neighbors in the unpaved section to give to this Board so that we can act in order to accept it if there is some confusion on it. We're dealing with...it changes all the time because we forward linear feet to the state and we get reimbursed in terms of gasoline tax. We are what, how many miles now of road?

Bill Morphew: Five hundred and sixty, or in that area.

Commissioner Borries: That's what I'm saying, we're getting close to 600. So, frankly, the record keeping before the days of computers was not the best and so we just have to go back and research this, but we'll work on it.

Scott Winstead: When will I know, as far as getting a petition?

Commissioner Borries: As soon as we can get the County Engineer to give an opinion here.

Bill Morphew: We might know tomorrow.

Commissioner Borries: Yeah, and I shouldn't blame computers. I mean, record keeping is always kind of crazy, regardless, even after computers.

President Tuley: If you don't hear from someone in the next week, you might call out to Bill just as a reminder to him, if you don't mind.

Betty Whittinghill: I'm Betty Whittinghill and I live on Crowley Drive. This microphone is the subject. When it's more than you can handle, you turn it over to God. About a week ago, I mailed a letter and this is what it said:

"This is a request to resurface Crowley Drive. Crowley Drive is a short narrow dead-end street. Without any notice, Parkview Nursing Home on St. Joe Avenue changed deliveries from St. Joe Avenue to Crowley Drive, therefore, causing breakdown on our street. When this started, I called the County Garage. The answer was that the street would be attended. Your attention to Crowley Drive would be greatly appreciated by me and my son, who owns the four-unit, 1 bedroom apartments located at 3007 Crowley Drive."

I live at the end of Crowley Drive and I have lived there 43 years. Up until about four years ago very little had to be done to Crowley Drive, but when you put heavy traffic on a narrow street, it breaks down quickly. I pursued it, but the only thing that I received was a coffee mug that said Parkview on my porch and all the other neighbors received that also. I don't know what could be done about the trucks. I was told that I would have to get a lawyer and I didn't want to do this, so it's just been kind of let gone. Our street needs to be repaired and it needs to be resurfaced and I would appreciate whatever you would do.

Commissioner Borries: Good job.

President Tuley: Anybody else?

Maurice Boultinghouse: I'm Maurice Boultinghouse. I live at 3512 Schmitt Lane. I've lived there for 43 years. The last couple of years our road has deteriorated quite badly. You folks have surfaced that road, I believe, chip and seal might be the designation, and I think it's probably been 14 or 15 years since the last application. I understand that we are on the list. I hesitated to say anything except that I would just like for you to remember us. I believe this year is probably the year it should be, otherwise, next year, it's going to be quite a bit worse. I appreciate your time, thank you.

President Tuley: Thank you, Mr. Boultinghouse. Anybody else here in reference to roads? Comments from you guys?

Commissioner Mourdock: I certainly appreciate everyone's input on this and I guess I would make the recommendation that we take these things under advisement and give Bill Morphew and John Stoll a little direction here as far as a deadline. A date that they can get back to us as far as what their final priority list will be for the year, and Bill, perhaps you have a date in mind that you are already looking at to do that?

Bill Morphew: We can do that next week.

Commissioner Mourdock: Okay, since he was away from the microphone, he was saying by next week. I move that we take this under advisement until next week.

Commissioner Borries: I would second that. The way this works, oftentimes, is a matter of numbers. I know that Bill has been getting conflicting numbers on his highway budget and we will have to examine closely what we are able to do. Based on a very, very preliminary review of county roads that I have driven, we've had a hard winter. I know that this is probably not all the roads that folks are going to have some concerns about. I know and hope that with the private contracts we do are for some of the very large roads that sometimes we either don't have the equipment or, frankly, the manpower to be able to get done so we contract out a good deal of that, but we also have tried to and probably are one of the few counties in the state that has ever continually done this on somewhat of a regular basis, conduct a hearing like this. I think it's good because, frankly, we need to hear from people and we've done that. I know you'll try to stretch your budget as far as you can and, hopefully, we'll have some other sources that we can help with, but I share Mr. Boultinghouse's concerns. I think this has been a hard year on roads and spring just doesn't want to get here and, hopefully, we are through the snow season, but we are going to have a lot of work to do out there.

Commissioner Mourdock: You haven't read the Farmers Almanac have you?

Commissioner Borries: I know, I know, I've heard.

President Tuley: We're not done yet.

Commissioner Mourdock: April 26, three to six inches. That's what it says. One other road that I would add to it, and I think you and I had a discussion about this, a Mr. Francis Adler from the northwest part of the county had called me regarding, I believe it's Mann Road.

Bill Morphew: Mann Road.

Commissioner Mourdock: Yeah, please make sure you consider that in your list as well.

Bill Morphew: That's one of them that we were looking at not only widening the road, but there also has to be a bridge replacement down there. The one bridge has been replaced on that road and John is currently working on another one, or looking at it anyway.

President Tuley: Is that the same section that we talked about last week with Mrs. Runnion? Mann Road between Montgomery and...

Bill Morphew: Bixler. Yes, the section of the road needs to be widened. Actually, the entire road, Mann Road, needs to be widened. The section that Mr. Adler was interested in was between Owensville and Bixler.

President Tuley: Bill, I don't know if this is on your list, but I got a call, too. Hogue Road from Rosenberger headed back toward town maybe?

Bill Morphew: Yes, we're going to pave from the city limits, Hogue Road up to Red Bank Road.

President Tuley: Okay.

Bill Morphew: Schmitt Lane is on there, too.

Commissioner Borries: I know you've had an active winter and I know that you will be accumulating a list as you always do, too. I'm sure you could probably check with the Sheriff's Department as well, because between your forces and their forces, probably over much of the county everyday and perhaps they will have some roads as well that they can identify that might need some attention.

Bill Morphew: I'll do that.

President Tuley: I think we had a motion and a second to have Bill to review those that were put on the list tonight with other ones that he had, and input from the Sheriff's Department has been noted, and I will so order.

RE: APPROVAL OF MINUTES

President Tuley: We need then to go to the approval of the minutes from last week's meeting which would be the minutes from April 1.

Commissioner Mourdock: I was absent from that meeting.

Commissioner Borries: Mr. President, I move that the minutes of the Board meeting of April 1 be approved.

President Tuley: I will second and so order.

RE: ANY GROUP OR INDIVIDUAL WISHING TO ADDRESS THE COMMISSION

President Tuley: Item 4C may apply to some people sitting in here. I didn't see them when they first came in. Any group or individual who wishes to address the Board who does not find their name or their topic for discussion listed on the agenda, now is the time to come forward. Anybody here meet that description? Okay.

RE: LYNN ELLIS - PURCHASING

President Tuley: Lynn from Purchasing.

Lynn Ellis: One agenda item was taken care of with the opening of the bids, so those will be read out later. The second one I had was the Video/Audio equipment. The Chief has already addressed that, there is insufficient funding available at this time, so they will have to go to the Council for more money. So that leaves me with one. The last item is the award of the trash removal

services. The county offices that are involved would all be taken care of by Waste Management. The figures that are included on your agenda item are not all county costs. They will be appropriately billed for each location and they are noted on the bid tabulation which is very extensive as to how much the monthly charge is for each of those locations. It includes facilities lying outside of this building, outside of the Civic Center. My recommendation would be to award the contracts for the county locations to Waste Management. Browning Ferris is getting the park locations, but that doesn't affect the Commission.

Commissioner Mourdock: Mr. President, for the record since my employer does business with Waste Management in regards to the trash, I'll be abstaining from this vote.

President Tuley: Duly noted.

Commissioner Borries: Okay, explain to me again then, what you're talking about, park locations and all other locations meaning?

Lynn Ellis: Well, there are both county and city facilities that are covered, like Burdette is on there.

Commissioner Borries: Which would be a park location.

Lynn Ellis: Yes, I'll apologize, that isn't grouped in that grouping. Those are city parks, the smaller parks, not Burdette Park. Burdette was separated from that because the city parks have barrels, they don't have dumpsters and Burdette has dumpsters; they didn't fit into the same category so they were separated. The little parks that the city has all over the place are the ones that are grouped in there. You have the County Coroner who was deleted because they have an existing contract. The problem that we ran into is that a lot of these departments had contracts and the initial contract was signed for a three year period, and then they are automatically renewed for a three year period unless the provider is given a sixty day written notice sent via certified mail. Of course, after three years, many are forgotten about and the service is continued. In some cases, I ran into 14 year old contracts. So, my intent in doing this bid was to do away with as many of those as I could. Get them all under a true bidding situation as opposed to the single source situation that we had and get some competition. As a result, we've got some really good prices in here for these services. It's very competitive. So, you may want to renegotiate your services for your companies!

Commissioner Borries: How long are these in effect then? For a year?

Lynn Ellis: This will go, the initial award is through the end of '96 because we can't commit to funding beyond that, but the intent is to carry this contract through the end of '97 because there are such expenses involved with the provider setting up the dumpsters and the roll-off containers and the necessary equipment that a commitment is made to continue through the end of '97. As in the other price agreements that I do, I'll bring it back at the end of December and ask that you continue this contract for the fiscal year '97. That commitment was made to them because of the money involved in setting up the contract. We will rebid it at the end of '97, add a few more of the facilities that were under the long term contracts. The longest one that is out is ending in '99. It was missed by a month that we could cancel it, so that one will be added on at a future date. Many of them will be added on in '97 and then another large group will be added on in '98 when it is rebid.

Commissioner Mourdock: You're confident at this point that you have looked at all the contracts that are out there so that we know we won't get caught anymore in that, without 60 days, we get an

extra three year contract?

Lynn Ellis: I hope so. You know what? I contacted all the outlying departments and they didn't even have copies of these contracts, and when I put the bid out I ran into the problem of "Well, I've got a contract for that". Well, prove it, because I sure don't have them. I wasn't employed here back then and I don't know anything about them and neither does anyone else. I've gotten as many as I can and I'm assuming because we will start the facilities that are noted on here immediately, so if there is a contract, then it wasn't provided to me and I guess that will become a legal question, but I would have hoped that they would have provided me with a copy of the contract if in fact they had one.

Commissioner Borries: Basically, you just need for us to approve where it says park locations and all other locations?

Lynn Ellis: I guess the best thing would be for you to approve those county offices that are appropriate under this bid that would be awarded to Waste Management because you don't have the jurisdiction over the parks, but you do the county offices. For those county facilities, they would be awarded to Waste Management. I apologize, I just put an agenda item together because I have to take this to five different Boards to have it approved, and I just did one and copied it.

TAPE CHANGE

Commissioner Borries: I move that the recommendation of the purchasing supervisor for county locations on the bids be approved. I still don't understand all of them, Lynn, but I guess I need to take your word here. For example, on Burdette Park, all of them have deleted, deleted, deleted, deleted, so how can you really determine what is what on this? As needed, deleted, deleted. How do you determine what's high and what's low?

Lynn Ellis: The Coroner isn't being awarded at this point. Burdette is not being awarded at this point.

Commissioner Borries: Those are all deleted, so the only one that I see on here then and I'm not sure we can award the one on the Levee Authority since that's not...in effect, that has to come before the Levee Board. So we're talking about the Sheriff's Training Center?

Lynn Ellis: Animal Control is billed under county, right?

Commissioner Borries: Okay, but why does it have deleted under BFI and then it will have figures over in the other one?

Lynn Ellis: That was the way they put their bid together. We had to do an addendum because I wasn't furnished with these contracts that were in place until after the bid was out. Then I got copies of the contracts provided to me by BFI, and at that time I had to do an addendum. What I wanted was a record of what was originally sent out versus what we ended up with because there was such a discrepancy between the number of facilities that we started with and the number that we ended up with. I guess really the only ones that you would have would be the Sheriff's Department because the others have been deleted because of existing contracts that we didn't know about.

Commissioner Borries: So is that what is going on then with the Animal Control? In other words, I see two sets of numbers which apparently Waste Management appears to be low on the Sheriff's Training Center and then on Animal Control, I see deleted and then I see figures from Waste Management. Look, right here.

Lynn Ellis: What we did in that case was, because that is special waste and there is a special waste permit that is needed for that hauling and they indicated at that time that they would provide prices and, in fact, BFI did. It's noted on the second page of the bid summary as a separate item. They added it, they didn't include it in their bid so I included it as a note at the end of the second page. Their incinerator costs are listed there for the special waste and that's done because it's a special waste incinerator and it's an ash that has to be dealt with separately under special provisions and so we may, in fact, go out for a separate bid on that. Right now it is being dealt with through BFI, I believe. Bill, I guess you're saying that it's billed under the city?

Commissioner Borries: Yeah, it would, it's a joint department.

Bill Fluty: Yes.

Lynn Ellis: The majority of the Health Department is under the county but Animal Control is under the city.

Commissioner Borries: We reimburse for the cost of maybe one or two employees and a truck, I think, but I don't know about the other. So we are actually then talking about the Sheriff's Training Center?

Lynn Ellis: Right.

Commissioner Borries: Okay.

Lynn Ellis: Later on the others will be added as the contracts expire.

Commissioner Borries: Okay.

President Tuley: It's been a while, did you move to approve?

Commissioner Borries: I move to approve the low bid as recommended by the purchasing manager here and I'll say at this time at the Sheriff's Training Center.

President Tuley: Second and so ordered.

Lynn Ellis: Thank you and I'm sorry for the confusion. It was a mess and I was hoping for better, but with the contracts that we had, I couldn't do much about it.

President Tuley: Alan, are you ready to--

Alan Kissinger: Yeah, I'm ready to make the report.

President Tuley: Lynn, do you need these Burdette things? Do you need to have the records entered or do you just need them--

Lynn Ellis: I'll come and pick them up from Charlene in the morning. She'll take them.

President Tuley: Okay, that's fine.

RE: ROAD HEARING (ADDITIONAL INFORMATION)

President Tuley: Going through my packet, I found a couple of letters that I think that I put in here late this afternoon and it was on the road hearings so I would like to go ahead. One is from Frank Richardson of Wedeking Investments L.P. with regard to the 6000 block of Wedeking Avenue. You and I, Bill, we've met him out there before, haven't we, about this? So you are aware of it?

Bill Morphew: Yes.

President Tuley: Okay, is it on the list?

Bill Morpew: Yes.

President Tuley: I have another one here and I am going to enter both of these into the record. I have another one here from Gene Koch with reference to Boonville-New Harmony.

"...it's the south side of Boonville-New Harmony Road approaching U.S. Highway 41 from the west. The turn lane is only about 100 feet long and is virtually unusable with it's car-swallowing potholes. I am also requesting that, if possible, this turn lane be extended west as far as possible, perhaps to as much as 300 feet in length, significantly improving the traffic safety at that intersection."

Bill Morpew: You said Boonville-New Harmony?

President Tuley: Yeah, it's coming from the 4-H Center there approaching 41.

Commissioner Mourdock: Crossing the railroad tracks going toward 41. He is wanting a turn lane to come back to the south.

Alan Kissinger: I think he said there is a turn lane there that can't be used. Isn't that what he said?

President Tuley: Two problems. It's not long enough in his estimating and it's full of potholes.

Bill Morpew: I believe I should let John Stoll handle that. I believe the section that he is talking about is on a state right-of-way on 41. There is a little blister right there going toward Highway 41, but it's just where the intersection has been widened somewhat, I believe.

Commissioner Mourdock: There might be a small part of it that is a state right-of-way, but I think, especially for the extension, that it would be parallel along the south side of Boonville-New Harmony.

John Stoll: That could very well be the town of Darmstadt as well.

President Tuley: Isn't he connected with the town of Darmstadt?

John Stoll: Yeah.

President Tuley: He should write that to his own Board.

Commissioner Borries: Yeah, you're right. I don't know where...there is a town sign out there, but I don't know where. If he is talking between the railroad--

Commissioner Mourdock: I think it is at the tracks.

Commissioner Borries: Is he talking in between the tracks? Yeah, if it's west, it would be in the town of Darmstadt. If it's east--

President Tuley: It's east of the tracks but west of 41.

Commissioner Borries: You do have some state right-of-way in there and I don't know where our jurisdiction is on that.

President Tuley: Well let's look at it and find out. If it's ours, we will do what we can. If it's theirs, we will let Gene know it's his or the states or whoever it is.

Bill Morpew: I do know that the town of Darmstadt did some work

on that railroad crossing.

President Tuley: Did they?

Bill Morpew: Yes, they did last year.

Alan Kissinger: Bill, now that I'm thinking of it, on Orchard Road there are some signs that are still there, I believe, that were put up by the town of Darmstadt. If you'll make a note as soon as you can to contact the town of Darmstadt and ask them if that road, in fact, is still under construction and if it isn't, tell them to get those signs off our right-of-way, please.

Bill Morpew: I'll talk with Mike tomorrow.

President Tuley: Thank you, Bill.

RE: JOHN STOLL - COUNTY ENGINEER

President Tuley: John, I think you're up next.

John Stoll: First of all I have a travel request for David Franklin, Tom Goodman and Tim Spurling to go to Vincennes to the INDOT District Office for two days of nuclear gauge classes. There is no agenda attached to that. There was no agenda for the meeting, this is just an in-house class that INDOT provides for their own nuclear gauge users, but they said that we could have our staff attend as well. I recommend that the travel request be approved.

Commissioner Mourdock: I would add that it's a requirement of personnel using it, right?

John Stoll: Pardon?

Commissioner Mourdock: It is a requirement for personnel who are going to be using the--

John Stoll: Right, to have ongoing--

Commissioner Mourdock: I'll move approval.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: The next item I've got is questions in regard to the construction of the paving of Lynch Road. According to the latest figures that Rose Zigenfus has provided to me, if we use all of our 1996 federal money and borrow ahead for our 1997 federal money, we would have 3.8 million dollars available and the total construction cost of doing Lynch Road from Oak Hill to Burkhardt would be approximately 4.8 million dollars including the inspection and testing and things of that nature. There is \$600,000.00 budgeted currently as a local match on that project which leaves us a grand total of about \$400,000.00 short. Back in 1993 when we did the phase of Lynch Road that has just been completed, we borrowed \$800,000.00 from the INDOT distressed road fund. I was wondering if you would consider that as an option to get all of Lynch Road paved all at once rather than splitting it up into sections. We would have to borrow approximately \$400,000.00 and the same terms would apply. It would be a two year interest free loan and we would repay it in 1997. This would provide us with the means to get the project on a letting right now and it wouldn't involve any other local funds other than the \$600,000.00 that is already currently budgeted.

President Tuley: It would take us from where to where?

John Stoll: From Oak Hill to Burkhardt to get the whole project done.

Commissioner Borries: Can't beat the interest.

Commissioner Mourdock: Pardon my ignorance, but why do you say that, Rick, you can't beat the interest?

President Tuley: There is no interest.

Commissioner Borries: It's interest free.

Commissioner Mourdock: Oh, on the matching side?

John Stoll: No, on the \$400,000.00 that we would have to borrow.

President Tuley: For two years there is no interest on it.

Commissioner Mourdock: Can I get some of that action myself?

John Stoll: From what Steve Dilk at INDOT told me this morning, if we would agree to pursue the loan, then I would need to contact Bernardin Lochmueller and they could submit the plans immediately. Steve could get in the process of getting the project on a letting and that would be our quickest way of getting the project moving ahead.

Commissioner Borries: Well, it's already...I mean, I think the roadbed is in. Your group has probably inspected the bridge decks that are there.

John Stoll: They had a final field check this morning.

Commissioner Borries: We've got an intersection to design, of course, at Green River that we are going to have to coordinate all that in there.

John Stoll: That's under way as well on the agreements that were signed off on last week with United Consulting. They were sent the agreements and the notice to proceed to finalize those plans for that intersection so it would all tie together properly.

Commissioner Borries: Well, it's going to open up a tremendous avenue and it's also going to place some tremendous pressure on Burkhardt Road, too, the northern part.

Commissioner Mourdock: If we do this, John, when would it be ready?

John Stoll: The earliest would be August at this point. It would all depend on how INDOT has got all their other federal money allocated to all the other areas across the state, but Steve Dilk told me that the earliest would be August.

Commissioner Mourdock: But we would be bidding it, INDOT wouldn't. They would just be looking at funding.

John Stoll: They would actually bid it and administer the contract and everything.

Commissioner Mourdock: Oh, they would?

John Stoll: Yeah.

President Tuley: With an expected completion of when? Spring of '97?

John Stoll: One thing that I forgot to ask Bernardin Lochmueller was how many days were being allotted for the paving. I don't know

off the top of my head.

Commissioner Mourdock: Concrete or asphalt?

John Stoll: Concrete. I'm not sure off the top of my head, the paving should go pretty quickly; it's just the tying into the Oak Hill intersection and the Burkhardt intersection. They should be the most time-consuming since they would have interference from traffic at those two points.

Commissioner Borries: When is the first portion? Is that August 2, the part from Oak Hill to Green River?

John Stoll: Right, it would be in August as well. There has not been any portion of the project that has been put on a letting as of yet. Since INDOT verbally agreed that we could borrow ahead on next year's federal money that was what instigated being able to do the whole project rather than breaking it up into two different phases. Nothing has been placed on a letting as of yet.

Commissioner Borries: We've done the interest free part before and I think we ought to try to move forward and get as much as we can on that.

Commissioner Mourdock: Is that loan, the interest free loan, does that count against us as a bond issue?

Commissioner Borries: No, what it does is, we would pay back \$400,000.00, no interest, to INDOT out of our future federal/state match.

John Stoll: They will provide some agreements--

Commissioner Mourdock: Then we'll never really see the money in that sense? They'll just deduct it out of whatever we otherwise would get?

John Stoll: What was done last time, the agreements that will be signed off on between now and whenever the project would be let, basically stated that if we didn't reimburse them, then they would withhold our allotments of gas tax revenues, but in repaying the last one, there was actually a check issued by Vanderburgh County to the state for \$800,000.00. It's only if you don't pay, that they withhold your funds.

President Tuley: You made a comment that it really would put the squeeze on us to get Burkhardt done north of Morgan. Where is the funding source?

Commissioner Borries: Well, that's going to be identified, I believe, as we proceed through this TIF to see. It is in the TIF, but it is dependent on how fast the TIF develops at that point to see if we can capture enough revenue to get that part done. Most of the expense is going to be the part between Lloyd and Morgan.

John Stoll: The section with the ditch.

President Tuley: Right.

Commissioner Borries: Well, I think we have waited a long time for Lynch, I think at this point I would move that we apply for that interest free loan and begin to get Lynch Road on a letting as quickly as we can. We've waited a long time on that.

Commissioner Mourdock: I'll certainly second that with two points. Number one, the idea of interest free money is hard to beat. Number two, I think by doing this and getting this thing somewhat fast-tracked, we are likely going to help ourselves in developing

the funding for the TIF at the other end.

President Tuley: Alright, so that's a second and I'll so order.

John Stoll: We will probably end up having to borrow the difference between the actual bid price and what the current funds are available, so it may be slightly more or slightly less than the \$400,000.00, but that will all be determined when it is let. I'll proceed with letting Bernardin Lochmueller know to submit the plans back to INDOT and I'll tell the state that we will try to pursue that loan so they can start working on those agreements. The final item I've got concerns the Azteca railroad spur. When Azteca constructed the spur, they installed their scales approximately one inch lower than what was indicated on the plans that we bid out, which in turn necessitates about another inch of grout being placed to keep the final elevation of the rails at the same 442 elevation that was indicated on our plans. Since the county is not in a position to fund these change orders...I told Azteca representatives that and so did David Franklin and they still wanted the extra grout to be funded through our contract. The only way that we felt that would be possible is if there was another agreement that said that we would fund it through our contract if they were willing to reimburse us for those costs and I just wanted to see if that would be an acceptable way as far as you all are concerned, as well as Alan, since they want it still included in our contract, but we need a means for them to reimburse us.

