

1992 meetings
held on First,
Third + Fourth
mondays at 5:30 PM

1992 meetings
held 1st - 3rd
& 4th Mondays

**MINUTES
COUNTY COMMISSIONERS MEETING
JANUARY 6, 1992**

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MINUTES
COUNTY COMMISSIONERS MEETING
JANUARY 6, 1992

The Vanderburgh County Board of Commissioners met in session at 4:30 p.m. on Monday, January 6, 1992 in the Commissioners Hearing Room, with President Carolyn McClintock presiding.

RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

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

RE: ELECTION OF OFFICERS FOR 1992

Commissioner Hunter nominated Commissioner McClintock to serve as President of the Board, with a second from Commissioner Borries. So ordered.

Commissioner McClintock nominated Commissioner Hunter to serve the Board as Vice President, with a second from Commissioner Borries. So ordered.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

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

RE: AUTHORIZATION TO OPEN BIDS ON COMPUTER EQUIPMENT FOR THE PUBLIC WELFARE DEPARTMENT AND THE KLEITZ ROAD BRIDGE PROJECT

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

RE: COUNTY PERSONNEL ORDINANCE

Ms. McClintock said the Board had deferred on December 23rd the First Reading of the County Personnel Ordinance because there were a couple of questions on language, particularly as pertaining to the hours employees were to work and the work day. She believes the Commissioners have had an opportunity to speak with the County Attorney regarding this language. She then entertained questions re the First Reading of the County Personnel Ordinance.

Commissioner Borries said he had a question on a memorandum. he thought we had approved something; but apparently some kind of decision has been made by somebody, because it says a memorandum of January 6 to all Department Heads and County Officials re County Office Opening and Closing Hours. Effective Tuesday, January 7, 1992, all County Offices will be open at the regular time of 8:00 a.m. and close at 4:30 p.m. He didn't know the Board had done anything.

Ms. McClintock responded, "No, we haven't. That is to be distributed if necessary following the meeting today. Apparently what happened after the 23rd -- not through any permission that I gave, and I'm assuming the other Commissioners didn't give permission -- the rumors started flying about hours in the Civic Center and offices began closing at 4:00 p.m., 4:30 p.m., and 5:00 p.m. and if possible today we want to try to make a decision. And,

if so, get that memo to the offices. If we don't make a decision then we need to get..."

Mr. Borries asked if this memo went out today?

Ms. McClintock responded, "No, that has not been distributed to the Department Heads yet."

Mr. Borries said, "Oh, it implies something is going to happen and that is why I wanted to know. I could see something coming down here."

Ms. McClintock, "Well, if we can't distribute that one, then we need to distribute one tomorrow that says the offices to remain open until 5:00 p.m. until we find the Personnel Policy. So we need to do one or the other. The question under Section 2.62 regarding Work Week -- are there any questions at this point regarding that particular section? Lee Frank from Kahn, Dees, Donovan and Kahn to answer any questions you might have."

Mr. Borries said, "I didn't have any on Section 2.63 on the Work Week..."

Ms. McClintock interrupted, "I'm sorry, Section 2.63 Work Day."

Mr. Borries continued, "Work Day I had questions on and still have questions on and would like to consider some kind of amendment to that. It's just the same, Lee, as we discussed before. My proposal since we are changing -- and I am not going to go back through all the history, except that I am going to say this does mark a change in what previously had been done. And it implied and did more than just try to certify hours which were put up in the work week. What it did was to begin to standardize for the public hours that this complex was open from 8:00 a.m. to 5:00 p.m. and we have now changed this with this particular ordinance. You know, I understand the politics of what's going on here, but I can also recognize that two can play that game in the sense that my feeling is that if an office holder wishes to open at 7:30 a.m. and advertise it as such and close at 4:00 p.m., that it could then be added just within the framework of Section 2.63 that the hours requiring offices to be open could be from 7:30 a.m. to 4:30 p.m. and then that would allow for some flexibility and flex time within that perimeter there. An office could open at 7:30 a.m. and close at 4:00 p.m.

Ms. Frank said, "It is my understanding and the way this policy is written is that there is going to be minimum hours. The office has to be open from 8:00 a.m. to 4:30 p.m. Now, if a Department Head wants to open up at 7:30 a.m. they can do that. Or if they want to provide flex time for specific individuals they can also do that. But if they want to close at 4:00 p.m. and all the employees in that particular office go home, then this does not provide for that. Did I answer your question?"

Mr. Borries said, "That is why I feel there should be a 7:30 a.m. starting time included along with an ending time for the office -- to allow for a 4:00 p