Commissioner Borries: That's fine with me.

Commissioner Mourdock: Here's that old word, consistent. I voted against the railroad issue when it came up once before, twice I think. I don't like the idea of the public sector funding a railroad with a private company that will supply another private company without anyone else having a chance to hook to it. I guess, in formality, if there's a motion, I'll ask for a roll call.

President Tuley: Was that a motion?

Commissioner Borries: Yes.

Alan Kissinger: May I ask a question, John? What kind of money are we talking about there?

John Stoll: We haven't got an actual cost as of yet, but we were guessing around \$5000.00.

Alan Kissinger: One thing that would enter into that mix, you know the money that we were supposed to pay Azteca?

John Stoll: On the right-of-way?

Alan Kissinger: Yes. Perhaps we could get an agreement that we would withhold that money--

John Stoll: Off the payment for the right-of-way?

Alan Kissinger: Yes. That way we wouldn't have an argument later as far as payment was concerned. That is merely a suggestion, that would facilitate things.

Commissioner Mourdock: How much is the right-of-way issue, Alan? Do you know offhand?

John Stoll: The appraised value was \$27,000.00 and there were also some other deductions.

Alan Kissinger: Yeah, we are arguing over that because of the fact a part of that cost was occasioned by change orders that were necessitated by their activities.

Commissioner Mourdock: Which is no different than this whole situation.

John Stoll: Correct.

Alan Kissinger: This other was a little more deliberate in that they drove trucks on asphalt that had not been cured, their contractors.

President Tuley: So which approach do you want to take then? Do you want to approach them with the idea that we will withhold payment?

John Stoll: Either is fine with me. Whatever gets this thing finished.

Alan Kissinger: Yeah, because we don't have an agreement on that. That money is out there. I could easily enough contact their legal counsel and say if you want to do it that way, then we have got to have an agreement to first deduct out the amount that it is going to cost to align things, I guess you would call it.

Commissioner Borries: Then let's do that.

President Tuley: Do you rescind your original motion?

Commissioner Borries: Yes.

President Tuley: Authorize Alan to negotiate it. Do you want a roll call? Will you second a roll call?

Commissioner Mourdock: I'll second the roll call.

President Tuley: Yeah, roll call.

Commissioner Mourdock: Yes.

President Tuley: Okay, I have a motion to second and a request for roll call. Commissioner Mourdock?

Commissioner Mourdock: No.

President Tuley: So you can be consistent.

Commissioner Mourdock: Yes.

President Tuley: Commissioner Borries?

Commissioner Borries: Yes.

President Tuley: I'll vote yes.

John Stoll: We will try to pin down the actual cost, hopefully, in the next few days and I'll let Alan know what that is so that he can present that to their attorney.

Alan Kissinger: Thanks, John.

John Stoll: That's all I've got.

Commissioner Borries: One item, and I know that you've been getting calls, and I contacted your office and you were at a sub review meeting today. Do you want to give us a little update so that our friends out on the west side can get a little update on Union Township? I remember all the nights of long hearings about how we needed it all those years, and I think now that it's been closed, they're really seeing how much they need it. So, where are we on the status on the overpass out there?

John Stoll: Dennis Feldhaus should have submitted a claim to you for this evening's meeting covering the cost of the railroad insurance. He found a company to insure us for the six million dollars and I believe our cost is \$4,165.00, and he said that he should be able to have that straightened out by the end of this week. We have talked to CSX this morning and they said that their engineering review should be completed by the end of this week. So, hopefully, within the next two weeks we can move ahead with actually getting out there and fixing it. The temperature limitations on the epoxy for the cracks that are in the beam would have prevented us from doing any work at this point anyway because we need several days with temperatures over 40 degrees. So it's not like we could have done the work even if we would have had all the paperwork straightened out at this point. Hopefully, now that spring is really on the way, we will have decent weather to where we can do the work and the paperwork side of it is almost complete.

Commissioner Mourdock: Have you seen any kind of estimate at all as to what the cost will be for the work itself?

John Stoll: It was approximately \$17,500.00.

Commissioner Mourdock: The insurance is going to cost us \$4,200.00 for a \$17,000.00 job?

John Stoll: I've heard cost estimates as high as \$15,000.00 plus for railroad insurance. They've got you when they make you get that six million dollar policy.

President Tuley: But along the same lines, Dennis...the blue claim was submitted out of our self insurance and he really thinks this should be taken out of Cum Bridge.

Commissioner Borries: Makes sense.

President Tuley: He said we could go ahead and pay it so we can get it going to keep the process going, then turn around and transfer money from Cum Bridge in an equal amount back into the self insurance.

John Stoll: That wouldn't be a problem. We've got money in our Cumulative Bridge Contractual Services account that would cover that cost so we should be able to take care of that.

President Tuley: For the sake of time, since we have the claim, go ahead and sign the claim tonight and then we will need to transfer it later.

Commissioner Mourdock: The requirement for the six million dollars is from the railroad itself?

John Stoll: Correct. They said after they've completed their engineering review, that we should be able to start working on the right of entry documents by the end of the week, so I hope they do get their review complete, because it sounds like we will have our insurance in place and ready to go.

President Tuley: Then we need to wait for the weather to warm.

John Stoll: Right, but there may be some things like drilling the holes for the anchors for the steel cables that can proceed.

President Tuley: I can't wait to get somebody up there so the people out there can see that there is some activity. All this stuff here they don't see, so they don't think we're doing anything.

John Stoll: Right, that's the bad part of it.

Commissioner Mourdock: This insurance requirement brings to mind the old deal when we used to try to ship coal by rail and always had a difficult time making a deal with the railroads, and someone once told me, the only difference between the railroads and the pirates of old is that pirates had the decency to wave a flag and identify themselves before they came at you. These folks, you don't know until you get there.

Commissioner Borries: Yeah, and they were unusually cooperative when we were building this. There weren't many of them with patches over their eyes. I remarked at that time that I thought it would be easier to negotiate with the Russians, but it was remarkable that we were able to negotiate construction at that point and I'm sure that we had the insurance that they wanted and it was strictly on their terms. Well, that's some good news if we can get some good weather then.

Commissioner Mourdock: Is that a consent item?

President Tuley: I don't know if it actually was. I don't think it is because I don't see it listed as consent, so we will need a motion then to approve this claim in the amount of \$4,165.00 for the railroad protection for Tekoppel Avenue Bridge.

Commissioner Mourdock: Sort of explains my prior vote on the railroad, too. I will move for payment of the sum for insurance for the Tekoppel Bridge project.

Commissioner Borries: I will second.

President Tuley: So ordered.

RE: BILL MORPHEW - COUNTY GARAGE

President Tuley: Bill.

Commissioner Borries: Okay, for the record, Commissioner Tuley is talking with a person. Let the record show that the Vanderburgh County Highway Department has submitted a report dated Friday, March 29, 1996 through April 4, 1996 and it is accompanied by one from the Vanderburgh County Bridge Crew with the same dates. It shows that work was done in all parts of the county. Specifically, we didn't see the "S" word here, the snow word on this report, but lots of things in terms of repair for high water and also some areas where shoulders and so forth we're pulled. Then you have also submitted a tentative list?

Bill Morpew: Yes, this is just a preliminary list that we were working on.

Commissioner Borries: Calls and preliminary?

Bill Morpew: Yes, sir.

Commissioner Borries: I think at this point we're not really...in terms of the...is this estimated in terms of some of the dollars that you are going to need?

Bill Morpew: Yes. The roads that I have looked at, I went ahead and estimated to at least give us a dollar figure of what we are looking at and what we needed out there. Naturally, I haven't estimated the concrete work. There are three different subdivisions here that need concrete work in. Down at the bottom, consideration for paving, these are some additional roads that were called in that I haven't had the time to go out and do the estimates on those yet, measure them and see what has to be done, plus the additional roads that were mentioned in here tonight. There were a couple of them that I didn't have on the list. Barbara Jane Lane, I did not have that one on the list. Barbara

Drive and Heerdink combined is only about 1/4 of a mile, so it certainly wouldn't be real expensive to do those two roads.

Commissioner Borries: Will you also be working with John to maybe develop a list of some of our more traveled roads that we'll be looking at maybe resurfacing through private contracts?

Bill Morpew: Yes, sir.

Commissioner Mourdock: Okay, so this list is just what you would do on your own?

Bill Morpew: That is just from the Highway Department.

Commissioner Mourdock: Okay, as you're putting your list together, and you said that you would get back to us next week, and this is an excellent list the way you've done this, I'd be curious to see either by ton or by linear feet what we are getting for this.

Bill Morpew: I have that all worked up, but I just didn't think that you would want to see all that.

Commissioner Mourdock: Oh, I would love to see it.

Bill Morpew: Okay. That's how I come up with the figures.

Commissioner Mourdock: How did you do this? Basically, so many dollars per ton of mix?

Bill Morpew: Length and width. What the road actually needed, whether it needed to be wedged or could we just get away with resurfacing. Three of them we have already crack sealed, we worked on Capella, a little bit of Spry and also Polaris, those are concrete roads. A little section of Spry is asphalt, but the rest is concrete.

Commissioner Mourdock: From what you just said, I take it that it is not consistent, you do not need to put two inches of new surface on each one of these top 25. You may do two inches on one and you may skip wedge another one.

Bill Morpew: Yes, sir. Some of them, we are just looking at an inch and a half of surface. Some of them, you are looking at going to full route, wedging and resurfacing.

Commissioner Mourdock: Why do you not have a similar number for concrete then?

Bill Morpew: I didn't estimate them.

Commissioner Mourdock: But you would be doing that work with your own folks?

Bill Morpew: I don't have a lot of money and, at the time, I didn't really know how much money I was going to have in concrete. As a matter of fact, there was a zero there. I had to consult with the Auditor's Office last week on some funding and I do have some money in concrete now and I can go back over it and see what we can do with the amount of money that I have. There are several rock roads in here. The rock roads are expensive to pave because you are using twice as much material.

Alan Kissinger: Bill, always keep in mind when you are paving a rock road, make sure it's wide enough and in proper condition otherwise to accommodate the increased speed that the paving is going to invite.

Bill Morpew: Yes, sir.

Alan Kissinger: Sometimes gravel is the best safety factor.

Commissioner Mourdock: A few good chuckholes, too.

President Tuley: Did you bring a computer with you or something?

Bill Morpew: No, this is a preliminary list that I had put together. I have been working on this as we rode the roads and as calls come in and requests are made. There are two or three on there that were on last year's list that didn't get done. This is not in stone. This is just a preliminary list and we can move it around as we need to. I didn't know exactly what our dollars were until last week on asphalt or concrete. I knew of some of the worst ones that needed to be paved, such as Hogue Road. Schmitt Lane does need to be paved, but that is not a main road. It's only 1000 feet long, 800 feet. There are quite a few of them in here and these roads are in bad shape. Strueh Hendricks needs it real bad. We are going to go over every one of these roads and consider all the worst ones first and go from that point.

Commissioner Mourdock: On the worksheet, you spent a lot of time cleaning trucks. Were you dewatering, basically, cleaning salt and stuff off of them?

Bill Morpew: After every snowfall you have to go through the entire truck again. It takes a lot of work just to get all the salt and to actually get one clean and free of the chemicals.

Commissioner Mourdock: You had one crew busy cleaning trucks every day.

Bill Morpew: Almost every day. We were fortunate, we had removed a couple of plows and spreaders off trucks several weeks ago and then put them back on right before it snowed. They were the easiest ones though, it only takes about two hours to put them back on.

Commissioner Mourdock: You know the moral of that story is don't put them back on!

Commissioner Borries: That was going to be my line! Yeah, forget about putting them on for a while.

President Tuley: Bill, while I was outside, did you have a chance to talk about that piece of equipment that was demonstrated?

Bill Morpew: No, I didn't. Here on Wednesday, April 3 you can see that the gradall and a couple tree crews worked on Old Henderson Road at Blakely Slough. What this is, they call it Green Light Curve and it goes around a small curve at the bend in the river, or a bend in the road also, and that is a collection point for trees and debris off the river every time it floods. Last year we hauled off in excess of 100 tandem loads of debris and Mr. Tuley was there last Wednesday and he seen the remaining amount that was still there, plus some that has come up from the flood this year. This is an attachment that goes on the gradall. It's a set of jaws that will actually pick a tree up, the entire tree, the trunk and sit it in the truck. It takes about an hour and a half to remove the bucket off the end of the gradall and attach the device on. It will save many, many hours of chainsaws, many hours. The device, the one we have is a demonstrator in the area of around \$4000.00.

President Tuley: I saw it when I was down there and, basically, what it does for them...right now they take that gradall down there with that bucket on there and they literally have to cut these logs. If you've been down in the bottoms, they're huge, they're trees. Then they have to cut them up into very small pieces and even then working with the operator they have got to somehow, manually, physically push those chunks into that bucket and then let the bucket lift it up into the truck. These things, all

they've got to do is walk down that river with one or two guys, cut those logs that are down so they are not longer than eight foot so they will go in that truck, this thing just reaches over, picks them up, then sets them down. The short time that I was down there, they loaded two and a half trucks in a very short span of time and you never, that slough you are talking about, you would never get that cleaned out.

Bill Morphew: No, no.

President Tuley: I mean it was almost up to the road. Did they work on that after I left?

Bill Morphew: Yes, they did.

President Tuley: Did they get it opened?

Bill Morphew: No.

President Tuley: But they got a lot of it out?

Bill Morphew: Yes, they got quite a bit of it out.

President Tuley: Another thing, too, if we have another June 8th storm where you can't really spend the time to do all the cleanup, that thing will work even faster if all you are trying to do is pick them up and set them off the side of the road. It's a pretty neat piece of equipment.

Bill Morphew: It's something that we need to certainly purchase.

President Tuley: It's not a lot for what you'll save in the long run. It's not real expensive. I think it will pay for itself.

Commissioner Mourdock: So how are you approaching it? Putting it in next year's budget, is that what you are suggesting?

Bill Morphew: We might even take a look at this year in the Local Road and Street Fund and, also, see if we can get a deal on it because it's a demonstrator.

President Tuley: It's used equipment now.

Bill Morphew: It's used equipment; it's got paint off of it.

President Tuley: Pretty fascinating piece of equipment to watch in action.

Bill Morphew: Yes, sir.

Commissioner Borries: Any way that you can become more efficient with as many roads as we've got out there, that's something that we should give some serious consideration to.

Bill Morphew: We took delivery of the new distributor. It's in. This is a piece of equipment that you need to take a look at. Whereas the old distributor was a two man operation, it is a '40's model distributor mounted on a '64 model truck. I think the distributor wore out about three trucks. Everything was manual with a hammer. This one is computer controlled. It's a one man operation and he controls it from the driver's seat. It's a remarkable piece of equipment and if you get the opportunity, come out and take a look at it. We've got the most modern technology that we could get and it is certainly going to...plus it gives us the advantage of taking that second person off and he can be running another piece of equipment; cutting weeds or whatever.

President Tuley: Bill, one final thing on these roads. Have you had a chance to look at Crowley Lane, the one she was talking

about?

Bill Morpew: We've looked at Crowley a couple of times. One of the problems with Crowley, and she is certainly right, it was paved not long ago, but they did build the...I'm not sure exactly when they built it, but I know it's relatively new, that nursing home or whatever it is in there. They had started for some reason or another, the trucks started coming down Allens Lane and coming down Crowley. They have damaged a couple of culverts in there. We had to get John's office involved because at the end of Crowley, down where the nursing home/medical center is, and I believe there was a conflict with the right-of-way. I don't recall what that was, but it is a very narrow road. The amount of heavy trucks back in that area is damaging the road.

President Tuley: John, in your site review was there any way that they might have put restrictions on them and the entrance had to come in only off of St. Joe? Is that a possibility?

John Stoll: The problem was that whenever they submitted their site plan, it didn't indicate where the trucks were coming from. The trucks used to come off of St. Joe, but they expanded their building into the areas where the trucks used to come through the St. Joe driveways. Once that was cut off, they had to come around the back way and that wasn't indicated on the plans, so we had no knowledge that the trucks would be coming in off Crowley.

TAPE CHANGE

President Tuley: We face this same problem over and over and over.

John Stoll: Right, where they receive their deliveries they don't have access from St. Joe. It has to come from the back side by the way they configured their building when they expanded.

President Tuley: When they expand like that they don't have to come back for a site review or anything like that?

John Stoll: When the permits were signed at site review they didn't indicate that their loading areas for their trucks from St. Joe would be blocked and that they would have to come in the back way. Nobody caught that.

President Tuley: So, we weren't aware of it?

John Stoll: Right.

President Tuley: Is there any way we can go back now and say, hey?

Bill Morpew: Ask them to use smaller trucks.

President Tuley: I think the issue probably wasn't purposely raised because it would have been an issue trying to use Crowley.

Bill Morpew: Yes.

Alan Kissinger: Is there any way to open up access from St. Joe?

John Stoll: I'm not sure if they can open the field next to their site or not. If they would ever expand that way, that would be one thing that we would definitely make them do, bring the trucks in through there. I don't know if they have any plans to expand or if they even own that property at this time.

Commissioner Borries: I think in the meantime, and in consideration of the person that is here today, we will have to give it some serious consideration because the alternatives are that the road is just going to get worse. I don't think we have much of a choice on that point.

Bill Morphew: I have talked with this lady's son on this road and I have gone back and looked at it. It is a narrow road, it's only about 12 to 14 feet wide. There are numerous trucks going back there making deliveries, plus the BFI trucks. The road is constantly being used.

President Tuley: Okay.

Commissioner Borries: Thank you.

RE: ALAN KISSINGER - COUNTY ATTORNEY

President Tuley: Alan, are you ready?

Alan Kissinger: Yes. I have two bid projects to report on. Bid number APA035-96, which is concessions for Burdette Park. All of these bids are unit bids, unit prices. There was a complete list of items needed. Some of these bidders bid on all of the items, some bid merely on some of the items, so we don't have a total bid cost on any of these. But the bidders were:

Schwan's Sales Enterprises, Inc.
Farm Boy Food Service
Diamond Foods, Incorporated
A & D Distributors, Inc.
Landshire Foods
Weber Foods, Inc.
Colonial Baking Company
Allied Popcorn & Concession Supply

As the Commissioners will probably recall, in the past what we have done is deferred these matters until...basically, what they look for is that they will go through each unit that is bid and try to take the lowest bid from each one of these. Most of these bidders are probably going to end up with a part of these bids. The next was VC9603, Burdette hats and shirts.

1. Southwest Grafix & Apparel
(They bid each unit and they also gave a total bid cost.
Their total bid cost was \$6,551.72)
2. Imagination Graphics
(Unit and total bid cost \$6,466.80)
3. Soccer Selections
(Unit and total bid cost \$6,285.24)
4. Premiums Plus
(Responded but did not bid)

Those were the only three bidders on that one there. That's all I have to report.

Commissioner Mourdock: I'll move that we take the bids under advisement.

Commissioner Borries: Second.

President Tuley: So ordered. That's all you have?

Alan Kissinger: Yes.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

President Tuley: Cindy Mayo was here, but asked to be excused after the office closed at 5:00 because she was not feeling well tonight. So, unless she made you guys aware of something, I don't have anything to report for her.

RE: CONSENT ITEMS

President Tuley: Consent items. It says employment changes, which we have one that was submitted late this afternoon at my request for your consideration. I don't think there were any other employment changes actually listed on here. We do have some pink slips that went through last week but failed to sign them. Since you weren't here, I don't guess you have to sign unless you want to.

Commissioner Mourdock: Just make sure they stay separate.

President Tuley: There is just one there as a temporary replacement for the Auditorium.

Commissioner Borries: Yes, by the name of Dennis J. Ryan to the Vanderburgh Auditorium as a temporary replacement. I move that it be added to the consent agenda.

Commissioner Mourdock: Second.

President Tuley: Okay, do we have a motion to approve the consent items?

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

RE: SCHEDULED MEETINGS

President Tuley: Scheduled meetings for the week of the 8th. There is a Personnel Committee Finance meeting at 2:30 p.m. tomorrow. Next Monday there is an Executive Session, Commissioner's and then Rezoning and the dreaded tax deadline for those of us who have not submitted our taxes to Uncle Sam and Uncle Evan. That's next Monday. Do we have any rezonings coming up that you're aware of, third readings?

Commissioner Mourdock: I think there might be one.

President Tuley: One, okay.

RE: OLD BUSINESS

President Tuley: Any old business at this time?

Commissioner Mourdock: I have just one item to bring up. It came up, of course, last week when I was absent regarding the TIF situation out on Burkhardt. I guess I just need to clarify, and Commissioner Borries, I guess, can quickly address this, but the question that has come up to me several times regarding the Bond Anticipatory Note. The interest rate is obviously higher than the going market rate for bonds and typically interest rates, not typically, but always are defined by risk and there are some questions that have been asked of me on several occasions, what risk is really there? Also, this is a separate issue now, the second question was, is there another way that this could have been done that the interest on those notes could otherwise be paid? Rick, I'll turn it to you if you care to address the issue.

Commissioner Borries: Well, for me, the BAN itself, which is the Bond Anticipatory Note, is put up by the developer, and as I went through this and asked for some information on it, it appears that, particularly as this project is going to get started, there is not enough existing TIF revenue to pay any debt service on it. In order for anybody to buy it, I think, as you have correctly pointed out, there just wouldn't be any interest unless you had a high rate

advertised for it in order to get the process started. The other part is that there are no tax revenues of any kind pledged to pay debt service on this. There could be, as I understand, some minimal TIF in excess of TIF revenue to pay some debt service on the Series A bonds, which were the first bonds issued. On the BAN itself, this Bond Anticipatory Note, there are no tax revenues of any kind pledged to it.

Commissioner Mourdock: Is it, and I'm definitely out of my area of expertise here, is it possible that there are other funding mechanisms out there? For instance, it has been suggested to me that the riverboat funding. Granted, everybody wants to use riverboat money for everything, would that, in the future, be a possibility if this situation comes up again?

Commissioner Borries: Well, it might except that, I think as you said and I think that is correct, there are going to be limited amounts of revenue from the riverboat available and it is not yet collected. The whole purpose for a BAN is that it is issued in an attempt to get your design engineering going and to get all of the bonding and your bonding preparation in place so that the road can be financed right now. The other alternative is to wait until we can identify some other source, often with tax money and, frankly, delay this project as well as the road. This was an opportunity to move forward on the economic development front as well as begin to get the road in place right now.

Commissioner Mourdock: As you know, I have not argued at anytime to delay this project. I'm the one who stood out there in the median when I campaigned last time and said it was time to do something. In fairness, the additional cost, the original estimate was at seven million and it's now upwards of nine million. Much of that other two million dollars is a result of something that I've lobbied for, which is the pipe down the middle of that road. I make no apologies for that because I think that was the only way to go at it. I guess the question here that comes back to me, the way that we've handle this, it's my understanding that it is now going to the Department of Metropolitan Development. Will they be reviewing the Bond Anticipatory Note further and sending it back to us? Is that the mechanism?

Commissioner Borries: Well, yeah.

Commissioner Mourdock: Or will they send it to Council?

Commissioner Borries: Essentially, I mean, it has to be marketed. It is my understand that, currently, if we pipe the ditch, as you point out, which is at this point the desirable way and perhaps the way the engineers have recommended that it go, that we are going to...and I believe that there is another developer who has pledged to also put up an amount in order to get the road financed and to get the road piped between the Lloyd and Morgan Avenue. Again, in order to move this whole process forward so that we can begin to recoup the TIF money and begin to get the road in place so that the bonds can be issued, I think that we will have enough funding in place at this point in order to do that. That is subject to review of the bond underwriters that are reviewing this process as well as the marketability of the note. I suppose that if the Bond Anticipatory Note wouldn't sell at some point, or be used, then we wouldn't be able to proceed on it until we collected enough money through the TIF to finance the actual road itself.

Commissioner Mourdock: I certainly understand that we need to get the thing going. No question about that. I understand too, and I'm not sure that everyone has understood this, although I think it's been reported pretty accurately as far as the way the deal has been put together, that we got the right-of-way that we need along Burkhardt to make this work in exchange for what is happening on Virginia Street. Again, the question is, and it really comes down

to this, is the note that's being picked up, the BAN note that the developer has, is that such a great deal that it ought to be offered to other folks? I joked here a few minutes ago about this other situation about getting low interest money, if I could get a nine and a half percent bond right now, would I buy that bond? You betcha, especially a tax free one. I don't fault him for whatever his tax situation is, that's just a good deal. We have to do what the market dictates on the bond rate. Is there another market out there for that?

Commissioner Borries: On this kind of financing, it implies and has a lot of risk because, again, if for some reason the TIF wouldn't produce enough revenue or for whatever reason his credit goes bad or this development goes bad, in a sense, he takes a hit by not getting repaid all of what he has invested. The county in effect simply stops the project wherever we have at that point moved it to. So, in effect, there really aren't any outstanding tax revenues that are behind this at all. I suppose that to answer your question, we might have to consider other areas of this if we see an urgent public works need such as a Burkhardt Road in the future.

Commissioner Mourdock: I'm not sure I followed the last comment there.

Commissioner Borries: Well--

Alan Kissinger: The short answer to your question, if I may, Rick, buying this Bond Anticipation Notes is not a desirable thing for an investor. The reason is the risk that is involved.

Commissioner Mourdock: But is he not controlling his own risk? That is what it appears to me.

Alan Kissinger: The people who control their own risk are the people who have something to gain by this, specifically, the developers. They want this project to continue so they will buy those Bond Anticipation Notes even at that rate because it is in their interest to get the development moving so that they can obviously reap a profit from their development. If you don't have some vested interest there, it is a risk investment that most investors don't want to even look at.

Commissioner Mourdock: Okay, but is his risk, Alan, and I don't mean to belabor this, but I do thoroughly want to understand it--

Alan Kissinger: So do I.

Commissioner Mourdock: Now that scares me. If he is, in fact, subject to risk that is other than his own risk, are you saying with that, his risk is based on the overall economy? In other words, the stock market took a dip today of 88 points, if the stock market and--

Alan Kissinger: No.

Commissioner Mourdock: --the economy as a whole shoots the craps, he's still not looking at increased risk.

Alan Kissinger: No. The risk, literally, is very local. We have a tornado blow through there and wipe out some properties that are paying big taxes, everybody goes tube city. That's putting it as bluntly as I can.

Commissioner Mourdock: So you're saying that the risk is not over the period of the BAN itself, but after the road is done and everything else is already out there.

Alan Kissinger: Yes. Anything can happen there. That's why TIF

financing is so restricted and closely structured because there is that risk involved. You know, everybody just kind of looks at everybody and says we're not going to have a tornado. All you have to do is go to some of those cities where they've had tornados. Anything can happen. We could get, although it is dependent too on the overall economy. If the overall economy really takes a severe dip for a long period of time, then all of those revenue producing restaurants out there might shut their doors, thereby, all the taxes that we are collecting to repay these bonds will...

Commissioner Mourdock: I guess I see it more in a financial sense. If, in fact, interest rates overall go up two or three points, then that is certainly going to stifle development out there.

Alan Kissinger: Oh, of course.

Commissioner Borries: Sure.

Commissioner Mourdock: That's where his risk is.

Alan Kissinger: Yes.

Commissioner Borries: Well--

Alan Kissinger: The point is right now, the only thing that we can finance is what we can show we know we are going to be able to collect. That answers another part of your question. Can we finance it in some other fashion and guarantee repayment from some other source? Not under this TIF funding process, we cannot. We have to say, we know we are going to collect X number of dollars in taxes, we're going to need X number of dollars to pay this debt service. It matches, fine. If it doesn't match, if we're not going to collect enough to pay the bonds, we can't issue the bonds. The only thing that we can do at that point is scale back the project to meet our projected revenues from the TIF area.

Commissioner Mourdock: Which would be very difficult to do midstream.

Alan Kissinger: Of course.

Commissioner Mourdock: It would be next to impossible. But coming back to, again, the risk side of it, I guess I see two elements of risk. One, is strictly on their own shoulders--

Alan Kissinger: Yes.

Commissioner Mourdock: --which as a business person, who do I believe in the most? Myself, and I'm sure that's how they look at it, so I doubt that they see much risk there. Tornados notwithstanding, I'm sure every business out there has got insurance if a tornado comes through, so I don't think there is that great an element of risk with that scenario. I think the other risk comes back to what the overall financial climate is which they truly don't control.

Alan Kissinger: No, of course they don't. But on the front end of what you were referring to, yes, they do control their own fate. If they fail to develop they are in big trouble, so it's in their interest to develop. Yes, they can control some of their own risk on the front end of it. Over the long term they don't have a lot of control.

Commissioner Mourdock: How was the interest rate determined since it's not a normal buy/sell type market here?

Alan Kissinger: That rate was the best rate based on...they went into the market and looked for the best rate and by "they" I'm talking about our Bond Counsel.

Commissioner Mourdock: Ice Miller?

Alan Kissinger: Yes.

Commissioner Borries: And probably Umbach.

Alan Kissinger: I'm sure with Umbach's assistance, yes.

Commissioner Borries: Again, the information that I have secured or asked about was that the BAN itself is not secured by any lien on the property or any county funds or pledge to pay it so, in effect, again, the risk goes back on him. But your question as to whether or not this might have to be done in the future, it will if there is an intense need for a continuation of some public works projects, such as a Burkhardt Road. This may well happen, just as we've talked about a little bit this evening and referred to. The second part of what I see this Burkhardt Road project is, is Burkhardt Road north to where Lynch Road is going to go through. We will, obviously, have to widen that. You're going to have a tremendous bottleneck. We could have an improved piped, widened Burkhardt Road between the Lloyd and Morgan, but, basically, a two lane road in which we are going to have to look at requiring right-of-way and widening.

Commissioner Mourdock: How much risk is there to us under this scenario, going back to what Alan pointed out a minute ago? Let's assume that we get the road laid out, we get out there and start widening and start moving the ditch and the nightmare scenario, Gershwin Brown goes Chapter 11, or whatever, their bond rating falls apart. What's the risk?

Commissioner Borries: Well, the risk to us is that the project doesn't go forward at that point. So, what happens is that it sits until we can come up with some other kind of funding available.

Commissioner Mourdock: I understand that this was no one's first choice, this BAN. I understand that. I get a little chill when I a government agency is effectively borrowing from the private sector.

President Tuley: Which is what we are doing.

Alan Kissinger: Well, we are and the reason that we are doing that is because of the inflexibility of government as far as issuing bonds is concerned.

Commissioner Mourdock: That's a fair statement. I understand, as I said, this isn't your first choice.

Alan Kissinger: You know business moves at the hare's rate and government moves at the tortoise's rate and in order to make up that gap, that Bond Anticipation Note is the only way that we can bridge that gap.

Commissioner Mourdock: But to use your analogy, businesses can afford to make mistakes and make them all the time, but no one forgives government. The tortoise should win the race in the end.

Alan Kissinger: Right, but putting this in a little different light, we did the same thing on Azteca. We issued a Bond Anticipation Note with a local bank there and it was for exactly that reason. Azteca's plans were to start, this is when we want to break ground, this is when we want to have a percentage of the construction completed. We couldn't possibly come up with the money to do that based on our commitment without a Bond Anticipation Note. I don't know if our laws are antiquated or if they are specifically designed intentionally in that fashion so that government does not get ahead of itself.

Commissioner Borries: Well, it does because TIF's are used as a way in which you can pay for a project now or at least get a project now, based on future tax receipts which is about the best you are going to do in Indiana because Indiana is a pay as you go state. You are really prohibited from tremendous amounts of borrowing or deficit financing so you have to come up with, in effect, what I guess the state legislature and the legal community have created, in effect, is a form of borrowing on future receipts to get a, in this case, a public works project completed.

Commissioner Mourdock: The old adage never a borrower or lender be has been thrown at me several times in the last few days. Yes, I understand, as I said at the outset, we have to do something. We can sit and say let's wait until we get the money to do this project and in the meantime we have massive congestion out there that I don't see as acceptable either.

Commissioner Borries: I think that is where you are on target, plus the fact that, again, if there were alternative sources we would look and examine those as best we possibly could. Specifically, as we've heard this evening, we are going to try to borrow ahead in order to get Lynch Road completed just with our federal and state match there. We have a large uncertainty...I've had calls about what we are going to do in terms of getting Lynch Road extended over I-164. There is no funding for that at this point. We've battled funding north along the route known as Eichoff/Koressel here in the picture out at USI, there's no funding for that in place. The alternatives are to stop all growth and, frankly, I've not been one that has advocated that. I feel, as you have pointed out here, that when we have some congestion and some areas that need to be addressed, then we have to find ways to address them. This one, at this point, is now becoming...these TIF zones are going to become at least one way that local government can begin to finance public improvements. I think that probably we have tried to take a very conservative approach at least to the extent of not obligating any taxpayer's money insofar as the initial financing of this road.

Commissioner Mourdock: Conservative, and I describe myself that way a lot, if conservative means do nothing, then don't call me conservative because I don't believe in that. I guess the last two points here: number one, is this now DMD and we will not have anything else to sign off on to vote, nor will the Council? The second question would be, as the financial arm of county government, has this been done the right way regarding the Council-

Alan Kissinger: Are you saying DMD or Redevelopment?

Commissioner Mourdock: I'm sorry, Redevelopment.

Alan Kissinger: It is Redevelopment now and the County Council is no longer involved.

Commissioner Mourdock: Will it come back to us from Redevelopment at any point or are we done with it at this point?

Commissioner Borries: It could if there are any glitches or any issuance of this BAN that would not apply. Again, if it involved...I think it is the right way. We have followed every aspect of this going through this TIF because, obviously, this is not the first county that has used TIF and certainly the Council insofar as their fiscal responsibility or budgetary responsibility, if it has to do with tax revenues, is going to be involved. But in this case, there were no tax revenues that we could go to County Council and ask for them to commit to anyway in relation to Burkhardt Road unless, again, we were willing to bet on future riverboat revenue and we haven't even made up our mind or reached a consensus on how we are going to spend that. It may well have to

go for some other kind of needed public works project such as maybe another road or some funding. To get back to it, I think that we as a Board have the legislative as well as the executive power to see that this thing is administered. You have to have your Redevelopment Commission in place in order to look and provide the wherewithal for the issuance of the bonds so I think it has been done correctly. Because, again, at this point we are not using, literally, tax monies of any sort, tax revenues in order to get this project going. There has been no attempt, whatsoever to circumvent the Council's authority, if the Council had the eight or nine million dollars to pipe this ditch and get this project going, we would have all been there in a New York minute, literally, asking for the money. We are repeatedly told to come back next month, come back next month, we don't have this kind of money.

Commissioner Mourdock: I understand that and it's not meant to be an inflammatory comment.

Commissioner Borries: No, and I think it's well taken for that point.

Commissioner Mourdock: I appreciate your indulgence on the issue, but, obviously, it's one that I've got--

President Tuley: I have a question because you made mention of gaming revenues and, Bill, are we getting any revenues?

Bill Fluty: Yes, we've received our December and I'm close enough...I think it was \$142,000.00 and then we got our quarterly, and I believe it was close to \$485,000.00.

President Tuley: Would you please ask the Auditor to share that information with us as she gets it?

Bill Fluty: That just came in today. I think you were aware of the first payment in December, but you might not have gotten the next one. Let me get those exact figures to you.

President Tuley: Is it going to be coming quarterly?

Bill Fluty: Quarterly.

President Tuley: I heard the city say they got theirs in January, they got one in February and they thought they got the March one, so if it's coming in monthly, then I want to be aware of it.

Bill Fluty: It's quarterly. They got the December distribution in January and now it goes quarterly after that.

Alan Kissinger: Another thing that should be pointed out in reference to that riverboat money, financial people will not allow you to use that for a long term commitment for repayment.

Commissioner Mourdock: I understand that and I have raised that point from this chair at other times. I know that for a fact.

Alan Kissinger: You have to talk about five years, but that is short term. That's really short term.

President Tuley: Yeah, but I mean, the reason for my question is, and Bill says they think they just got the check today which that is great if they did just get it today, and I have no reason to doubt what you're saying. It will give us a chance to do some planning for some other things.

Bill Fluty: We can surely send you the report of how much is in that fund.

President Tuley: And she may have reported that, that January

distribution. I don't remember. I don't remember hearing what it was.

Commissioner Mourdock: On this subject, is May 13 the night we set aside for the public meeting on the use of those funds?

Commissioner Borries: May 6th.

Commissioner Mourdock: Okay, and is it my imagination, changing the subject slightly here, but did we not discuss or set a date for a similar type thing on the Auditorium, a public meeting to get potential users input on the new Auditorium?

President Tuley: I don't think so, I know we talked about it.

Commissioner Borries: We talked about it. Mr. Shoulders, by the way, has submitted some proposals between the owner and the architect that he has asked us to review and to give to the attorney. So, I think that is part of what he wished us to do so far as his report this evening, but we have not set up any official time to do that. He has set up an extensive number of meetings with various users and trying to arrange for some kind of focus group format in order to get as wide of sampling of public opinion and uses as possible as he moves through his deliberation.

Commissioner Mourdock: Well, since we've discussed it several times but not formalized it, I would suggest that we use our meeting on the night of 2 weeks after the other on the 20th to open that up for public comments as far as what uses the public as a whole feels is appropriate. I think it is very important, especially in light of what has happened with the Victory Theater, that the public feels very invited to give us their suggestion.

Commissioner Borries: I certainly don't have any problem with that. If we could, however, on the 20th that is usually the night we have Rezonings and you'll know more about that, but sometimes it will come in a herd and sometimes they won't. On the 27th, we would have to contend with Drainage. I guess maybe a suggestion, one of the ways that we have done this is to look at those first Mondays that sometimes don't have those allocations. Would June 3 be okay with you?

Commissioner Mourdock: Fine with me. I will amend the motion to June the 3rd for a hearing on the use of the Vanderburgh Auditorium.

Commissioner Borries: I will second.

President Tuley: So ordered.

Commissioner Mourdock: That's all my old business, I wore out the old business tonight.

President Tuley: Anybody else have any old business?

RE: NEW BUSINESS

President Tuley: How about new business? I have one request and it's from the Department of Parks and Recreation and it's addressed to Mark Tuley...man, I just caught this, Mr. Mark Tuley, County Commissioner.

Commissioner Mourdock: Don't turn your back!

President Tuley: Yeah!

"Lincoln Seniors are asking for the use of the Bishea House at Burdette Park September 26, 1996. This is for our annual picnic. We are hoping to get the building

free of charge as usual.

Thank you in advance for whatever you may do for us.

Sincerely,

Leona Christian, Director

Herman Thomas, President"

Apparently this is something that we've done in the past.

Commissioner Borries: I move that the request be granted.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Alan Kissinger: Am I correct that the Auditor's Office is going to take control of these bids?

President Tuley: Yeah. Is there other new business? Motion for adjournment.

Commissioner Borries: So moved.

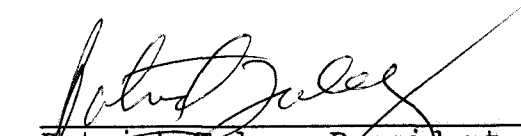
Commissioner Mourdock: Second.

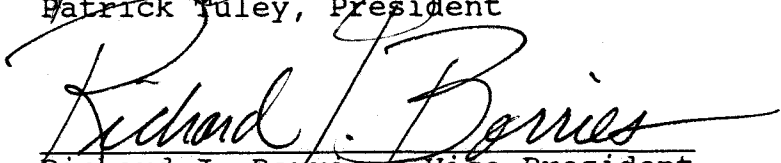
President Tuley: So ordered.

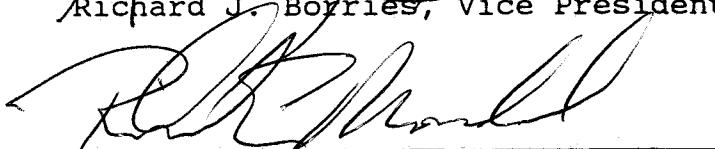
Meeting adjourned at 7:45 p.m.

THOSE IN ATTENDANCE:

Patrick Tuley
Richard J. Borries
Richard E. Mourdock
Alan Kissinger
Bill Fluty
Charlene Timmons
Bill Morphew
Lynn Ellis
John Stoll
Peggy Tuley
DeeDee Stafford
William Knapp
Bob Beckham
Mary Naghdi
Denise Hess
Scott Winstead
Betty Whittinghill
Maurice Boultinghouse
Others unidentified
Members of media

VANDERBURGH COUNTY
BOARD OF COMMISSIONERS

Patrick Tuley, President

Richard J. Borries, Vice President

Richard E. Mourdock, Member

Recorded and transcribed by Charlene Timmons

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS
APRIL 15, 1996

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VANDERBURGH COUNTY

BOARD OF COMMISSIONERS MEETING

APRIL 15, 1996

The Vanderburgh County Board of Commissioners met in session this 15th day of April, 1996 in the Commissioners' Hearing Room of the Civic Center Complex at 5:37 p.m.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Tuley: I would like to call to order the Vanderburgh County Commissioners Meeting for the night of April 15. At the point of introductions, to my far right is Cindy Mayo, our office administrator and Superintendent of County Buildings; to her immediate left is Alan Kissinger, the County Attorney; to my immediate right is Commissioner Rick Borries; to my immediate left is Commissioner Richard Mourdock; to Richard's immediate left is Suzanne Crouch, the County Auditor; and to her left is Charlene Timmons, who is the Recording Secretary and will be recording the minutes of this meeting; and I am Commissioner Pat Tuley. If you would, please stand with us, face the flag and say along, as we say the Pledge of Allegiance.

RE: APPROVAL OF MINUTES

President Tuley: Under the action items we have approval of the minutes from last week's meeting of April 8, 1996. May I have a motion for approval, please?

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

RE: ANY GROUP OR INDIVIDUAL WISHING TO ADDRESS THE COMMISSION

President Tuley: Item 4B, every week the Commissioners give everybody the opportunity, any group or individual who wishes to address the Commission who does not find their topic for discussion or their name listed on the agenda, now is the time to come forward. Okay, I guess we are all on the agenda.

RE: CEDRIC HUSTACE - PETITION TO VACATE EASEMENT

President Tuley: We're ready for item 4C, Mr. Cedric Hustace, petition to vacate an easement.

Cedric Hustace: Mr. President, Commissioners, ladies and gentlemen, I am Cedric Hustace. I am an attorney and I'm here on behalf of Bruce and Lisa Werner. They are the owners of property at 3712 Upper Mount Vernon Road. They are seeking the vacation of a 12 foot wide alley that runs north and south across their property which is across the west line of a subdivision known as Standard Edition and it's Lots 9 and 10 of that Edition. The alley that they are seeking to have vacated, the portion that lies on their property, presently doesn't even look like an alley; it looks like the rest of their parking lot which is a paved parking lot. I've got some copies of the subdivision plat that I've presented to the Commissioners which shows the area that is to be vacated and the line of the alley. You can see it lies across the west line of Lots 9 and 10. The alley to be vacated is also shown on some photographs that I took recently. Each of the photographs that I have taken are facing directly south on the line of the alley. I would like to submit those photographs for the record. The alley presently serves no public purpose other than as the location of the water and sewer mains of the Evansville Water and Sewer Utility. Now, as part of this petition process we contacted all of the utility companies that could have had an easement or facilities in that area. The only one that responded that they had facilities

was the Evansville Water and Sewer Utility and they responded that they have their water and sewer mains in the area this is proposed to be vacated. In order to accommodate the Evansville Water and Sewer Utility, we have provided in our petition that we are going to grant them an easement as to the area to be vacated, and in the ordinance that we submitted to the Commissioners it is provided that the Evansville Water and Sewer Utility will have an easement for public utility purposes across the entire alley to be vacated. We respectfully request the vacation of the alley as petitioned. Thank you.

President Tuley: Okay, we have heard the petitioners request, are there remonstrators to speak against the request before the Commissioners? Okay, questions from the Commissioners?

Commissioner Mourdock: In the pictures, Mr. Hustace, it appears that it has been traveled quite a bit. It looks like there is access in and out quite frequently. Who is using that right now, solely the petitioners?

Cedric Hustace: The photographs that you have are as to the alley that lies south of the area to be vacated. You will see that the alley is actually blocked off further south of the property in question. There is really not traffic in the alley, aside from perhaps the utility of Evansville Water and Sewer Utility, as far as we know. Mr. Werner is here, by the way, and he may be able enlighten you.

Commissioner Mourdock: Yeah, if you would, please come to the microphone so we can get your comments.

Bruce Werner: My name is Bruce Werner. From where we want to vacate on south, Rideout's Transmission Service uses it, more or less, as an extension of their garage. They pull large RV's and buses in that area, which they come in from the other end. They work on them in the alley, those that do not fit in their garage. They are the only people that use the south end of the alley. The other part extends across our parking lot and no one goes in or out of it.

Commissioner Mourdock: Perhaps you could point on this picture or this map where that picture was taken. Both arrows are pointing this way, so I presume it must have been right in here looking back this way?

Bruce Werner: This picture right here was taken standing right here, facing this way. There is a house here, but from here on is the transmission place.

Commissioner Mourdock: Okay, then what is from here to here, then?

Bruce Werner: From there to there is this right here. This is standing at the railroad tracks right here.

Commissioner Mourdock: So, this would be Lots 9 and 10 right here?

Bruce Werner: Yes, sir.

Commissioner Mourdock: Okay, if this is vacated, will the people that are using this that is not being vacated still have access across your parking lot?

Bruce Werner: Yes, they come in from this way, plus they also own property on this side of the alley where they come in around from the back side.

Commissioner Mourdock: Are they doing that now? Is there any traffic across your lot now, going across what you want to be vacated?

Bruce Werner: No.

Commissioner Mourdock: Are all these, not that it really matters, but are all these owned individually or is that a sole ownership?

Bruce Werner: This is all Rideout's Transmission shop, they own all of this except for Lot 8.

Cedric Hustace: Their garage doesn't have an entrance onto this alley. This is all fence here.

Bruce Werner: It's more like a little shed.

President Tuley: Oh, it's not really even a garage?

Bruce Werner: No, it's a shed. There is no door on the alley.

Alan Kissinger: Mr. Hustace, is there a business located on this property now?

Cedric Hustace: There is a building that used to be the old Tupperware building. Mr. Werner has his construction company in that building, or at least a portion of that building, but the rest of the building...part of it is leased out now to Bassemiers' Transportation.

Alan Kissinger: The new owner is Bassemiers?

Cedric Hustace: Right.

Commissioner Borries: Kind of fascinating that this is such an old plot. I was just remarking to Attorney Kissinger here, 1915 and it talks about an edition to the City of Evansville, but apparently it has never been annexed at all by the City of Evansville.

Cedric Hustace: That is correct. It is still in the county.

Commissioner Mourdock: We had someone in front of the Area Plan Commission a couple of weeks ago and he made comment about some of the states plans, supposedly, things are going to happen in the next six years. I said, "Yeah, but you know how long six years can be." There is the proof!

Cedric Hustace: In fact, Mr. Borries, when we sent out notices to interested people we even sent it out to the City Highway Engineer just in case there was part of the road of Upper Mount Vernon Road that was in the city, so I covered everybody.

Commissioner Mourdock: Refresh my memory, Alan, but we would vote on this and then there is a publication notice.

Alan Kissinger: There should have already been notice.

Cedric Hustace: Notice has already been published and all that would be remaining if the Commission approves this is to execute the ordinance vacating the alley.

Alan Kissinger: Am I also correct in assuming, Mr. Hustace, that the adjoining property owners have been sent notice by certified mail?

Cedric Hustace: They have indeed and we have filed with the Auditor's Office an affidavit of mailing to all of the property owners as reflected in the Assessor's and Treasurer's records.

President Tuley: He has them listed in here, abutting property owners.

Alan Kissinger: So, the transmission people say they don't care.

They just won't pull their RV's up there.

Commissioner Borries: I'll move that the petition be approved.

Commissioner Mourdock: I will second.

President Tuley: I'm just trying to determine...I guess all I have to do is say so ordered, since at this point and time it really is not an ordinance, is it?

Cedric Hustace: Mr. President, we have submitted a form of ordinance for approval by the Commissioners.

President Tuley: I stand corrected and I'll call for a roll call vote, then. We have a motion and a second. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Tuley: Commissioner Borries?

Commissioner Borries: Yes.

President Tuley: I vote yes.

Cedric Hustace: Thank you very much.

RE: JOE PROFAIZER - ANNUAL SERVICE AGREEMENT CITY/COUNTY &
ADVANCED MICRO ELECTRONICS (AME)

President Tuley: Okay, item 4D, Joe Profaizer.

Joe Profaizer: Joe Profaizer, Computer Services. I'm requesting the appropriate signatures for Vanderburgh County to enter into an agreement with Advanced Micro Electronics for maintenance of digital equipment peripheral items. These line items used to be with Digital Equipment, which I have cut out and the savings per year will be \$16,703.00 over the prior contract with Digital, representing a 24.8 percent savings. AME's response time is four hours versus Digital's bi-weekly response time on these peripherals. It's cheaper and the service is better. AME has been our service provider for the PC's for the last two years. They are a local company and we are very pleased with their service. I have the contract in front of me which I will present to Mr. Tuley.

President Tuley: Any questions for Joe?

Commissioner Borries: Let's sign it quick while--

President Tuley: Yeah, shouldn't hesitate on it with that kind of savings in there.

Commissioner Mourdock: I'll move approval of the contract with Advanced Micro Electronics.

Commissioner Borries: I'll second.

President Tuley: I will so order. Joe, I have this contract, but I'm still looking for the place to sign.

Joe Profaizer: It's on the back page. I have the City and County signature blocks on the back.

President Tuley: I'm sorry, I just didn't get that far.

Joe Profaizer: Any other questions?

President Tuley: No, just keep working those kind of deals for us.

Joe Profaizer: You got it.

Commissioner Borries: Thanks.

RE: RENTAL CONTRACT - PC/BT BALLOT TABULATION SYSTEM

President Tuley: Okay, item 4E is the proposed contract for Business Records Corporation out of Chicago. You will recall Business Records is the vote tabulating company...it's a rental contract on the PC/BT ballot tabulation system. We've used them for numerous years. I think we had some problems in '94 and they reduced our contract for the year of '95. Things went smoothly in '95 in terms of tabulation, and from what I understand I don't think there were any particular problems. The contract is in the amount of \$27,030.00 as opposed to \$25,500.00 in 1994. I think, because of the problems in 1994, we got it in 1995 for \$15,000 so, basically, what we've got to compare it to is the \$25,500 that we paid in 1994 versus \$27,030.00 in the 1996 proposal. I did have this forwarded down to the Clerk and spoke to her on the phone today and she had no problems with it. She was satisfied with the work that was performed the year of 1995 and there is a note on here that says, "Okay per Dave Cosby," who is the Chief Deputy, as well.

Commissioner Borries: I'll move the lease agreement be approved.

Commissioner Mourdock: I'll second.

President Tuley: I will so order.

RE: AGREEMENT - VANDERBURGH COUNTY/VEAZEY PARROTT & SHOULDERS

President Tuley: Okay, item 4F is the standard form of agreement between Vanderburgh County and Veazey Parrott & Shoulders. I believe that we have had a request to put this on hold for one week so that all three Commissioners will have time to read through that. I have been asked if that was possible, so I guess I'll put that in form to the other two Commissioners and see what you want to do?

Commissioner Mourdock: I would ask that we do this, and just for the record, the words "standard form of agreement" are not necessarily standard between the County and the architect here, but standard form of agreement is referring to the American Institute of Architects. This is their preferred agreement, but I notice that there are some scratch outs and things, and I would just like some time to review it. I will certainly be prepared to vote on it next week.

President Tuley: Alan, have you had a chance to review this?

Alan Kissinger: I received a copy of that last week and, quite frankly, I am not familiar with that type of an agreement, but it certainly seems to be a form agreement and there are some things crossed out in there. Those things are initialled. One of them has to do with public hearings which we handle ourselves anyway. The other one I, quite frankly, can't remember what it is.

Commissioner Mourdock: The other one is section 3.4.10 and this one in particular raised a question with me. If I can read through the scratch out, it says and this is under the optional additional services, it says:

"Providing detailed estimates of construction costs."

It seems that we ought to be getting detailed estimates of construction costs from somebody, and I need to read that in the whole context to see what it means.

Alan Kissinger: I am assuming that we will get the detailed construction costs from whomever the bidders are, I would guess.

I'm only guessing.

Commissioner Mourdock: Yes, and I think that's a fair interpretation just on the face of it. The rest of the document, from what I've seen very briefly, pretty well details that the architect would also be functioning as the construction or contract manager.

Alan Kissinger: I don't know if we anticipate that or not.

Commissioner Mourdock: Yeah, not necessarily my anticipation, although I'm not saying that I'm clearly against, I'm not saying I'm clearly for it. I want to read and understand what that language is about.

President Tuley: Do you want to defer it then?

Commissioner Borries: That's fine.

President Tuley: Okay, we will just defer this until next week and give everybody a chance to review it and get some questions answered.

SUZANNE CROUCH - HOME RULE ORDINANCE

President Tuley: Okay, item 4G, Auditor Suzanne Crouch has a Home Rule Ordinance that she wants to introduce.

Suzanne Crouch: Well, I don't really have the actual ordinance.

President Tuley: Okay, I'm sorry.

Suzanne Crouch: It's a matter that was brought before me by an employee in the office. I don't know if this is an ordinance that we should have...obviously, we should have it in place to continue to pay membership in certain organizations and associations as the County Bulletin instructs, so I guess this is more of a matter to be brought to the Commissioners' attention and then the County Attorney could perhaps look at it and advise us in the future. There are a number of requests that come before the Council for membership in certain organizations, some of which don't qualify and others, if they are going to be paid from public funds, there needs to be a Home Rule Ordinance in place.

President Tuley: Would that be like the Auditor's Association, the Treasurer's Association, as well?

Suzanne Crouch: Exactly. If the dues are to associations that will help you do your job as an elected official, then yes.

President Tuley: So, we would need to adopt that to pay those membership fees, as well?

Suzanne Crouch: Yes, and I presume that this is reflective of a change in the law since this came in the County Bulletin.

President Tuley: Which we've been doing for years.

Suzanne Crouch: Right, so this is to just bring this to your attention. An employee brought it to my attention so I am doing that and I presume that you will have to turn it over for advisement.

President Tuley: Turn it over to Alan and let Alan look at it and come back to us.

Commissioner Mourdock: If it's done through a Home Rule Ordinance, is it done just one time or do we have to do it annually?

Suzanne Crouch: I presume it's a one time ordinance, unless there are changes. Mr. Kissinger could speak to that more than I could, but unless there would be a change in the law, I presume it would just--

Alan Kissinger: I don't know what this is about, but I'll know by next week, I guess. We have taken various actions based on the authority given to us by the state statute allowing us to exercise home rule. There is no indication there of any necessity to adopt a specific ordinance for that purpose, but I guess I'll find out.

Suzanne Crouch: Yeah, thank you.

RE: LYNN ELLIS - PURCHASING

President Tuley: Okay, Lynn Ellis from Purchasing.

Lynn Ellis: First, in response to that AIA document, Mr. Mourdock, I would concur that it needs to be reviewed because it is not always drafted in the best interest of the County.

Commissioner Mourdock: Thank you.

Lynn Ellis: There may be other changes that you would want to recommend. The first item would be the award of the Audio/Video equipment. The agenda item was submitted for your April 8 meeting and was resubmitted for tonight. The Sheriff has concurred with the recommendation and his office called Ms. Mayo and reflected that concurrence. There was a question of available funding and they have moved money around and decided to postpone other projects until they could work out funding, so there is available funding in their account for this purchase and I would recommend that the award be made.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Lynn Ellis: The second item is for bid number VC-9603 for shirts and hats at Burdette Park. The recommendation is to award a portion of the shirts to Southwest Grafix & Apparel in the amount of \$2,791.80 and to award the remainder of the shirts and all the hats to Soccer Selections in the amount of \$3,083.40. They are the low bidders for the individual line items being recommended for them.

Commissioner Mourdock: I'll move approval of bid number VC-9603.

Commissioner Borries: Second.

President Tuley: So ordered.

Lynn Ellis: The last item, and I apologize for the tardiness. Joyce and I have been working on this bid summary, it's quite long as you can see, I have passed it out this evening. This is for the concessions at the park and she is here tonight for any specific questions that you might have, the bid tabulation is 19 pages long so you might have some. The recommendation is to award the bid, in most cases, to the low responsive and responsible bidder meeting the specifications for each line. There are a couple of exceptions. There was a problem analyzing a few of the bids because they failed to submit the required samples. They were required, and the vendors, Allied Popcorn and Farm Boy, failed to submit some of those samples, so the staff at Burdette Park was unable to evaluate those particular items, so they did not comply with the bid, as that was a requirement. We can address each line or however you see fit to do it.

President Tuley: The ones that are highlighted, I assume, are the ones that you are recommending?

Lynn Ellis: Yes, sir.

President Tuley: I don't see any need to--

Commissioner Borries: By highlighted, do you mean shaded?

President Tuley: Shaded, I'm sorry.

Lynn Ellis: There are a couple of instances where in an area, for example, the condiments, that one vendor is recommended for the bulk of it because they are low, but one or two of the items in that category are being recommended to another vendor because they were low on that item. Joyce ran into a problem last year with a vendor not receiving enough of the bid to justify them making weekly deliveries to meet their requirements and then we had to go with the next low bid. So as part of the award, we would have the right, if the vendor refuses to honor that price for that line because of the small quantity of materials and the regularity of having to delivery those because of the shelf life, that she be allowed to go to the next low bidder for those items.

Commissioner Borries: There is no way that you include that in the bid? When it goes out, do you just make the assumption that they are going to deliver whatever?

Lynn Ellis: Yes, sir, and they all indicated in their bid that they would accept a portion of it and they did not qualify that portion, nor did they qualify that portion last year. However, at least two of the vendors are from Owensboro and it's costly for them to make a delivery over here. Of course, they are making other deliveries, so they usually incorporate that into their runs, but there were occasions where we didn't have minimums. One of the items that is not being recommended for award is the candy line. The one vendor that responded to that said that there was a \$400.00 minimum and then offered no prices for his products with his bid. We will do individual quotes for those items. There are a couple of other items that aren't being recommended. There is pizza crust because we are recommending that another type that was submitted as an option be awarded as opposed to the crust bid because it's ready-made and they don't have to do anything to it.

Commissioner Mourdock: I'll recommend approval of APA035-96 as recommended by Lynn Ellis.

Commissioner Borries: I will second.

President Tuley: So ordered.

Lynn Ellis: Thank you.

RE: JOHN STOLL - COUNTY ENGINEER

President Tuley: Okay, John Stoll.

John Stoll: The letter that I just gave you is an application for the Distressed Loan from INDOT as we discussed last week for the Lynch Road project. It is requesting a loan in the amount of about \$400,000.00 as part of our local match for the Lynch Road extension between Oak Hill Road and Burkhardt Road. The letter just basically says that it would be used for a local match, it's a continuation of a previously constructed federal aid project and that we would agree that INDOT would be allowed to withhold our distributions from the Motor Vehicle Highway account in the event that we didn't pay the loan off in two years. I would recommend that the letter be approved.

President Tuley: Motion?

Commissioner Borries: I move that we accept it.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

John Stoll: That will just start the process with INDOT and then they can go ahead and start preparing the loan agreements and eventually I will come back with the actual agreements.

Commissioner Mourdock: Those are the zero interest?

John Stoll: Right.

President Tuley: John, we talked last week...refresh my memory, are we talking about, even with this, we still aren't talking about construction of the phase or actual paving of this phase until late summer?

John Stoll: The earliest letting that we could get on it is probably August. The way that I understand it, INDOT is going to have an onslaught of projects from agencies all over the state trying to beat the metric deadline, so they couldn't guarantee that they would be able to get this on an August letting, but they were hoping that they could. The earliest would be August and construction couldn't start until mid to late September on that time schedule. So, we will see.

President Tuley: So this will take us all the way from Oak Hill to Burkhardt?

John Stoll: Right, to Burkhardt.

Commissioner Mourdock: That's all planned for concrete, right?

John Stoll: Right.

Commissioner Mourdock: More weather sensitive. Do you need this back or entered into the record, or both?

John Stoll: Yeah, I'll just get a copy after the meeting. The next item that I've got is a request for acceptance of the Lynch Road project, the earth work and bridges contract. This was recently completed, the final inspection date was April 11. The contractor was Blankenberger Brothers and everything was completed satisfactorily and INDOT needs us to okay the form that you have in front of you so they can finalize all the paperwork on that project.

President Tuley: Okay, motion to approve?

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

John Stoll: Next, I've got a request from INDOT concerning a proposed railroad crossing project that was out at Burkhardt Road and Morgan Avenue. This was on the Norfolk-Southern Crossing on the south side of Morgan Avenue on Burkhardt. The project was proposed to put signals and gates out there for that crossing, but since the project was originally proposed, the train count has drastically dropped. I think there are only two trains per day that are using that crossing and the county has proposed that Burkhardt Road will be widened, so now this project is really obsolete. There is no point in continuing forward with this

project, and INDOT has asked for our concurrence on canceling the project. They stated that you really couldn't modify the project at this stage without changing our funding source. It would change from railroad funding to some of our road funding and then it would be in conflict with Lynch Road and Eichoff and all the other road projects and that wouldn't be beneficial. It just couldn't be held off and held in limbo for the amount of time that they are talking about...the amount of time it will take us to get Burkhardt completed.

Commissioner Mourdock: They wouldn't want to build an overpass instead, would they?

John Stoll: That would be nice. When they asked for our concurrence, they estimated that our cost for the engineering work that has gone on to date would be about \$100 to \$300 which is 10% of the work that has gone on to this point. Given all the circumstances, I would recommend that we concur with INDOT and cancel this railroad project.

Commissioner Mourdock: So moved, as recommended.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: Next, we have contacted CSX this morning and they should be submitting the right of entry agreement for the Tekoppel overpass. In order to expedite things, we had asked they be submitted in my name, and with your authorization, I would sign off on the right of entry agreements rather than the Commissioners. They had originally stated Commissioners on the agreements and that would put us off until at least next Monday before any action could be taken on it. So with your okay, I would like to request that I be authorized to sign off on the agreement, then I would bring a copy of it to next week's meeting.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: The final thing I've got is that we will be starting work soon on the Azteca frontage road, and if you have got any ideas on what you would like to name that road, let us know so when we put in our sign request we can take care of that. We've got plenty of other unnamed roads that were built as part of the I-164 project, so rather than confuse the issue, we probably need a name and I have no idea. So, if you have any ideas, we're ready.

Alan Kissinger: Something Del Maize.

Commissioner Mourdock: What was that?

Alan Kissinger: Something Del Maize.

Suzanne Crouch: That was corny.

Commissioner Mourdock: That's even worse.

President Tuley: Stop it.

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

Commissioner Borries: So, by us giving you this authority to sign, it looks as if, and I appreciate your determined work on this with the railroad, that it looks as if, weather permitting, we can start some of this work on the overpass.

John Stoll: Yes, as soon as possible. Last week I spoke with Hydro Conduit and they're in the process of trying to schedule their subcontractors that will do the epoxy work and the drilling on the beams. I didn't hear back from them today, but they know that we want to move this along as fast as possible, so they are trying to get the contractor out there. Once we get the right of entry signed off on, I believe all the insurance has been taken care of and, hopefully, we can start here soon.

Commissioner Borries: Who is going to do the inspection?

John Stoll: It will be a combination of county inspectors plus the designer, Leo Spaans.

Commissioner Borries: Okay, Spaans will be out there?

John Stoll: Yes.

Commissioner Borries: We will have our folks out there?

John Stoll: Yes.

President Tuley: Thank you, John.

Commissioner Mourdock: One bit of unfinished business from several weeks back by the name of Willow Creek. At the last meeting we had regarding that, the question came up as to the value of the bonds that were outstanding.

John Stoll: Yes.

Commissioner Mourdock: Did you ever research that and find out what that was?

John Stoll: Yes, it was \$4600.00 and some odd dollars. Since then, Hatfield has gone out and done quite a bit of the work. There is some joint sealing that needs to be done and there is one concrete slab that still needs to be replaced, but the majority of the concrete repairs have been done at this point so, hopefully, he will continue to follow through with it and get the streets accepted for county maintenance. Thanks.

RE: BILL MORPHEW - COUNTY GARAGE

President Tuley: Bill. Let the record show that Bill Morphey, the Highway Superintendent, submitted the report for the Vanderburgh County Highway Department as well as the Vanderburgh County Bridge Crew for the period Friday, April 5 through Thursday, April 11, 1996 showing work over various parts of the county. Bill, you were out most of last week, were you not, with your back?

Bill Morphey: Yes, sir. I was out for two and a half days...three days. I must apologize to Mr. Mourdock, we had talked last week about getting some figures that I have for the paving list and I do not have those with me.

Commissioner Mourdock: Will you be able to get them next week?

Bill Morphey: Yes, sir. Yes, I will.

President Tuley: He called me one day last week and he wasn't working...down in his back.

Bill Morphey: It was a chore to stand here last week.

Commissioner Mourdock: Have you gotten any calls from folks regarding extreme south Green River Road for paving?

Bill Morphey: No, I haven't, just one out of here. I think it was

late last year, November or in that area.

Commissioner Mourdock: Okay, just to clarify here, obviously, my employer, or the company that I work for, does a lot of business on that road, so if this looks like a vested interest, perhaps in a small way it is. But more importantly, it's coming up with all the stone and aggregate that is going to be going up north towards Toyota, most of that will be coming in on that road and apparently...I don't know if that section, I guess, would have been under water at some point during this year.

Bill Morpew: Yes, it has been.

Commissioner Mourdock: Yeah, and I know there have been some calls about the condition of it and when it's going to be fixed. If it would be convenient for you, I think some of our folks, meaning the company that I work for, would be more than willing to work with the county and get some rates on the asphalt or work out something to a mutual interest to make sure it would be beneficial. So, you might give them a call and check. I haven't been out there, haven't seen it, but I know that they are very concerned and apparently a lot of tonnage goes through there.

Bill Morpew: I have been out there several times in the past several months. I was out there for two days right after the water went down, we were moving debris and I was just out there inspecting the roads. Lenn Road is still in good shape. Old Green River where South Green River dumps into was still in good shape. There were a couple of spots down there that were worth looking into. South Green River is a lot like South Weinbach, it really does need wedge and level in there and to be resurfaced. They really need to put some ditches down there. There aren't any ditches so even when the water goes down, the soil underneath the pavement is still saturated so it's going to have to dry out for a long period of time. It could certainly stand some repair.

Commissioner Mourdock: It sounds like the folks out there are willing to work with you to do that so you might just give them a call and see what they have. I don't know what the details are.

Bill Morpew: I'll do that.

Commissioner Borries: Do we still have some roads closed by high water right now?

Bill Morpew: No, sir. They are all open.

Commissioner Borries: They're all open?

Bill Morpew: Yes, sir. As a matter of fact, we are rocking and grading in Golden Rule, down in the bottoms, today. Golden Rule and also Happe and Seminary, but there's quite a bit of work left down there.

Commissioner Borries: Thank you.

Bill Morpew: Thank you.

TAPE CHANGE

RE: ALAN KISSINGER - COUNTY ATTORNEY

President Tuley: Alan.

Alan Kissinger: The first matter that I have, I would like for the Commissioners to introduce tonight, and ask the Auditor to advertise for your consideration, an ordinance to provide group health insurance benefits and Medicare supplemental insurance to retired Sheriffs and Sheriff's Deputies. As the Commissioners will

recall, there is already in place an ordinance to provide group health insurance benefits to Vanderburgh County retired Deputy Sheriffs, if when they retired, they had in at least 20 years of service and they were at least 50 years of age at the time of retirement, and some other qualifications. One of the requirements was that the retired Sheriff or Deputy Sheriff pay the employee share for the group health insurance and then the county picks up the county's share just as if they were a regular employee. That part of the ordinance, basically, remains the same. This ordinance adds to the original ordinance. The provision to those same retirees, same qualifications, is a Medicare supplement when those employees reach age 65, if they have not reached age 65 before July 1, 1996. It's kind of an arbitrary cutoff point, but there had to be a cutoff point. The big difference between this ordinance and the previous ordinance is that number one, as far as the Medicare supplement is concerned; number two, as far as the employee's share of the group health insurance payment is concerned. There will be a fund established to be maintained and administered by the Vanderburgh County Auditor. That fund will receive money from active duty Sheriffs and Sheriff's Deputies at the rate of \$5.00 per pay. Each two weeks \$5.00 will be taken from each active duty Sheriff and Sheriff's Deputy that will go into that fund and then the money in that fund will be used to pay the employee's share of the group health insurance and the Medicare supplement premium. In other words, what these people are doing is making an investment today for a benefit that they will receive in the future. This will cause no additional cost to the county, basically, what it will do is, as I told the Auditor, it will cause a little more work for the Auditor in establishing and maintaining the fund. There is also a provision in there for advising the Auditor when someone is eligible for the Medicare supplement, who the supplement provider is and what the payments are to be made. This has been recommended by the Sheriff's Department and my understanding is that there is a unanimous agreement among active duty Sheriff Deputies and the Sheriff himself. I'll be happy to answer any questions about this now, and if anyone has any questions for the Sheriff's Department, Lt. David Ludwig is here to answer those questions.

Commissioner Mourdock: Is the \$5.00 fund, do I understand you, \$5.00 per pay period, per check, basically, it's going to be written, that's only covering today's active duty officers? It sounds like those who have already retired, or those who will reach age 65 before July 1, 1996 are getting an additional benefit that they previously didn't have.

Alan Kissinger: They are.

Commissioner Mourdock: Who's paying for it?

Alan Kissinger: Active duty Sheriff's Deputies.

Commissioner Mourdock: So, that's coming out of their \$5.00?

Alan Kissinger: It is.

Commissioner Mourdock: So the cost to the county on this--

Alan Kissinger: No additional cost to the county. It was already costing the county to provide them with the group health insurance, but no other cost to the county, just a little more work for the Auditor in administering the fund.

Commissioner Borries: I'll move that the ordinance to provide group health insurance benefits and Medicare supplemental insurance to retired Sheriff's Deputies be advertised.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

Alan Kissinger: If I may ask the Auditor, Ms. Crouch, you have seen the operative dates in here. I propose that this be advertised for a vote at the meeting of May 6, and it should be advertised twice, once at least ten days before and once at least three days before the May 6 meeting, and I assume that will give you time to advertise. If, in fact, this is approved on May 6, will that give you time to make the necessary arrangements for the withholding for the pay period ending May 17?

Suzanne Crouch: I'd have to check first thing in the morning. The May 6 meeting is the public hearing for the Auditorium.

Alan Kissinger: Oh, it is?

Suzanne Crouch: Yes. Can you move it back a week?

Alan Kissinger: I would be happy to have this advertised for, if we can get it done, the 29th if you can get it advertised that quickly. Someone is shaking their head. The reason that we prefer not to delay it any further...well, unless you want to do it on the 13th and still make it go into effect for the pay period ending on the 17th?

Suzanne Crouch: Let's shoot for that.

Alan Kissinger: You want to do that? Advertise it for the 13th instead of the 6th?

Suzanne Crouch: Time wise, I think that we could do either one. That would be the Commissioner's call, with that public hearing.

Alan Kissinger: I understand, and you are probably right. If we are going to have a public hearing, we should probably try to keep everything else off that date. If it will not delay the ordinance...you being able to comply with the ordinance, then I don't have any problem with it being done on the 13th. One of the problems that we have is that when the ordinance goes into effect, we're going to have to start collecting some money fairly quickly, if you see what I mean.

Suzanne Crouch: That pay period ends...

Alan Kissinger: The pay period ends on the 17th.

Suzanne Crouch: Okay, so if this is approved on the 13th, the vouchers are going to be--

President Tuley: I don't see how you'll have time to get that done by the 17th.

Suzanne Crouch: No, the vouchers aren't going to be turned in until the Thursday before and they couldn't turn in the vouchers reflecting that prior to the ordinance being passed.

Alan Kissinger: Right, I guess we need to do that on the 6th then.

President Tuley: I don't see any reason, if you can meet the advertising deadline, why that should be a problem.

Alan Kissinger: We can meet the advertising deadline on the 6th, it's just that we have a public hearing.

Suzanne Crouch: Yeah, a public hearing, but if it's quick, and it shouldn't be controversial.

Alan Kissinger: It shouldn't take long. Then we'll advertise it for a vote and public hearing on May 6. The next matter that I have, the Safe House lease, and it's not actually the Safe House lease, but I have received calls from various people involving this

lease which is a lease between Vanderburgh County as a sublessee of certain buildings, etc. that are being used by the Vanderburgh County Community Corrections. As you may recall, the Auditor, and I believe, correctly indicated that they would no longer make payments under the old lease agreement in consideration of the fact that it expired in 1995 and we had been making payments under that lease up till that time. I am assuming that this lease will go on as it has in the past, but I would like to ask the Commissioners permission to invite the parties who are interested in the lease and sublease to next week's meeting to confirm that this lease will go on at the same rate, etc. and I think that we should ask them, since some of the conditions in here have changed, to provide for us a proposed updated lease for the Commissioners to consider. We are using the building; we're using their service; we're getting financial benefit from that, or we're getting a benefit from that for which there should be a financial consideration, but we don't have an up-to-date lease. I think if we get those parties in...I've received a call from Judge Young and he may want to appear as well, then everyone understands where we are with this lease, what the county's involvement is, who the owner of the building is, etc., so that there won't be any questions in the future.

Commissioner Mourdock: I would add one thing to that, and that's to make sure that we have received full and valuable consideration for whatever improvements we have made to the facilities in the meantime.

Alan Kissinger: I agree, and if that is satisfactory with the Commissioners, then I will contact Judge Young and tell him that we would appreciate it if he and any other interested parties who choose to appear next week, would do so to answer our own questions.

Commissioner Mourdock: I concur with that. Would you like a motion?

Alan Kissinger: No, not necessarily, if we could just put it on the agenda. I have done some further research on the Barrett Law funding for sanitary sewers and have made a determination that even though the original statute that we used last time we entered into one of these agreements, I guess you would call it, has been repealed, there is another statute that I think, quite frankly, allows us to do the same thing as we did before with some more detail and may still allow us to assist those folks who came in asking for assistance. I'm going to contact Bill Jeffers in the County Surveyor's Office and introduce him to this new statute and ask him if there is some insight that he has that I don't that indicates we still can't do this. Apparently, we are still enabled to do this, but there are...well, I'll tell you what the difference is. There were 45 separate subsections in the original statute and there are 67 under this one, so there are some more requirements and some more conditions, but apparently we can still enter into Barrett Law funding. I will try to report on that next week. That's all I have to report tonight.

President Tuley: I'll have a report to go with yours next week. I can continue my discussion that I have been having, but I won't say anything until after.

Alan Kissinger: Can Lt. Ludwig be excused now?

President Tuley: Oh, I'm sorry. I didn't realize he was still sitting here, unless he just doesn't have anything better to do.

Commissioner Mourdock: I think he needs to get a life!

Commissioner Borries: Except it's pretty rare...I kind of enjoy him sitting back there, seeing him in that suit. It's very nice,

he looks very dignified back there.

President Tuley: Are you done, Alan?

Alan Kissinger: I am done, yes.

President Tuley: When we really need him up here, he's not up here. Tonight is a nice quiet meeting and he just sits back there.

Alan Kissinger: But it's that way. They are never here when you need them.

President Tuley: That's right.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

President Tuley: Cindy.

Cindy Mayo: I have a travel request from Weights & Measures that I would like to submit and have added to the consent agenda. They're a joint department so they do have their own travel budget, it comes out of theirs. I would like to submit...I received several calls from the residents on Choice Cut Court and after about the fifth call I said, "Just give me a list of names of everyone on there, because they were all going to call", and I would submit it for the record that they would like to have it paved. One of the residents, Linda Cates, also requests Char Mar Lane and I will give Bill a copy and submit a copy to you. That's all I have.

President Tuley: Okay.

Commissioner Borries: I'll move that the request be added to the consent agenda.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

RE: CONSENT ITEMS

President Tuley: Speaking of consent items, we have numerous items including employment changes, travel requests, the Auditor has gracefully...I don't know if that's the right word?

Commissioner Mourdock: Graciously.

President Tuley: Graciously, thank you, submitted to us a financial report of the various funds.

Commissioner Mourdock: Have the riverboat revenues...I presume this means these funds have now been transferred to the county?

Suzanne Crouch: Yes, that is correct. In fact, on riverboat revenues...this report reflects what was submitted to Council at their meeting and I will be submitting to the Commissioners a copy of the financial statement the first Monday following the first Wednesday. I will update you verbally on some changes that have happened since then. On April 8 there was receipted in \$484,621.00 in the riverboat revenue account, so that total now is \$634,350.00. That is a quarterly check, so our next check will be received in the first part of September. This year will only show three quarters and that fourth quarter will be received in January of '97, so the money will be reflected a little short this year because that fourth quarter will be reflected next year.

Commissioner Mourdock: But you received the first quarter payment on April 8, so that is very timely.

Suzanne Crouch: Correct.

President Tuley: They aren't holding back too long it doesn't sound like, like we feared they would. When is our public hearing on that?

Suzanne Crouch: May 6th.

President Tuley: Oh, that is the May 6 hearing.

Commissioner Mourdock: Wait, one is May 6 and one is June 3. The Auditorium is June 3rd, the riverboat is May 6th.

Commissioner Borries: Right.

President Tuley: That figure you say now is \$600--

Suzanne Crouch: It's \$634,350.00.

President Tuley: Okay, thank you.

Commissioner Borries: You're not putting that into the General Fund, how are you handling that?

Suzanne Crouch: Council had instructed this office to just set it aside so it is General Fund money, but it's in its own line item.

President Tuley: Is it, and I don't know, maybe it's our call for the Treasurer to invest that separately as opposed to pooling it with General Fund money?

Suzanne Crouch: That would be an attorney question.

President Tuley: I think that--

Suzanne Crouch: That money is not currently invested. Of course, we just receipted that in. The others are in various amounts invested by the Treasurer.

President Tuley: What's the role of the Commissioners? I think we can direct the Treasurer to invest that as a separate fund, thereby, the interest would go back into it.

Suzanne Crouch: And that is also what Council did request.

President Tuley: That's what they requested, as well?

Suzanne Crouch: That the money and any interest earned stay within...I'll try to pull those minutes and get those to you.

Commissioner Mourdock: They were directing where that money should go or how it should be directed?

Suzanne Crouch: Well, typically, the Treasurer--

Commissioner Mourdock: I guess my point is, if they've already done that, is there anything for us to do?

Suzanne Crouch: Just reinforce it.

President Tuley: Here we go with that fine line between who has the authority and who doesn't. I think that the Treasurer--

Suzanne Crouch: You could independently say what you would like--

President Tuley: It doesn't make any difference, but let's just say for the record, so there isn't a misunderstanding, that is what is to happen with the money.

Commissioner Mourdock: I'll move that the County Treasurer act to invest the riverboat funds received by the county.

President Tuley: As an individual account?

Commissioner Mourdock: As an individual account with the interest returned to that.

Commissioner Borries: I will second.

President Tuley: I will so order. Let's revisit it to the standpoint of length. I don't know how short, but I would not get out too far. I'm kind of speaking from memory, but I'm thinking there is maybe a year or something that she is automatically limited. If we want to go shorter than that, we should probably specify that. I don't know how necessary that is, particularly in the early going. If it's tied up, we can't spend it!

Commissioner Mourdock: Yeah, and I guess under the guise of that office, if the Treasurer wished to invest half of it in long term and half of it in short term, she could do that as well.

President Tuley: We can still appropriate out of it. As long as she doesn't run the checkbook in the red, we're okay. As long as at the end of the year, that is not in the red, then I think we would be okay. What's next? Do we have a motion to approve all the consent items?

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

RE: SCHEDULED MEETINGS

President Tuley: We have scheduled meetings. Let me get to the right page. There is an Insurance Committee meeting in the morning at 9:00; there is a Steering Committee meeting next Thursday at 4:00. Then next Monday the 22nd, 11:00 a.m. Pigeon Creek Overlay Committee, 12:00 Pigeon Creek Technical Committee, Commissioners have an Executive Session at 4:00. The regular Pigeon Creek meeting is at 4:00. The Commissioners have a 5:30 meeting and then at 6:30 there is a Drainage Board meeting and that takes care of it until next Monday.

RE: OLD BUSINESS

President Tuley: Old business?

RE: NEW BUSINESS

President Tuley: New business?

Commissioner Borries: One item on new business, Mr. President. I've had some calls and it is my understanding that the Vanderburgh County Alcoholic Beverage Commission or the local agency will be considering at their meeting next week, a proposal from Schnuck's Market to sell what is called hard liquor or packaged liquor at their west side store. I have some concerns about this from the standpoint, that by doing so, it seems to me that the Board, if they would approve it, would certainly be breaking some new ground and setting a precedent for, literally, every other grocery store to request this same access in Vanderburgh County. If this were a state where you had a strict consumer issue where if liquor, as we call it, was governed by some state run liquor store and you had artificially high prices and there was no other private competition or other providers, I would think that there would certainly be a consumer issue that could be discussed, but that's really not the

case. I'm not at liberty to say how many, because I don't know how many privately owned liquor outlets there are in this county and in the area, but I'm sure that there is a competitive price structure as related to the number of outlets. This Board has previously gone on record as opposing certain liquor sales, beer and wine sales, for what are called convenience stores in the county. The extension of that due to the concerns of regulation or the lack of it maybe, or at least employees under 21 years of age working in some of these stores, the late hours and perhaps some other security concerns that might go on as a result of the sale of those. I guess, what I'm saying is, do we as a Board want to express any concern? We do not vote on this issue, it will be a decision of the Vanderburgh County Alcoholic Beverage Commission, but do we support this extension or do we not? If we do, perhaps we should, I guess, do nothing, but if we would have some concerns on it, we would need to at least draft a letter to that effect to send to the Board as they would deliver that next week.

Commissioner Mourdock: I share your concerns and very briefly, I think the status quo is appropriate. I certainly don't wish to see hard liquor sales more widely distributed. As you said, it's not a matter of use; it's not a matter of availability or anything like that. Certainly, there are adequate suppliers out there now, and I concur with that. I would have no problem sending a letter to the Alcohol Board to state that as my position.

President Tuley: I agree with both of you. There are plenty of places to get it and I would like to see it kept under the control of a secured area. You don't want everybody walking around in a store with a brown bag and you don't know what's in that brown bag. Coming out of a liquor store, it's a pretty good guess.

Commissioner Borries: I would like to emphasize, at least not to speak for this Board, but I would believe that you would concur that in no way do we single out Schnucks. They are a fine corporate citizen, but again, through the extension of this, we, literally, open the door for extension into every grocery store, 24 hours a day, seven days a week. There are some legal restrictions as to when they can do it, but if you concur, then we'll draft that letter. I would move that we do so.

Commissioner Mourdock: I will second.

President Tuley: So ordered. We need to talk about something under new business. I was glancing through these pink slips and on one of them in here, there is a reference to the Pigeon Township Assessor of the appointment of Janice J. Jackson into a temporary replacement position. However, there is a note on there that there is no money in this line item at this time. I don't know how we can sign that one. We can sign it because there is someone else on there in another position, but I think it needs to be noted that until money is transferred and put into the proper line item, there is no way we can approve this appointment. Correct?

Commissioner Borries: Correct.

President Tuley: We can okay the top one, but the second one cannot be okayed. I'll just note that on this employment change. No other new business then? Motion to adjourn with the understanding that at 7:00 p.m. we do have--

Commissioner Borries: Want to recess?

President Tuley: Alright, a motion to recess then until 7:00 p.m. in which we can begin then our Rezoning hearing?

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

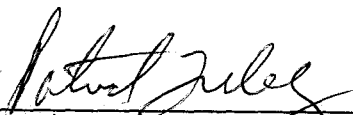
President Tuley: So ordered.

Meeting recessed at 6:46 p.m.

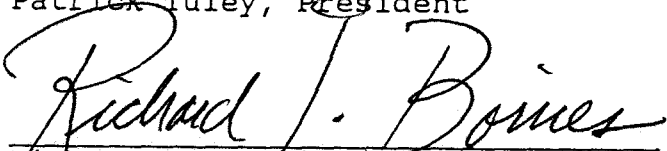
THOSE IN ATTENDANCE:

Patrick Tuley
Richard J. Borries
Richard E. Mourdock
Alan Kissinger
Suzanne Crouch
Cindy Mayo
Charlene Timmons
Cedric Hustace
Bruce Werner
Lynn Ellis
John Stoll
Bill Morphew
David Ludwig
Members of media
Others unidentified

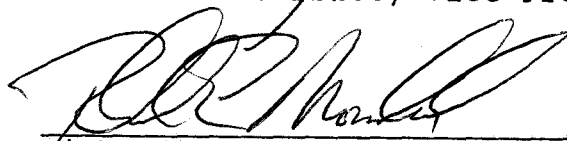
VANDERBURGH COUNTY
BOARD OF COMMISSIONERS



Patrick Tuley, President



Richard J. Borries, Vice President



Richard E. Mourdock, Member

Transcribed and recorded by Charlene Timmons

VANDERBURGH COUNTY BOARD OF COMMISSIONERS
REZONING MEETING

APRIL 15, 1996

First Readings	1
VC-2-96 Martha M. Ryan M1 to C4	
VC-3-96 Richard Rilder AG to C4	
VC-4-96 C & S Incorporated C1 to C4	
VC-5-96 Greg Kempf AG to M2	
Approval of minutes	1
Meeting adjourned	2
Signature sheet	2

MEETING OF REZONINGS

President Tuley: Okay, we have four first readings of rezonings. As first readings, I guess, all we have to do is act one way or the other and forward those on to the Area Plan Commission for further consideration.

FIRST READINGS

[illegible]

President Tuley: The request is to change from M1 to C4. Those properties range from 804 up to and including 1100 Royal. Motion to approve on first reading?

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

VC-3-96 Richard Rilder 3025 N. St. Joseph Avenue

President Tuley: The request is to zone from AG to C4. Motion on the first reading?

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

VC-4-96 C & S INCORPORATED 11001 HIGHWAY 41 NORTH

President Tuley: The request on the first reading is from C1 to C4. Motion to approve on first reading?

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

VC-5-96 GREG KEMPF 1333 BIRCH DR

President Tuley: The request is from AG to M2. Motion to approve on first reading?

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

RE: APPROVAL OF MINUTES

President Tuley: Did you have something...oh, we need to approve the minutes as well from the March 18 meeting.

Commissioner Mourdock: I'll move approval of the minutes of March 18.

Commissioner Borries: I will second.

President Tuley: So ordered. Did we have some other thing, Rick, after we...did you want to bring something else back up?

Commissioner Borries: Oh, only to acknowledge into the record that next week will be County Government Week and to encourage all of our offices, I guess, to continue their fine work and highlight their achievements. There are a wide variety of services that county government gives to the citizens of our area.

President Tuley: Motion to adjourn?

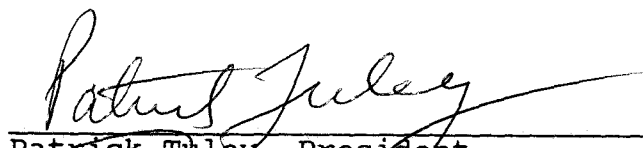
Commissioner Mourdock: So moved.

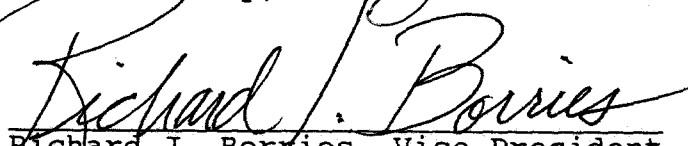
Commissioner Borries: Second.

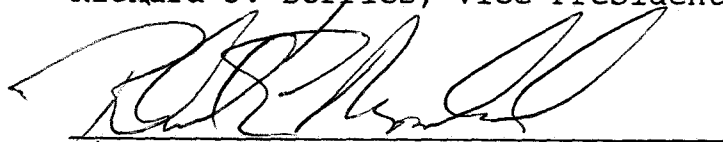
President Tuley: So ordered.

Meeting adjourned at 7:06 p.m.

VANDERBURGH COUNTY
BOARD OF COMMISSIONERS


Patrick Tuley, President


Richard J. Borries, Vice President


Richard E. Mourdock, Member

Recorded and transcribed by Charlene Timmons

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS
APRIL 22, 1996

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VANDERBURGH COUNTY
BOARD OF COMMISSIONERS MEETING

APRIL 22, 1996

The Vanderburgh County Board of Commissioners met in session this 22nd day of April, 1996 in the Commissioners' Hearing Room of the Civic Center Complex at 5:50 p.m.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Tuley: Good evening, ladies and gentlemen. We will go ahead and call the meeting to order, please, for the Vanderburgh County Commissioners for April 22. Again, there are a few of you here, and most of you have probably been here before so there are not too many of us up here that are new to you, but Cindy Mayo who is our office manager and Superintendent of County Buildings, to the far right; when he gets in here, Alan Kissinger, the County Attorney, will be to her immediate left; Commissioner Rick Borries to my right; Commissioner Richard Mourdock to my left; to Richard's left is Suzanne Crouch, the County Auditor; and Charlene Timmons is the Recording Secretary from the Auditor's Office; and I'm Commissioner Pat Tuley. If you will, please stand with us and say along, as we say the Pledge of Allegiance.

RE: APPROVAL OF MINUTES

President Tuley: Under the action items, the first topic for discussion is the approval of minutes from last week's meeting.

Commissioner Borries: Mr. President, I move that the minutes of our last meeting which was--

Commissioner Mourdock: Tax day!

Commissioner Borries: --April 15, yeah, a very notable day there, be approved as engrossed by the Auditor and dispense with the reading.

Commissioner Mourdock: I will second with less flamboyancy.

President Tuley: So ordered.

RE: ANY GROUP OR INDIVIDUAL WISHING TO ADDRESS THE COMMISSION

President Tuley: Item 4B, any group or individual wishing to address the Commission who does not find their name or topic for discussion listed on the agenda; now is the time to come before the Commissioners to present your case. Looking out there, I don't think there is anybody here.

RE: SUSIE KIRK - VOTERS REGISTRATION OFFICE

President Tuley: Item 4C, Susie Kirk, from Voters Registration.

Susie Kirk: First of all, I don't know whether you all looked at the agenda or not, but it doesn't have anything to do with polling place accessibility.

Cindy Mayo: Oh, sorry. I told Sunny that's what it was about. My fault.

Susie Kirk: That's alright, don't worry about it. Well, I had talked to Sunny and rather than going into great detail, it was just a little misunderstanding. In the past, I have received calls from some of the polling places and I've also received calls from individuals concerning campaign signs where people put up their names. Normally, I would take care of it on a one-to-one basis trying to correct the problem. I now have two churches that will not allow any candidate signs or vote Republican, vote Democrat, none of that. I am requesting that the Commissioners write a

letter to each headquarter, and probably to the candidates that are running, because sometimes these candidates get out at 2:00 in the morning and put their signs up. I had problems and I've got a little letter here that I'll give to you, Pat, but we need to say no glue, paste, tape or nails, and you have to be very specific. We don't want any campaign material to be placed in flower beds, attached to bushes or trees. Now people do this, and we need to have these people pick this stuff up after the polls close. That's really, probably, the number one complaint, the leftover literature. These two churches that I have listed here are among the private sector and we use their facilities on election day. We need those facilities, so I think we need to accommodate them. I know that I've had complaints where they've tape stuff up and when they've pull the tape off, it takes the paint off. They've torn up bushes and stuff, so if the Commissioners would be so kind as to do that, I would appreciate that. It's just more official coming from you than me.

Commissioner Borries: Susie, are they asking that there be no signs whatsoever? I mean, they don't even want a stake, nothing?

Susie Kirk: Nothing.

President Tuley: I'm going to assume that these are ones that we have been using for a while, so it will not be one that people won't know that's what it is?

Susie Kirk: Yes, I've got them listed here so that you'll know who they are. I think, probably, if you write the letter to each headquarter...you know, if someone wants to put up a sign, if they'll just call that facility and ask them if they may put up a sign, where can they put it and what are they allowed to do? The little wire things, that seems to work pretty well, but I just don't think anymore that we can assume that everybody can run around there and stick up all their campaign literature, signs and stuff. Well, even the literature where it is dropped. I think if we're going to keep some of these polling places, we are going to have to be more accommodating and politics are just going to have to sit back and let everybody vote. Maybe they can stand out there and shake hands instead of putting up their signs.

Commissioner Mourdock: Let me ask a question from kind of a backwards point of view. Since a lot of the candidates, and certainly a lot of the poll workers who would be the ones putting up the signs aren't going to know, necessarily, that it's 4-6 or 5-13 or whatever when they go out to it, would those few places be willing to have a sign posted that says by order or request of the Vanderburgh County Commissioners, no candidates signs at this polling place?

Susie Kirk: Well, that's up to you. I know of two who would probably love to have a sign like that. I'll contact my county chairman and tell him, and I will also contact the inspectors in both of these particular places and inform them that there should be nothing put out there. Whatever we can do to ease some of these people...I used to just take care of it one-on-one, but I think now it's a little past me. It's time for someone else to step in.

Commissioner Borries: I fully appreciate what you're saying. I think because these are, in effect, private property and they are being allowed for public use, that we should honor those.

Commissioner Mourdock: We're going to have a First Amendment issue here.

Commissioner Borries: You know, that's exactly where I'm headed with a First Amendment issue on this and I just...what is your feeling, Susie, on what happens if we would be asked by a public place to not place those signs out there? What would be your

feeling on that?

Commissioner Mourdock: Define a public place.

Commissioner Borries: Something that is zoned by a public entity of some sort.

Commissioner Mourdock: Schools?

Commissioner Borries: Yes, schools.

Susie Kirk: Take for instance, Plaza Park School. I got a call from two people that worked out there on the board. It was either in the spring of last year or the general the year before. They have some type of post out there and I'm not sure what it is and, I think originally it was gray and then they painted it black, or vice versa, and they taped signs. So, that evening when they took their signs off, they took that top layer of paint and we're right back down...then you've got stripes, kind of, on the pole. I think that several people...unfortunately, they just don't realize when they are doing this that they could be damaging the property or leaving things around that someone else has to pick up. Now a public place, they don't have any choice, they've got to take us, but we have a lot of private places. To me, if everybody does their homework before election day, you don't have to worry about your sign. If you've called and done everything, I mean, does that really sway you when you go into vote? Seeing a sign? I just hate to lose these private places because we are going to be in a mess. I mean, the one church, no, it makes no difference.

Commissioner Borries: I think that you bring up a very good point, and again, it's very difficult to control, but you will get people who will put signs, glue, whatever and again, ultimately, someone has to pay for it and in this case it would be public money if it has to be at Plaza Park School, for somebody to redo what they have done. I suppose we could look, and you may want to suggest some kind of...I'm sure the schools would appreciate too, at least, some kind of appropriate limitations if we need to do that. I'm pretty sensitive to this, I mean, there is nothing...it seems to me that we are tiptoeing a little bit on Freedom of Speech, to some extent, but I hear what you're saying and I know we have a tough time accommodating areas. We have to accommodate their wishes.

Susie Kirk: If you guys can find other polling places, then that's fine.

Commissioner Borries: No.

Susie Kirk: When we're on private property, I don't know that we have much of a choice. If they say no, I don't think we can say that we are going to whether you like it or not.

Commissioner Mourdock: I have a hunch, and Alan may know this and I'm sure there is information out there, but I have hunch that once a place turns itself over to be a polling place, even for that one day, certain rules come into effect that cause it not to be a private piece of property.

Alan Kissinger: I don't think that is totally accurate because what I was thinking about is that there are specific statutory requirements that there not be any kind of political literature inside the polling place itself. There is no statutory limitation as far as political literature outside of the polling place, but any private property owner can say, you want to use my building, here are the rules. It's no different than a temporary lease. If that owner says that they are not going to allow any signs...now I do not think that they can say that you can use it as polling place, but I don't want any candidates here, I think then they would have stepped over the line. But to say, to change the face

of our property, I think they can definitely say that. Now, could the School Corporation say that? I don't know. Private property owner? Yes.

President Tuley: Well, we either abide by their wishes or we try to find someplace else.

Susie Kirk: There is nothing in the statute that refers to anything outside of the polling place other than the end of that 50 foot chute...watchers, challengers, there is just nothing that refers to that. Like I said, I know this one particular church, if we put up a sign, I'm sure it will be our last time there.

Commissioner Borries: What do we do on those polling places, well, we ban it, I guess. We don't allow, and we've had this flack before, smoking, I guess, in certain precincts. Don't you have calls and questions, for example, some of the churches or something who...I know one year, and I wouldn't have any idea which specific one, and we've had some turn downs because they didn't like the poll workers in there smoking.

Susie Kirk: When I give the instructional meetings, I try to tell those who smoke, depending on where you're at, of course schools, you can't smoke on school grounds, but you can't walk three miles to get to the end of the road, so I tell them that you have to use your head. If there is a place that you can go that you can get there quick and don't leave your cigarette butts, fine. If you're at a church or private place, you ask them where you can smoke. I also tell them that under no circumstances are you to smoke inside the polling area because of people coming in there that might have an asthma problem or whatever. That's what I tell them. You have to abide by rules at the private place and at schools there is no smoking on school grounds.

Commissioner Borries: We do have some that ban smoking, I think, don't they, some private?

Susie Kirk: I think that you are going to be hard pressed to find too many polling places that are going to let you smoke inside the building.

Commissioner Borries: Yeah, I'm sure.

Susie Kirk: Because it is mostly churches, and I don't know about like Tepe Park or Sweetser, I'm not sure how they handle that down there. I try to tell at the instructional meetings what they can and can't do, but then, not everybody listens to the instructions.

Commissioner Borries: Well, and I'm seeing more signs, too on the right-of-ways. I think candidates anymore just don't...we probably ought to say something to the parties on that. You see a lot of them right at the corner of a street and that's public property. It might be county property or city, but you can't put those there.

Susie Kirk: A lot of times those aren't the candidates, but someone helping the candidates.

Commissioner Borries: Exactly, and they don't know.

Susie Kirk: They think they're doing them a big favor.

President Tuley: Like bumper stickers and stuff.

Commissioner Borries: They don't know, and they'll put them on things.

Susie Kirk: Maybe, if we just take it on a one-on-one basis. These particular two, I'll inform the inspectors and if there are committeemen, then I'll tell John to tell Mark and just take it

from there and see how it goes. If we get anymore, we'll just...

President Tuley: I don't see where we have a lot of choice.

Commissioner Borries: Right.

Commissioner Mourdock: You're still formally requesting your letter?

Susie Kirk: Yes, I am.

Commissioner Mourdock: I'll move that we send a letter to each of the party chairmen requesting that campaign signs not be placed at the precincts as requested by Ms. Kirk.

President Tuley: I'll ask then, if I might amend your motion to have them forward it to each of the candidates as well, within their respective parties.

Susie Kirk: Okay, now are they going to do that to even those who aren't backed by the party? Are those people going to get the certain...sometimes, you know how that is and I want to be sure that everybody gets one.

Commissioner Mourdock: We can only request that of all candidates.

President Tuley: Yeah, that's the way we'll do that. All candidates within their respective parties is the way that we will ask them to do it.

Susie Kirk: Like I said, if they will just call and ask. I just think that we need to be a little more courteous on where we put things. They need to ask first.

Commissioner Borries: Are we looking specifically at these two?

President Tuley: Yes, these two.

Susie Kirk: Well, these two, they say no.

Commissioner Mourdock: In addition, I don't think that the list of candidates is so long that it would not be prudent for us to, perhaps, send a copy of the letter to each of the candidates; the letter that is coming out of our office.

President Tuley: Yeah. I think the chairman will send it with a cover letter and our letter.

Commissioner Mourdock: We could send one directly to the candidates.

Susie Kirk: It's just more official if it comes...you're in charge of the polling places and when you say it, it just means more than if someone else signs it.

Commissioner Borries: I will second.

President Tuley: So ordered.

Susie Kirk: Thank you, gentlemen.

RE: KEITH ROUNDER - BIGGERSTAFF PROPERTY UPDATE

President Tuley: I have Keith Rounder listed here for an update.

Cindy Mayo: Keith was not able to make the meeting tonight, but he wanted to let you know that he did meet with Judge Young last week and filed action to foreclose. He was meeting with one of the Sheriff Deputies today to try to serve Mr. Biggerstaff. He said it

would be their preference to serve him in person so they are going to make a couple of tries at it because he is difficult to find. If they cannot after two or three tries get Mr. Biggerstaff in person, then they will notify by publication.

President Tuley: Okay, thank you.

RE: STANDARD FORM OF AGREEMENT - VEAZEY PARROTT & SHOULDERS

President Tuley: Item 4E, Standard Form of Agreement between Vanderburgh County and Veazey Parrott & Shoulders will be delayed for yet another week.

RE: FIRST READING OF FIXED ASSET POLICY ORDINANCE

President Tuley: Item 4F, the first reading of the Fixed Asset Policy Ordinance. Do we have a copy of the proposed ordinance?

Alan Kissinger: Actually, what has been advertised is the policy manual itself and when it is time for the Commissioners to vote on this for the purpose of adopting it, then I will have prepared the introduction to the ordinance. I am trying right now, quite frankly, to figure out what part of the county code this should fit into. Since we have done the codification of the ordinance and we are putting it on the computer, we are trying to give everything a number that coincides with our present code. By the time that it is time for the Commissioners to vote on it, the introduction, the introductory paragraph and the appropriate forms for signature, etc. will be provided. So, what has been advertised is the policy manual itself with the accompanied forms.

President Tuley: So, is there action needed then on this first reading?

Alan Kissinger: No.

President Tuley: Okay.

RE: LYNN ELLIS - PURCHASING

President Tuley: Department heads. Lynn Ellis.

Cindy Mayo: Lynn has nothing.

President Tuley: She has nothing.

RE: JOHN STOLL - COUNTY ENGINEER (See page 9)

President Tuley: John Stoll.

Commissioner Mourdock: No John Stoll.

President Tuley: No John?

RE: BILL MORPHEW - COUNTY GARAGE

President Tuley: Bill. We'll bring John back when he comes back.

Commissioner Mourdock: John!

President Tuley: Missed your chance, John, now you've got to go home! Let the record show that Bill has submitted a report for the Vanderburgh County Highway Department and the Vanderburgh County Bridge Crew for the period covering Friday, April 12 through Thursday, April 18. It appears that work was done through various parts of the county. Go ahead, Bill.

Bill Morphey: Good evening.

Commissioner Borries: Good evening, Bill.

Bill Morpew: I just gave you a list of the roads that we are going to pave along with some figures of lengths, widths, dollars and so forth. Some of the tentative lists that I guess I gave you the last time, we've made some changes. This also has the bridges that we are going to resurface.

Commissioner Mourdock: What is the AET column?

Bill Morpew: It's for tack oil.

Commissioner Mourdock: Oh, okay.

Bill Morpew: I had a fellow type this up for me this afternoon and he did make a couple of errors on here. Grace Lane is a rock road. He left off the prime and the cost of my prime oil. It has to be primed before we can pave over it.

Commissioner Borries: These are the ones now that, basically, you have estimated by your forces and not anything that we would do through contractual services?

Bill Morpew: Yes, sir. This is just what the Highway Department is going to do. I'm not sure what all John is going to cover.

Commissioner Borries: Okay.

President Tuley: Bill, is this total cost here blanked out?

Bill Morpew: Yes, I couldn't get it all on the copy machine. I was going to put that on there when you called me up. It's \$621,000.00.

Commissioner Mourdock: Oh, right here, I see. So that \$273, what's that?

Bill Morpew: That \$27,358.00 is just the bridges.

Commissioner Mourdock: Okay.

Bill Morpew: There may be a couple of changes on this list because of a bridge problem or a box culvert. One of them that we have a little problem with is Buente Road. There is a box culvert out there that needs to be looked at and a possibility of being replaced, so there may be a section of that road that we don't do between Boonville New Harmony and Trapp. The rest of it we could do, between Trapp and Martin Station Road, which is approximately half of it.

Commissioner Borries: I did have a call from one of the Posey County Commissioners who, and again, I don't know if this fits into your budget, we will have to look at this and you may want to get some estimates. A few years ago, as you know, through an intergovernmental agreement, our county paved a portion of County Line Road and they are interested to see if another portion from approximately Upper Mount Vernon to Creamery and then they have a portion from Creamery to Gumble, but there, again, could be some significant costs there. I don't know, but maybe we can talk with them. The way the intergovernmental agreement worked, if I remember correctly, Bill, is that we would do some of the paving and, in effect, they agreed to maintain it for X number of years, if I am correct on that. You probably did some of that on the original part of County Line, didn't you?

Bill Morpew: Yes, there was a section of County Line that was solely in Vanderburgh County. The other two sections from Baseline north to Schmitt Lane, and the section from where the county line is on County Line west, from that point up to St. Wendel Road was

part of the county line and I believe that there was a total of two and a half miles. There was a railroad track involved and one bridge crossing. We paved it, I think it was 18 or 20 feet wide. The agreement was that Posey County ditched it and then graded and rocked, they pulled excess rock off. We paved it and they were to rock the shoulders, maintain it and also snow plow. That was what they were supposed to do. The section between Creamery and Middle Mount Vernon, I think that we are looking at about a mile and a half in there. That is also wide, I would say it's about 24 feet wide. I think that they chip and sealed that road last year.

Commissioner Borries: I don't know, but I told them that we would get back to them and I told them that we, like all counties, are going to have our own set of budget problems and priorities, so I'm only passing that along as I said that I would do. Perhaps we could look it over and at least get some idea. You know, maybe they will participate in some of the cost, I don't know.

Bill Morpew: There are quite a few houses on that road that are solely in Vanderburgh County, being that it's a shared road. I would say 50 percent or more of the houses along that road are in Vanderburgh County.

Alan Kissinger: As a matter of fact, Bill, isn't there a subdivision on the Vanderburgh County side?

Bill Morpew: Yes, sir. Lindar Lane comes off of that.

Alan Kissinger: It's a pretty good sized subdivision back there that is in Vanderburgh County and they have to use that road to get there.

Bill Morpew: Yes. There is also, northeast of Creamery right on the county line, a subdivision, also.

Alan Kissinger: Right.

Commissioner Borries: Well, I don't know what we can afford at this point and made no commitments, but I did tell him that we would look into it.

Bill Morpew: Yes, sir. I will do that.

Commissioner Mourdock: Bill, just for the record, I received a call today from a Mr. Bob Shaw, Sr. out on Bromm Road off of Boonville New Harmony near Arnold Farm, and he was telling me in no uncertain terms in a voice mail message that there are some erosion problems on either side of the road, that the pavement is narrow and that the pavement is collapsing. So, if you would, please take a look at that and let me know what you find out so that I can call him back.

Bill Morpew: I could give you some insight on that particular area right now, if you would like.

Commissioner Mourdock: Sure.

Bill Morpew: You probably won't like it. There is a hog farm there and not unlike the one that you just took care of in Union Township. It is not an erosion problem, it's hogs rutting up under the road which is causing the pavement to collapse. A number of years ago, six years ago, there was an electric fence less than one foot off the edge of the pavement and I had gone out there, when I was a foreman on the bridge crew, to replace a culvert. At that time, we sent a letter to that resident and asked them to remove that electric fence. He did remove the electric fence and we replaced the culvert and rebuilt the shoulder, and in the last six years, this has gone back to the way it was before I replaced the culvert. It's getting in bad shape. As a matter of fact, I went

out there a month ago and took some pictures of that.

Commissioner Mourdock: Is it directly on Bromm right at the intersection?

Bill Morpew: It's on Bromm Road. It's 500 feet south of Boonville New Harmony.

Commissioner Mourdock: Oh, okay, it's that far south. I was going to say that I've been up and down Boonville New Harmony a whole bunch and hadn't seen it. Okay, thank you. We hope that one will have a happier ending.

Bill Morpew: Sir?

Commissioner Mourdock: We hope that one will have a happier ending than the other one to which you referred.

Bill Morpew: Thank you.

Commissioner Borries: Thank you.

RE: JOHN STOLL - COUNTY ENGINEER

President Tuley: Okay, John.

John Stoll: The first two items I've got both pertain to the Lynch Road project. The first one is a letter that needs to be sent to INDOT that basically outlines a list of things that we need to submit to INDOT for their review prior to starting the Lynch Road paving project, and the main item in that list is the construction engineering agreement which is for an amount not to exceed \$465,677.00. I would recommend that letter be signed by the Commissioners so that it can be forwarded up to INDOT so they can review all the agreements and paperwork and proceed with the project. That dollar figure, \$465,000.00 is about 12 percent of the total construction cost estimate which is within INDOT's limits as far as what they would consider to be reimbursable. The second letter is, basically, just a letter that assigns an engineer as project engineer for that project. Bernardin, Lochmueller is assigning a man by the name of Carl Camacho as the project engineer on that project and INDOT just needs a letter that the county okays that person being assigned to that project.

Commissioner Mourdock: I'll move that the letter be forwarded pursuant to the request of the County Engineer.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: Next, I've got a change order on the Strueh Hendricks culvert replacement project. The change order is in the amount of an increase of \$4,830.57. The increase is due to some asphalt surface that we did not initially plan on placing, but in order to make it a more suitable riding surface until the County Highway Department gets out there and resurfaces the road, we went ahead and put surface down on those three culverts. The contractor was Southwest Engineering and I would recommend that the change order be approved.

Commissioner Mourdock: Do you know who did the actual work, John? I don't want to get into a conflict of interest.

John Stoll: Yes, Koester was the asphalt subcontractor.

Commissioner Mourdock: Okay, thank you. I will abstain from voting and I'm glad I asked.

John Stoll: I'm sorry. I didn't think about pointing that out.

Commissioner Borries: I'll move that the claim be allowed.

President Tuley: I will second and so order.

John Stoll: The final item is the right of entry agreement for the Tekoppel overpass. This was received in my office last Friday. I signed it and faxed them a copy back and mailed out the original this morning. The only thing that remains is getting the final insurance policy and then CSX has to review that before we can proceed with the project.

Commissioner Borries: We're moving along.

Commissioner Mourdock: We do not need to act on that, right?

President Tuley: It's just for the record.

John Stoll: That's all I have, unless you have any questions?

President Tuley: Thanks, John.

Commissioner Borries: Thanks, John.

RE: ALAN KISSINGER - COUNTY ATTORNEY

President Tuley: Alan.

Alan Kissinger: Okay. The first item that I have is the Commissioners had asked me to research the possibility of Barrett Law funding for sewer systems outside the corporate limits of the city. Preliminary research indicated that the statute that had originally allowed us to engage in that type of undertaking had been repealed, and as a matter of fact, that statute had been repealed. Further research, however, indicated that there was another statute, apparently a replacement statute, which does have additional requirements that the old statute didn't have, but it certainly appears to me to allow for Barrett Law funding of county sewer extension projects. I have sent a memorandum to Mr. Bill Jeffers, the Chief Deputy of the Vanderburgh County Surveyor's Office, asking for his input in reference to any other limitations that he may be aware of. But short of him finding something or informing me of something that I have not found in my research, it's my opinion that at the present time, that statute will allow us to engage in Barrett Law funding for sewer projects outside the corporate limits of the city. As to the mechanics of that, I have no idea never having done it before, but that we are allowed to do it, preliminarily, I believe that the new statute will allow us to do it, at least to the extent that we can assist the property owners. There are some restrictions in the statute as to what type of property can be serviced by this sewer system, at least as far as the funding is concerned. Specifically, anything over a ten acre plot cannot be financed by Barrett Law funding and some other restrictions, but a general statement is that Barrett Law funding can probably still be used.

Commissioner Borries: That is good.

Commissioner Mourdock: Is one of the restrictions, Alan, or do you presume it to be commercial/non-commercial as well?

Alan Kissinger: No, as a matter of fact, it says that one of the requirements is that the property to be serviced must contain business or residential property. So, it's either/or, but apparently there is a limitation as to the size of the property.

Commissioner Mourdock: Okay, I was concerned that somehow zoning

might get in the way of this, but it wouldn't sound that way.

Alan Kissinger: I don't think so.

President Tuley: How do we proceed from this point, if in fact the Commissioners are willing to do that? Do we need to make contact with the Public Works or Sewer Department? What do we do?

Alan Kissinger: Well, they say that the Works Board, and in the county the Board of Commissioners is the Works Board and has to take the initial action, but from what I understand is that there are state agencies who can assist us in this and in consideration of my ignorance of this topic, perhaps that would be the place to start.

President Tuley: I've got a name and a contact up in Indianapolis that I'll contact.

Alan Kissinger: Good. The second matter is that the Commissioners asked me to research the Home Rule Ordinance in reference to payment of various dues and fees for professional organizations for various employees of the county. Specifically, judges and members of the Health Department, so forth. My research indicates that those dues and fees can be paid under most circumstances, but we must have a Home Rule Ordinance in place authorizing us to have that done. If the Commissioners have no objection and approve my actions, then I will contact the attorney for the Vanderburgh County Council who is responsible...the County Council is responsible for identifying those dues and fees that we will pay. After they have made that identification, then the County Commissioners are required to adopt an ordinance under Home Rule allowing the County Council to make those payments. It's kind of a goofy procedure, but that's the way they want us to do it. So, if the Commissioners authorize me to proceed with that, I will contact the County Council's attorney and inform him of what needs to be done by the County Council before we can proceed.

President Tuley: Okay.

Alan Kissinger: The Safe House lease has been expired for a period of some months now and the Vanderburgh County Auditor pointed out, quite correctly, that requests for payments pursuant to the budget appropriation on the lease could no longer be made without there being a new contract in place or some indication by the Commissioners that the old contract would be extended for a period of time. Apparently, the people who have been providing goods and services that the lease payments would have been paid for are becoming quite impatient. I have talked with the people from the Safe House, there are various officials there and I indicated to them that we need to get some action taken in reference to a new, updated lease. I would recommend to the Commissioners at this time that the present lease be extended by vote of the Commissioners pursuant to terms of the old lease for a specific period of time. Right now I would recommend that it be extended to the end of May and then sometime approximately two weeks before the end of May, I think that we will need to put this back on the agenda to make a determination as to whether or not there will be another extension for a period of time. In the meantime, the Safe House personnel have indicated that they will prepare for us a report and proposal, a report of previous activities in reference to the lease and a proposal for terms and conditions of a new lease. I think that I would encourage the Commissioners to take some action as far as extending the old lease is concerned because it is entirely possible that we will inherit or incur some of that civil liability if it goes unpaid.

Commissioner Mourdock: I certainly agree that it's not a good matter of policy not to pay one's bills. I would agree with that, but I guess the only thing that I heard you say, Alan, that I have

a little concern regarding...I do not have a problem saying, okay let's go ahead and extend this until the end of May because certainly we need to do that to get the ball rolling, to get the bills paid. Then you said something about doing another one a couple of weeks later to keep that process going. If we're going to do a new lease, let's do it, let's get it done with in a reasonable period of time. I would hate to see this body function like the U. S. Congress with a series of continuing resolutions on and on.

Alan Kissinger: The reason that I suggest that is because I do not know how to anticipate what kind of time it's going to take to put this information together. I know that I don't have time to go gather the information, so to a degree, we have to rely on them to gather the information and then someone has to do follow-up on it. How long that procedure is going to take, I don't know, but it is entirely possible that by the end of May, we will know that we still need more time.

Commissioner Mourdock: Having heard that, I would move that we extend the current Safe House lease through the end of May, if acceptable with the other party.

Commissioner Borries: I will second.

President Tuley: So ordered.

Commissioner Mourdock: That's May of 1996, I would add.

Alan Kissinger: I have reviewed the Daylight Sewer Engineering Services agreement and I will inform the Commissioners that this agreement was prepared by Mike Robling of the Department of Metropolitan Development. I am prepared to advise the Commissioners that the agreement is in proper order and if all other things are in place, I would recommend that the Commissioners give favorable consideration for approval of this agreement.

Commissioner Borries: I will so move.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

Alan Kissinger: The last matter that I have is just kind of a news thing. The refunding of the 1989 Overpass Bonds was completed and closing occurred last week on the 18th and we do not have...I shouldn't say we don't have, but at least if we do have, I haven't had an opportunity to review all the final numbers, but there is a point at which, I think, that we will be able to report exactly what the projected savings are as a result of this refunding. I have nothing further to report.

President Tuley: Okay, thank you, Alan.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

President Tuley: Cindy.

Cindy Mayo: Mike Robling brought a travel request in this afternoon to attend an Environmental Infrastructure Working Group meeting concerning the University Heights Sewer. He will be traveling to Indianapolis on May 1st and turned a travel request in on that today.

Commissioner Mourdock: I hope he learns a lot and I will certainly move that we add that to the consent items, if it needs it.

Commissioner Borries: I will second.

President Tuley: So ordered.

Cindy Mayo: About a month ago our insurance agent, Dennis Feldhaus, notified the Commission that there would be a check forthcoming from Acordia for \$91,000.00. We do have that check and you don't need to sign it, it's made payable to the Vanderburgh County Treasurer, but he did want it noted in the minutes that the check had been received. That's all I have.

President Tuley: Okay, thanks, Cindy.

TAPE CHANGE

RE: CONSENT ITEMS

President Tuley: Okay, consent items to include employment changes, travel requests, and Treasurer's Office monthly report for March, 1996.

Commissioner Borries: I'll move that the consent items be approved.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

RE: SCHEDULED MEETINGS

President Tuley: Scheduled meetings for the week of the 22nd. There is a Personnel and Finance Committee meeting of the County Council at 3:30 p.m. on Wednesday and the Commissioners will meet in Executive session next Monday at 4:00 with their regular meeting at 5:30.

Commissioner Mourdock: Just as information, I would add that on the 25th, which is this Thursday, the ACORN Group will be meeting with some officials from IDEM at 6:00 and hope to formulate the last of what they intend to propose to us as possible action steps. I am sure they would be happy to see any or all of us at that.

President Tuley: Okay, thank you.

RE: OLD BUSINESS

President Tuley: Old business before the Commissioners?

Commissioner Borries: Well, as I mentioned, this is County Government Week and I certainly want to issue a commendation for all the hard work that our county folks do. I hope that in serving the public we'll continue to improve what we do in the years ahead.

President Tuley: Very well said. They don't often get a pat on the back, but a lot of them do a lot of hard work.

RE: NEW BUSINESS

President Tuley: Any new business? Motion to adjourn prior to the starting of the Drainage Board meeting?

Commissioner Mourdock: So moved.

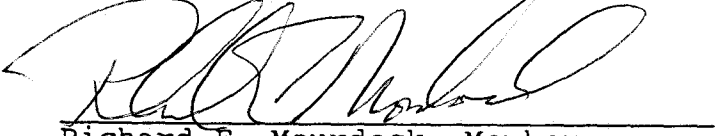
Commissioner Borries: Second.

President Tuley: So ordered.

Meeting adjourned at 6:40 p.m.

THOSE IN ATTENDANCE:

Patrick Tuley
Richard J. Borries
Richard E. Mourdock
Alan Kissinger
Cindy Mayo
Suzanne Crouch
Charlene Timmons
John Stoll
Bill Morphew
Susie Kirk
Members of the media
Other unidentified

VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
Patrick Tuley, President
Richard J. Borries, Vice President
Richard E. Mourdock, Member

Recorded and transcribed by Charlene Timmons

MINUTES OF THE
VANDERBURGH COUNTY BOARD OF COMMISSIONERS
APRIL 29, 1996

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VANDERBURGH COUNTY
BOARD OF COMMISSIONERS MEETING
APRIL 29, 1996

The Vanderburgh County Board of Commissioners met in session this 29th day of April, 1996 in the Commissioners' Hearing Room of the Civic Center at 5:45 p.m.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Tuley: I would like to call to order the 5:30 Commissioners meeting at 5:45 just like usual. I'm looking around this room and I don't think there is anybody here that doesn't know who the players are, so we are just going to bypass the introductions tonight if that's alright with everybody else. I cannot bypass the Pledge of Allegiance so if you'll stand with us, face the flag and say it along with us.

RE: APPROVAL OF MINUTES

President Tuley: Okay, under action items we've got the approval of the minutes from the meeting of April 22. Do we have a motion to approve or do we have any changes?

Commissioner Borries: I, Mr. President, move approval of the minutes of our last meeting on April 22, 1996.

Commissioner Mourdock: I will second.

President Tuley: I will so order.

RE: ANY GROUP OR INDIVIDUAL WISHING TO ADDRESS THE COMMISSION

President Tuley: Okay, any group or individual who does not find their name or their topic for discussion listed on the agenda, now is the time to come forward. Cindy told me that Sherman Greer will be coming in sometime this evening to talk about the flooding and what have you, so I think we'll interrupt and let Sherman speak once he gets here.

RE: JOE PROFAIZER - SCT

President Tuley: In the meantime we'll go on to item 4C, Joe Profazer from SCT.

Joe Profazer: My name is Joe Profazer and I'm with Computer Services. I am requesting this evening the approval of a cost of living adjustment of 2.84% to the SCT contract as referenced in Section 16 of our agreement with Vanderburgh County and the City of Evansville. The 2.8% is based upon a difference of the Consumer Price Index from the North Central Urban Region for the time period of April 1995 through March 1996. This adjustment was approved at the last Data Board Meeting.

Commissioner Borries: I'll move that it be approved.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

Joe Profazer: The second and last thing that I have this evening is a letter of consent from Tiburon, Inc. who purchased OCS Technologies, who was our public safety vendor. This letter of consent gives the rights and obligations of OCS Technologies to Tiburon, Inc. subsequent to February 16, 1996 and honors OCS' maintenance contract that they have with the city and the county. This also was approved at the Data Board in April.

Commissioner Mourdock: Would you explain that in more detail,

please?

Joe Profaizer: In more detail?

Commissioner Mourdock: I'm not quite sure what Tiburon does and how this is--

Joe Profaizer: Okay, OCS Technologies was our public safety software vendor.

Commissioner Mourdock: Okay.

Joe Profaizer: They were just recently sold to Tiburon, Inc., so it's a letter of consent transferring all obligations that OCS had to Tiburon.

Commissioner Mourdock: Okay, that made it very clear.

Joe Profaizer: Same people, different company.

President Tuley: Do we have an agreement on that then?

Commissioner Mourdock: I'll move acceptance of the agreement on the assignment of OCS to Tiburon, Inc.

Commissioner Borries: Second.

President Tuley: So ordered.

Joe Profaizer: Thank you.

RE: FULL CIRCLE SERVICES, INC. - PROPOSAL ON UNCLAIMED FUNDS

President Tuley: The next item 4D, Full Circle Services, Inc. proposal on unclaimed funds.

Cindy Mayo: Could I speak on this for a minute?

President Tuley: You sure may. I was going to ask you about this anyway.

Cindy Mayo: This is a service that we had used in the past and I honestly can't remember, it's been within the last, maybe, two, three or four years. You probably should defer this for a week and see if the Auditor's Office can check and see how those funds came in. I don't know if Full Circle gets those funds and sends us a check in their name so that we can't see where the funds come from, or if the check is sent from whatever agency we are owed the money or that we have their check. I can't be more specific, but it's been within the last...we have used this before and it will be noted in the minutes and perhaps in bookkeeping they can check and see how that money came in, because if we could locate the money ourselves, certainly that would be the way to do that. I honestly don't remember how...I know we have used them before and we did get checks because of them, but I don't remember how the checks came in.

Suzanne Crouch: I talked to Janet Watson today about this and she did a little bit of investigating about this and said it was about three years ago. I guess Mr. Humphrey tried to find out a little--

Cindy Mayo: I remember at the time when we got the initial correspondence from Full Circle that we did try to locate the agencies ourselves. Unfortunately, it wasn't any of the normal agencies that we get funding from because most of the time you are aware of what is coming in.

Suzanne Crouch: Cindy, did they actually have an agreement with this company and we actually receipted in some checks?

Cindy Mayo: Yes.

Suzanne Crouch: Okay.

President Tuley: I was going to say, it seems like that has happened since I've been here.

Cindy Mayo: I believe that it has, too. I'm so bad with dates, but it has been within the last--

Suzanne Crouch: Couple of years?

Cindy Mayo: Right.

President Tuley: Okay, why don't we then, at the recommendation of Cindy, why don't we go ahead and table this until next week?

Cindy Mayo: Well, for them to send the funds they are requesting a 30%--

Suzanne Crouch: I can find it for 30%!

Cindy Mayo: I hope so!

Commissioner Borries: They almost by design don't tell you what kind of funds they are.

President Tuley: They won't tell you anything.

Commissioner Mourdock: Not almost by design.

Cindy Mayo: I'm wondering if maybe they get the funds once we sign this, if they get the funds and the check comes from them and we still don't know. I don't know.

President Tuley: It looks like you've got several options if you read it, but I don't know that any of them says...it says:

"Upon reviewing our disclosure, three options will be available to you under the agreement. These are (1) to empower Full Circle to recover the funds on your behalf, (2) to pursue recovery of the funds under your own signature with Full Circle's assistance, or (3) to submit no claim for recovery. Under the proposed agreement, the client is under no obligation to claim the subject funds even after completing the agreement. Only if and when the funds are recovered will a fee be due."

But I think they would probably just as soon that we did not know where it came from, so in the future we won't put them on our list of agencies to contact.

Commissioner Mourdock: I was just going to say one last thing. I noticed in the last paragraph:

"As these funds have been absent from your accounts since their date of issue, you have already forgone \$669.08 in interest alone."

If we chose to work with these folks in any given way, it would seem to me that 30% is a negotiating beginning point.

Cindy Mayo: No.

Commissioner Mourdock: No?

Cindy Mayo: No, as I recall, it is not. Mr. Able did check into that and that is their fee. If you don't agree to the 30%, they don't pursue.

Commissioner Mourdock: I don't question your response on that, but that is amazing to me as a business person. I get 30% of something or 100% of nothing, duh! I'll negotiate, and especially with fairly large numbers. I mean, there's \$14,700 that they're talking about.

Commissioner Borries: There is a little bit of a hook on that, too. We're not going to get the \$14,000 in a full amount, so they are already assuming that you're...first of all, they don't tell when the check was cut so you have no idea how old it is. You have to figure back to try to figure out the \$669.08, and secondly, are they doing that on the gross amount, of which we're not going to get that anyway if we pay them 30%.

Commissioner Mourdock: Right.

Commissioner Borries: That's a tricky little deal here.

Suzanne Crouch: Why don't I do some research and get back to you, Cindy?

Cindy Mayo: Okay.

Commissioner Borries: I think Richard's point is well taken. They can either get 100% of nothing or they're gonna--

President Tuley: Well, and the analogy is that you can get \$10,000 or nothing, too.

Commissioner Mourdock: Yeah, we're government and we don't operate in a profit mode and they do.

President Tuley: Okay.

RE: FIXED ASSET POLICY ORDINANCE - FINAL READING

President Tuley: The final reading of the Fixed Asset Ordinance.

Alan Kissinger: I have prepared the ordinance form. Ultimately, I made an arbitrary decision to make this Chapter 39 of the Vanderburgh County Code of Ordinances and ultimately, Suzanne, this will have to be broken down. The introductory language, etc. will have to be taken from it and the actual policy itself will have to be put in code form which is what has been done with other ordinances in the past. I think Dennis Brinkmeyer is your contact man. He be the code expert! This is the final reading and is to be considered for a final vote tonight.

Commissioner Mourdock: Mr. President, on the final reading, I'll move approval of the Fixed Asset Policy and Procedure Manual for Vanderburgh County as approved by the County Auditor.

Commissioner Borries: I will second.

President Tuley: Since this is an ordinance we'll take a roll call vote. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Tuley: Commissioner Borries?

Commissioner Borries: Yes.

President Tuley: I vote yes.

**RE: HEALTH & MEDICARE FOR RETIRED SHERIFFS & DEPUTIES ORDINANCE
FIRST READING**

President Tuley: We have the first reading of the health and

Medicare supplement for retired Sheriffs and Deputies Ordinance.

Alan Kissinger: I think that the final consideration on that, I believe, is at next week's meeting, is it not? Yes.

Commissioner Borries: I move that the ordinance to provide group medical insurance benefits and Medicare supplemental insurance to retired Sheriffs and Deputies be approved on first reading.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

RE: LYNN ELLIS - PURCHASING

President Tuley: Department heads. It says Lynn Ellis, but I don't see Lynn, does she have anything to report?

RE: JOHN STOLL - COUNTY ENGINEER

President Tuley: John. Sherman better get here pretty soon or we're not going to be here.

Cindy Mayo: He had to get his brakes fixed and then hoped to be here around six.

John Stoll: The letter that I just put on your desk is the drawing of the gravel service road that is out in front of the proposed Gershman Brown shopping center site. This gravel road provides access across the proposed Gershman Brown property over to the Buente property on the east property line. In conjunction with that shopping center development, they will build a new access to that property through their parking lot. In order to do that they need to have this road abandoned, vacated or whatever so that the state can come back and close off that break in the limited access right-of-way. In order to do that the state has informed us that we just needed to transfer the road back to them the same way that they transferred it to us back in 1992. I drafted the letter that you have stapled to the drawing in the same format that they transferred the road to us originally. Basically, it just relinquishes the road from Vanderburgh County back to the state and then the state is free to go ahead and remove it and close off that break in the limited access right-of-way.

Alan Kissinger: I have reviewed John's document and I have approved it for your consideration.

John Stoll: If I had an overall site plan it might be a little clearer, but they will, through their new entrances off of the expressway, they will provide an access along the front of their site which would wrap around the back of their site and, basically, end up in the same spot that this road ends up on the Buente property.

Commissioner Borries: It will link the two properties together as I understand it.

John Stoll: Right.

Commissioner Borries: I was over there last night and where Indiana Street was supposed to go through on, I guess, what would be considered the Center Pointe property there, I don't know how many people...there is even a turn blister, and they try to turn into that lake there by O'Charleys all the time. They just didn't follow through on their plan, but this at least ties these together as this particular part is relinquished.

John Stoll: Right.

Commissioner Borries: They have finally been able to work out some details between the two developers.

John Stoll: Once the developers at Cross Pointe extend Indiana Street from where it terminates right now by the Outback Restaurant, they'll extend it west to come over to the shopping center property line and that is where the new access will tie the two properties together.

Commissioner Mourdock: Since we are acting to vacate this, is this actually a ordinance or it should be considered the first reading of an ordinance, is it not? Is a vacation not an ordinance in that sense? What I'm concerned about is making sure that public comment get included here in what we are doing.

John Stoll: According to what the state has provided me, the right-of-way is not the county's, it's the state's. They turned over the rights to maintain the road to the county back in 1992, but the right-of-way is still theirs, so it's not the county's to vacate.

Commissioner Borries: So, in fact, we are just requesting that the state assume control again?

John Stoll: Right, and before they do anything to close off that break in the right-of-way or remove the road or anything like that, they will get signed documents from the Buente's, the adjacent property owners there, that they concur with the relocation of the access and they will also get a signed deed from Gershman to close that break in the limited access right-of-way.

Commissioner Mourdock: Well, that begs a question then, John. What happens if Buente says, I don't want to be a part of this deal?

John Stoll: Then the county will still be maintaining that road because the state will never sign off on this document, so it will never be finalized.

Commissioner Mourdock: So any action we take is totally contingent on what Buente does and/or what Gershman Brown does?

John Stoll: Right.

Commissioner Mourdock: I understand Gershman Brown's motives, but I guess I have concerns that everything falls into place.

Alan Kissinger: In answer to your question, this is not, in fact, an ordinance because we are not transferring the property right.

Commissioner Mourdock: Right.

John Stoll: In order to close on the property, Gershman Brown needs their driveway permit from INDOT. INDOT is saying that they need all this done before they can issue the driveway permit.

Commissioner Mourdock: Tallyho! I've got you now.

John Stoll: Yeah, this all runs in circles.

Commissioner Mourdock: Follow the money.

John Stoll: Once they get all their documentation together, then INDOT may issue their driveway permit and that's when they would finalize this. If anything would fall through on the deal, then INDOT would never sign off on this and we would still maintain that gravel road as it stands today.

Commissioner Mourdock: Mr. President, I will move approval of the

COMMISSIONERS MEETING
APRIL 29, 1996

7

Memorandum of Agreement between Indiana Department of Transportation for Local Service Road #9 along State Route 66 as recommended by the County Engineer.

Commissioner Borries: Second.

President Tuley: So ordered.

Alan Kissinger: John, can I ask you a question? Are you finished with your report?

John Stoll: No.

Alan Kissinger: Oh, okay. Go ahead.

John Stoll: The next item also deals with the Gershman Brown site. They have requested a driveway permit for their access on Burkhardt Road and they have presented some preliminary plans to the Site Review Committee for that access point. The Site Review Committee approved their access point subject to the best available information. There may be some changes in the driveway given what happens with the Burkhardt Road design, but given what they've presented, a driveway access was approved for Burkhardt Road. I signed the driveway permit and now one of their attorneys has called stating that Section 92.3 of the County Ordinance says that the County Commissioners have to approve the driveway permits, so I have a signature page for the Commissioners to sign off on this driveway permit that I have already signed. I would recommend that it be approved. This is for their title insurance so that they can get their title insurance.

Commissioner Borries: I'll move that the document be signed.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

John Stoll: The final item that I've got is a Notice to Bidders for contract number VC96-04-01, St. Joseph Avenue paving and median removal. This project will result in the removal of the median on St. Joe from Diamond to Allens Lane and we will mill and resurface the road from Diamond all the way up to Mill road. I recommend that the notice to bidders be signed. I'd say we will probably get some complaints saying that we didn't remove enough of the median once we get started, but this will be the start.

Commissioner Borries: This will be good news to a couple of those businesses who are at this point in a depressed area there now that Kmart has left there, that should help. I'll move that the notice be signed.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

Commissioner Mourdock: Just a question as to what comes next? What would you have then dividing the lanes?

John Stoll: It would be a two-way left turn lane.

Commissioner Mourdock: Okay, so not a barrier wall or something like that again? That's what we're trying to avoid.

John Stoll: Right, it will be a flushed median, basically. It won't be a two-way left turn lane at Allens Lane. It will be a dedicated left turn lane and it will also be a dedicated left turn lane at it's southern end where it would go into the parking lot for what was Kmart and currently is Wesselman's. In between those two exclusive left turn lanes it would be a two-way left turn lane

similar to what we've got up on North Green River. That's all I have.

Alan Kissinger: John, the matter that I wanted to ask you about was the railroad crossing at Allens Lane. We were dealing with Indiana Hi-Rail and Sagamore National Corporation, and I noted when I was out there the other day that one of those crossings has been repaired. That is not the one that was in contingency, is it?

John Stoll: That was CSX's crossing.

Alan Kissinger: Alright, so we are still at war with the other two?

John Stoll: We met with the Indiana Hi-Rail folks, Dave Smoot was the guy's name. We met with him a week ago last Wednesday about what repairs we need to get done out there. It was Milton, Bill Morphey and myself and he tentatively gave us a date of early May to go out there and do some repairs, but since then he has not contacted me or Bill. I've called him back and I have not had a return phone call as of yet, so I don't know if that early May date for their repairs will come to pass or not.

President Tuley: Have you got a fax number for him or something? Why don't you send him a letter and remind him because that is an area that we are going to continue to get calls on until something is done.

John Stoll: What they said that they would do is remove the rails that are cut off on either end of Allens Lane and then replace the timbers in the one active rail line that is out there, and Bill's crew would be responsible for hauling any of the asphalt that is removed and we would be responsible for repaving and things like that. Like I said, since he has not come back to us with a date, who knows when they will get out there, but I'll contact them again. I have sent them letters in the past too, and--

President Tuley: Still no response?

John Stoll: No. The most response that we got was when he came down to the crossing a week ago Wednesday.

Commissioner Mourdock: What's the status currently of Indiana Hi-Rail? They are in chapter something or another, aren't they?

John Stoll: Yes, I'm not sure what, but they've said that is why we will have to provide some of the county crews to do work that they should be responsible for. They have said that CSX should be buying a portion of that line, but that's still a ways off. That is why they said they would go ahead and provide their crews to come down here and do the work to try to get rid of some of the complaints that we are getting.

Commissioner Mourdock: Anything new on Tekoppel?

John Stoll: We got the insurance certificate reviewed and approved by CSX last Friday. We contacted Hydro Conduit and they have tentatively scheduled a start date for this Thursday. That could change depending on the availability of the subcontractor who is going to come down and do the epoxy injection of the cracks. I hope it doesn't change, but that's the only thing that is up in the air right now.

Commissioner Borries: Thursday looks like a rain free day, knock on wood!

Commissioner Mourdock: What's that? Rain free, define it!

President Tuley: Anything else? Thanks, John.

RE: BILL MORPHEW - COUNTY GARAGE

President Tuley: Mr. Bill.

Commissioner Mourdock: Bill looks good with water wings!

President Tuley: Let the record show that Bill has submitted a report for the Vanderburgh County Highway Department and a progress report as well for the County Bridge Crew for the period covering Friday, April 19 through Thursday, April 25. Once again, it looks like we've been working all over the county. Tell us a little bit about what you have been doing today.

Bill Morphey: Okay, I guess we started at about 4:00 p.m. yesterday afternoon and it has been nonstop. It's still going right now, as a matter of fact. We've got in excess of eight inches of rain overnight and we've got numerous roads over the county flooded and we've got them closed. We've got several washouts, one of them being Allens Lane between Harmony Way and New Harmony Road, one on St. Joe Avenue about 500 feet north of Schenk, one on Spry Road 300 feet east of Fuquay. There's one on Peerless Road next to the CSX railroad. I believe that particular culvert is on railroad property, though.

President Tuley: Is it?

Bill Morphey: Yes, and others that we probably haven't found yet.

President Tuley: Probably on Schenk Road there at the bridge?

Bill Morphey: Schenk Road at the bridge, but we really don't know the damage of that until the water goes down. We still have quite a few roads in the bottoms that are flooded, too.

President Tuley: Bill, on that bridge though, that bridge decking had a little bit of a decay or...just caution people at that road that there is not any flashing thing on top of that, westbound on Schenk to be careful--

Bill Morphey: On Schenk Road?

President Tuley: --as they approach that bridge.

Bill Morphey: Yeah, there is a crack line going across the eastbound approach and on the northeast corner of that bridge there was a sinkhole there.

President Tuley: Yeah.

Bill Morphey: I guess part of the soil had washed away. The bridge crew had dug that up to go in and make some repairs and then I guess we've had quite a bit of water since they started that project and they just haven't been able to go back to it. At the time when I checked the bridge last night, it was about 10:30 I guess, the fields on both sides looked like a big lake. You really couldn't tell where the ditch line, the driveways or anything else was. A Jeep went through it and the water was up to the bottom of the car, so it was at least a foot deep in his driveway.

Commissioner Mourdock: At the risk of sounding like Captain Kirk here, what is the damage report in dollars?

Bill Morphey: I estimated it at \$150,000 or \$200,000.

Alan Kissinger: All unfunded mandates from nature.

Bill Morphey: I would like to ask the Commissioners if I could pursue this with Mr. Sherman Greer to gain some money through FEMA to cover these costs. Some of this is going to come out of, I

know, Cum Bridge, but then again, some of it is highway. This afternoon since about 11:00 today we've dumped, I'm going to say, between 40 and 50 loads of riprap on Spry Road. We're going to spend, I'm going to say, \$10,000 just in rock alone on Spry.

President Tuley: Sherman is supposed to be here to report, I guess, on conversations that you guys have had or what can be done in terms of trying to get some FEMA money.

Bill Morpew: I had called Sherman earlier this morning and I couldn't get ahold of him because they were doing an evacuation at the trailer court on North St. Joe there at Wimberg. Whitehead's Trailer Court. I guess since then he has had automobile problems or something, and I haven't been able to talk to him.

Commissioner Mourdock: Coming out of there, one of the ladies who works for one of our subsidiaries got in late and it was because her car stalled out. I asked her what kind of car she drives and she said a Chevy Suburban. That's how deep it was out there.

Bill Morpew: Water was quite deep.

Commissioner Borries: I guess, at least for the record, on this day we ought to note that whatever the official total is, it's the worst that I can ever remember. When they talk about a 100 year flood or rain event, this may have been it. I don't know, I have mixed feelings about that because I had some calls from some frustrated homeowners whose basements were flooded and my backyard looks like a lake, so I can empathize a little with them. But on the other hand, we have avoided, I think, at least if there is some positive...if we can sustain a rain like this and not experience any more damage than what we have, that's kind of remarkable as well. We are low and so much of this county is kind of borderline in the floodplain anyway. Of course, we have yet to see what the affects of the Ohio River are going to be because all this mess is going to move to the east, and when it hits Pittsburgh and that area like that, is when we are going to get lots of high water on that river and then we would have a problem of where the water would go at that point. I guess I have some mixed feelings, so I certainly want to commend your work for that and we have suffered some tragedies here and, hopefully, we can secure some emergency funds. But again, with that kind of a rain event, that is incredible. I guess the other frustrating thing is the money that we are going to have to again try to spend on these pits which are an environmental disaster. Something that this county had no control over and something that we have repeatedly asked everybody from the State of Indiana on up, to do something about and everybody washes their hands of it. This has been one of the most frustrating things that I can ever imagine out of this. We simply have never been able to have anybody, any agency, take responsibility for that disaster. That has cost us, that road out there, and for those people, they can't get out any other way.

Bill Morpew: No.

Commissioner Borries: That is the only way out because it's a dead end east at 164 and they have to come out Fuquay and like you said, it's about what, 300 feet?

Bill Morpew: Yeah.

Commissioner Borries: Those pits, I just get mad thinking about them. You know, the walls are steep, they weren't done right. We've talked about this and there is, I guess, nothing that we can do, but it sure is frustrating when you look at what you sometimes think that government ought to be able to do and some enforcement powers, apparently, particularly the state, because it was a 100% state/federal project anyway, somebody walked away from that one. That's just terrible.

Commissioner Mourdock: On that subject, Alan, if it were to be demonstrated that the state did not live by it's own rules in granting the permission to put those pits in there, realizing that it's been a few years down the road now, is there any way, if we can get to that point, that the state could be held responsible for it? I have certainly been led to believe that is the case.

Commissioner Borries: You have an interesting point because it's my understanding that state standards were based on what not to do based on those particular pits at that point.

Commissioner Mourdock: You mean after the fact, from that time forward?

Commissioner Borries: After the fact. It is my understanding that those could never be done again according to state standards which were developed after that mess.

Commissioner Mourdock: Well, at the time that job was bid, let me put on my other hat for a moment, I know that we looked at different borrow sites up and down there and we looked at that site and chose not to do it because the way the state rules were, obviously, that site couldn't be used. Lo and behold, they got used that way. That's why, and giving a corporate pat on the back here, the borrow site that we used was across the road and we deliberately did not go below grade level because of that very reason.

Commissioner Borries: Right, that's what I was saying. When you see these, they are mostly flat, they're well done, they're designed to provide some drainage, but these things, I mean, it was obvious that they weren't done right and the soils weren't done right.

Commissioner Mourdock: A week from now that will be dry again.

Commissioner Borries: Oh, yeah.

Commissioner Mourdock: I mean, that's the horrible thing.

Commissioner Borries: In fact, there is probably very little standing water in the pit itself.

Commissioner Mourdock: Already? Is it flushed there?

Bill Morpew: Well, a lot of the water is gone. It's amazing how much sand is there.

Commissioner Mourdock: Oh, yeah.

Bill Morpew: There didn't look to be any clay at all. There was no clay, it was all sand.

Alan Kissinger: It seems to me that it is certainly possible now, because if we can show that the state did not meet their own standards...we have on Spry Road, we have significant damage as a result.

Commissioner Mourdock: Is there a statute of limitations for the state as far as a claim being made, then?

Alan Kissinger: There is a statute of limitations, but there are certain things that trigger the running of the statute and if now we are damaged and we can show that damage, then perhaps that could be a triggering mechanism. I don't know, but I could certainly research it. If we anticipate doing anything of a legal nature, then perhaps at some point we ought to identify all those problem areas and ask for some recourse from the state or even from the federal government in consideration of the fact that there were

federal funds there.

Commissioner Mourdock: They were accepted by them.

Alan Kissinger: Yes, apparently accepted by them because as you know, on any federal project they pretty well lay out the standard within which you must operate.

Commissioner Borries: I'm really surprised that we haven't had damage on Fuquay as close as it is. Those slopes have to be 1:1 and they're so steep that it's just a nightmare. The interesting thing about this is that they could jeopardize their own road. If you go south on Pollock Avenue and look to the north in what I would call pit number one or two, east pit, there are two down there, there was already erosion there that was seriously under their right-of-way in terms of the fence. You can't see it as you are driving along the interstate, but you can clearly see it from Pollack Avenue. I don't know how that's standing up, but that's on their own property and that's on their own interstate highway. It seriously could jeopardize that.

Commissioner Mourdock: It might be interesting to see if the state or the feds came back on whoever is the present landowner by saying that you've got to do something with this situation because you are infringing on my right-of-way.

Commissioner Borries: It's under their fences and it's clearly on their right-of-way.

Alan Kissinger: As a matter of fact, we discussed that earlier today. The County Engineer and I discussed that. We do have one of those situations on private land, that is, it is not only threatening it, it is damaging the integrity of our right-of-way. Maybe we could go after that person and cause that person to bring the state in, I don't know, as a codefendant.

Commissioner Borries: It's really frustrating because it's like you have hit some kind of a brick wall, literally, and there has been a total lack of cooperation and a total lack of responsiveness the times that we have tried to talk to state officials, and of course, federal officials where just nonexistent; once the highway was built I don't think we ever talked to anybody.

Commissioner Mourdock: Given the unsightliness of that whole area and now given the fact that it is going to cost us some real money, I would certainly move that we direct the County Attorney to investigate the standards by which those pits were built to see if, in fact, the state may have some liability to come back and compensate the county for the work that we need to do.

Commissioner Borries: I'll second.

President Tuley: So ordered.

Bill Morpew: That's all I have.

Commissioner Borries: Don't do a rain dance!

Bill Morpew: Oh, I won't do that! I'm tired.

Commissioner Mourdock: We issued a company edict because we are behind in our construction work, that any employee who washes their car will be immediately terminated!

Bill Morpew: The gentleman who lives across the street from me, his name is Steve Titzer, he's an engineer for Blankenberger, and across the street from me there is a large lake. His house was built around '59 or '60 and it has never had water in it, he has a foot of water in his basement. He was up at 3:00 this morning

sandbagging.

Commissioner Mourdock: Didn't work?

Bill Morpew: No, didn't work.

RE: ALAN KISSINGER - COUNTY ATTORNEY

President Tuley: Alan.

Alan Kissinger: I have nothing to report.

President Tuley: Then I'll draw a line right through your name real quick.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

President Tuley: Cindy.

Cindy Mayo: Within the last month you signed an agreement for Oak Hill Cemetery for the mowing to be done by Community Corrections. Due to a technicality, those bids were thrown out--

President Tuley: Rejected.

Cindy Mayo: Yes, so they had to rebid. Community Corrections submitted the exact same bid as they had before and they were awarded the bid again, and so it does need to be signed again.

President Tuley: Okay.

Commissioner Borries: I'll move the bid be approved.

Commissioner Mourdock: Just one question before I say anything else. Was the technicality with their bid that caused it to be thrown out?

Cindy Mayo: No. They were awarded the bid and then something was brought up by someone else who had submitted a bid and then they threw all of them out.

Alan Kissinger: I'm not exactly certain what it was, but it had to do with a state statute in reference to the maintenance of public cemeteries and it was something in the bidding process that wasn't complied with so they threw it all out, went back and complied with the statute and rebid it. It was awarded again to the same bidder. I can't cite you the statute, but I know that much of the background.

Commissioner Mourdock: Okay, I will second the prior motion.

President Tuley: So ordered.

Cindy Mayo: I spoke with President Tuley last week and explained to him that there were some bills that came in from the County Garage on the snow removal for the contractors who were hired to help with the snow removal on the county roads and there was no funding in place. We did have money in CCD Buildings that was budgeted for 1996 and I spoke with Curt Workman, who is the chairman for County Council, and he did approve an emergency transfer from CCD Buildings into CCD Other Operating for \$25,000 so the transfer will go before them on Wednesday, and then I will have to reappropriate the money into Buildings. That's just for your information. That's all I have.

President Tuley: Okay.

TAPE CHANGE

RE: CONSENT ITEMS

President Tuley: Okay, consent items, employment changes, and travel requests included.

Commissioner Borries: I'll move the consent items be approved.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

RE: SCHEDULED MEETINGS

President Tuley: Scheduled meetings, list attached. There is nothing else this month, however on Wednesday, May 1 there is a County Council meeting that Cindy just made reference to at 3:30 p.m. Next Monday night, May 6 is a 4:00 p.m. Executive session, 5:30 Commissioners as well as the hearing on riverboat funding. I assume that is going to take place here...yeah, right here.

Commissioner Mourdock: It doesn't have the Area Plan meeting on Wednesday, May 1 listed and you are all welcome to come and listen because Willow Creek is on the agenda.

President Tuley: Oh boy, thanks, but no thanks.

Commissioner Borries: While you mention that, just a brief comment to Commissioner Mourdock not on Willow Creek.

Commissioner Mourdock: Oh.

Commissioner Borries: I don't want to think about Willow Creek.

President Tuley: Kind of brings tears to my eyes!

Commissioner Borries: I have some concerns about a subdivision and Area Plan will have a final say in terms of subdivision review concerning a subdivision proposal and its impact on Mt. Pleasant Road. There is a large subdivision that has been planned and I would think that the zoning and everything else is all in order, but it will have to go before subdivision review. I am aware, and I think John Stoll is also here, our County Engineer, that at one time there was a signalization plan for Mt. Pleasant Road at what, the CSX railroad there at one time? I guess I would just say at this time, unless I'm totally unaware of what's going on, the county doesn't have any money budgeted for any planned improvements on Mt. Pleasant Road at this time, and that road is becoming more heavily traveled due to other subdivisions in that area, and it will certainly not lessen if this subdivision moves forward with what, 300 homes planned there?

John Stoll: There are 363.

Commissioner Borries: Also, because of what I just briefly saw at a EUTS meeting, I don't know if there are any other planned exits except on Mt. Pleasant, are there?

John Stoll: There are two on Mt. Pleasant and one on Old State.

Commissioner Borries: One on Old State?

John Stoll: Right, and that railroad crossing--

Commissioner Borries: I didn't notice that, okay.

John Stoll: --project is still in the works. It's a federal aid project and right off the top of my head I don't know the status of it, but it's still an active project.

Commissioner Borries: I don't think, and I don't want to speak for other members of the Board, but I don't think there is any opposition and I don't think we can oppose homes or homebuilding, but I do have some concerns about the impact on Mt. Pleasant Road. John Stoll, you are part of that subdivision review process--

John Stoll: Right.

Commissioner Borries: --and I'm not aware of any funding that we have approved or is in place for expanding Mt. Pleasant Road?

John Stoll: No.

Commissioner Borries: I have been asked and so I don't think we have a good response to that impact.

John Stoll: There is not a lot of frontage on that subdivision out on Mt. Pleasant Road either. We've got some serious right-of-way restrictions out there. Most of what we've got on the north side of Mt. Pleasant is, I believe, 16 1/2 feet is north of the center line. South of the center line, because of Deerfield-Copperfield Subdivision, we've got 25 to 30 feet of right-of-way, but on the north side we do have a problem.

Commissioner Mourdock: This is on which side of Mt. Pleasant, is this on the south side?

John Stoll: The new subdivision is on the north side.

Commissioner Mourdock: It's on the north side.

John Stoll: The Copperfield-Deerfield development is on the south and that is where we got the additional right-of-way. There is not a lot of room for that developer to construct any improvements to his entrances on Mt. Pleasant just because there is no right-of-way there.

Commissioner Mourdock: I'm glad you brought it up, Rick, because I was asked the other day about this subdivision and my comment on that was that we need to work closely with EUTS to see what the traffic count is going to be and see how everything else comes together out there. I guess in a community right now that is in some ways suffering from the delightful disease that we will call "Toyota Fever" and we have all these wonderful things that we see potentially happening up on the 41 corridor, we need to make sure that the 41 corridor doesn't become an extension of the stoplight city connection, too. That's easy to say and hard to do. Obviously, far enough north on 41 there are some provisions for frontage road up there north of Englefield Road. Have either of you ever seen a plan from EUTS or Area Plan that calls for frontage roads further up or even south of there?

Commissioner Borries: There has been some discussion of frontage roads further up, but none south. I don't know how they would run and that's what is unusual about this subdivision's plan. You've got CSX that would come out of the Wansford yard that would go north and then you've got the large track to the north that connects with them, that comes out of Howell yard, isn't it? The one that goes under Darmstadt Road, if I'm correct, and moves to the east and then to the north, is that the same road?

Commissioner Mourdock: I'm not sure it ties in with Howell, but there is a major railroad that does, as you said, swing around back to the west there and then connect about 3/4 of a mile north of Mt. Pleasant.

Commissioner Borries: Uh huh, and that's going to be kind of like the northern boundary up there where this subdivision is planned. It would be tough to get frontage roads in that area there.

John Stoll: That subdivision will probably double the traffic on Mt. Pleasant if all the traffic would use Mt. Pleasant, so it will have quite an impact on Mt. Pleasant Road.

Commissioner Mourdock: Candidly, the same thing is happening on the east side of 41. There is that new commercial park out there. There is a lot more traffic on Mt. Pleasant to the east than I bet there was five years ago. I bet the traffic has doubled and when all that space is commercialized as Toyota fever might cause it to be, traffic is going to increase out there a bunch and, yes, it's a state road problem on 41, but you know how that goes, too. I guess we'll get a lot of help from them, huh?

John Stoll: Talking about Toyota fever, one of the streets in the subdivision is called Toyota Court.

Commissioner Mourdock: Is that right?

Commissioner Borries: Oh, yeah.

Commissioner Mourdock: I didn't know that.

Commissioner Borries: Yeah, Toyota Court is a little cul-de-sac in there. Well, again, it's a concern and there is going to have to be some discussion and some dialogue on what's ahead for Mt. Pleasant Road because it's going to be a concern.

John Stoll: We met with the developer's engineer and his attorney last week at EUTS and they didn't want to be penalized just because they presented their entire plan. Some developers bring in 50 lots and then they'll throw in 50 more.

Commissioner Borries: Yeah.

John Stoll: They want to make sure they don't get penalized for bringing in the whole plan which they shouldn't because it is much better to see the whole plan now.

President Tuley: That's right.

John Stoll: Rather than be surprised later.

Commissioner Mourdock: They're doing it the right way, we can't penalize them for that.

John Stoll: Right, but they know there is going to be some impact and they just want to keep an open line between all of us and them to try to see what we can get worked out to minimize the impact.

Commissioner Mourdock: We don't want to penalize them for doing it that way, but they're not the ones who will ultimately be held accountable, nor should they be, for the long term. Their vision is...they are somewhat in a vacuum. They are worried about their investment there and that's fine, but we've got to look at it from a bigger picture and a longer term picture. I will make sure that those comments are continued in Area Plan.

RE: OLD BUSINESS

President Tuley: Old business?

Commissioner Mourdock: Just one issue and that is on the contract with Veazey & Shoulders regarding the Auditorium. I'll be trying to get with Mr. Shoulders and John to talk somewhat about how we need to put that contract together.

President Tuley: Okay.

Commissioner Mourdock: I'll be reporting back and I presume that

since all of us are involved, you guys will probably talk to him as well.

President Tuley: Yeah.

Commissioner Mourdock: I clearly think that is something that we need to negotiate on a point by point basis. We can use an AIA document as a starting point, but the standard form, American Institute of Architects agreement will always lean to the architect and that's not the deal that I'm looking for in this.

President Tuley: Okay, I understand. Any other old business?

Commissioner Borries: There he is!

President Tuley: Hello.

RE: NEW BUSINESS

Commissioner Borries: We can put him under new business.

President Tuley: New business. Step right up, Mr. Greer.

Sherman Greer: Step right up?

Commissioner Borries: We didn't have anything to do. We were just trying to stay dry in here.

Sherman Greer: This is the only place that you probably can stay dry in the county.

President Tuley: I think so.

Commissioner Mourdock: Here or my living room.

Sherman Greer: We are in the process right now, through the Emergency Management, gathering as much information as we can on damage that has been done within the county and also the city. We're trying to put a preliminary report together and send it to Indianapolis and maybe getting another emergency declaration out of this to see whether or not we can get some assistance for the public and individual assistance within the county for road damage that has been done, culverts that have been damaged and different things like that. Right now it's in a preliminary process of getting as much information compiled as we possibly can to get that emergency declaration sent up to Indianapolis in case there is a declaration coming out of this. Looking throughout the state, with some of the damage that has been done and the way the water is still standing in other parts of the state, Indiana is going to have at least...well, we've got at least four counties under a local declaration right now. That's what we are going to file for, but it will probably be Thursday or Friday before we get that information compiled, enough information compiled to get up there with just preliminary estimates. That's all we can do right now.

Commissioner Borries: Posey, Vanderburgh, Warrick and Gibson?

Sherman Greer: Pardon me?

Commissioner Borries: The counties you were talking about?

Sherman Greer: No, they are north of us, those others that already have their declarations in. I'm surprised that they have already declared because I'm just wondering how they got a dollar estimate together that quick. It doesn't have to be an accurate estimate, it is just a ballpark figure. We told them when we called up there today that it would probably be Thursday or Friday and that's when they expect most of the others to come in.

Commissioner Borries: Do you have an official estimate of the rainfall?

Sherman Greer: Right now it's right at eight inches within this area and that's what Paducah predicted to me yesterday at about 6:00, that we would have about eight inches. If they haven't been right on a lot of other things, they were close to being right on that.

Commissioner Borries: I saw a dark green area on the weather channel that had five plus, but I never saw the eight. That's incredible.

Sherman Greer: No, just the last I heard, right now it is right at eight inches.

Commissioner Mourdock: Sherman, just as a matter of mechanics, how does the formal declaration get done? Those other counties, do they have an Emergency Management Agency within those counties?

Sherman Greer: Yes, sir. Each county is responsible for having their own Civil Defence Agency or Emergency Management Agency. What is done is, we compile that information and bring it to the elected officials, give you that information and then once we get a dollar figure on that, we take it to the Clerk's Office and get it notarized and then we send it up to Indianapolis.

Commissioner Borries: So the governor can declare?

Sherman Greer: The governor can declare a state of emergency and then he'll compile all that information from the other counties and then they will see whether or not they can get a federal declaration out of it from the president.

Commissioner Mourdock: Do our chances for funding at the levels we need go down the lower we are on the list to be submitted? In other words, if we're the tenth of ten?

Sherman Greer: No. In the snow emergencies, the way they handle that, they estimated it on three years of snow removal and then they do a percentage off of that. If the percentage isn't high enough, then you may not qualify for it and that's what happened with us in January. We missed it by about \$5000, you know, not qualifying for that funding. The last one that we had, that is still in the preliminary, so we don't know whether or not we will qualify for that, but we got a lot of information together on that and a lot of man hours together on that. With the private industry that we used, that was also figured in on that.

Commissioner Mourdock: So next week, it's likely that you'll come back with the information?

Sherman Greer: It will probably be longer than that. It will probably be a couple of weeks before they get all the information compiled from all the other counties. Some of them are really late about getting it in, but they don't hold it up just for them, because if they get the declaration out of it, then those other counties can still tag on and say, we were within that dollar estimate also. We did evacuations last night, I don't know if you are aware of that, the trailer park out off of St. Joe and Wimberg. About 1:00 last night we went out there and the water wasn't moving across the road there at all, and then about 2:30 we went back out there and it was whitecapping across the road. The underpinning of the trailers, some of them were damaged. On some of the calls that we were getting in, some of the people said that they felt like they were on boats out there, the water was moving that fast. That was running off from BFI out there, running across the road. It all drained straight across there and that's downhill to it, so it was just runoff there. We evacuated approximately 50 people. The

Red Cross housed, at the Holiday Inn North on 41, about 38 people and the others opted to go to relatives, friends houses or something of that source. The McCutchenville Fire Department, Knight Township and Perry Township Fire Department did a fantastic job of getting in there and getting the people out safely with no problems at all.

President Tuley: Okay.

Sherman Greer: I'm actually going to get some sleep tonight, I hope.

President Tuley: Hopefully.

Commissioner Mourdock: I don't know, look at that cloud out there.

Sherman Greer: I know, you should see it on this side, it's darker over here. Any questions or anything else?

President Tuley: No.

Commissioner Borries: Thank you for your work.

President Tuley: Thanks for you information and your work, Sherman.

Sherman Greer: We'll get that together for you and try to have something as soon as possible. I might have to get ahold of Cindy and have her to get some information.

President Tuley: Some of this work, if there is some funding, obviously, we've got some areas where we need to go ahead and get some work done and do some emergency funding of our own, is that stuff that they would reimburse us for, hopefully?

Sherman Greer: Yeah, and we can file it under mitigation. What we can do is if we qualify for it and everything, we can file under mitigation so that we can say, you know, we don't want this to happen again, so we've got a plan. This is where we have to get with the County Engineer and the City Engineer and say, what can we do to prevent this or beef this up to where this wouldn't happen again? The road incident that we've got on Spry Road or something like that, you know, what could we do to prevent that and then try to get that under mitigation funding. It's better to ask for as much as we can and then try to mitigate those things from happening again. Thank you.

Commissioner Borries: Thank you.

President Tuley: Thanks.

Commissioner Mourdock: Get a good night's sleep.

President Tuley: Any other new business? Motion for adjournment?

Commissioner Borries: So moved.

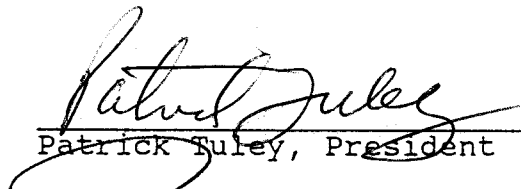
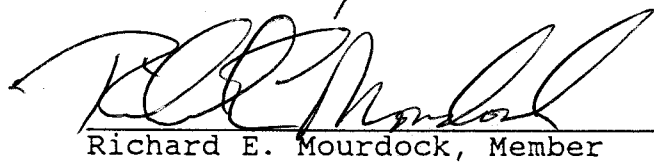
Commissioner Mourdock: Second.

President Tuley: So ordered.

The meeting was adjourned at 6:45 p.m.

THOSE IN ATTENDANCE:

Pat Tuley
Richard J. Borries
Richard E. Mourdock
Cindy Mayo
Suzanne Crouch
Alan Kissinger
Charlene Timmons
John Stoll
Bill Morphew
Sherman Greer
Members of the media
Others unidentified

VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
Patrick Tuley, President
Richard J. Borries, Vice President
Richard E. Mourdock, Member

Recorded and transcribed by Charlene Timmons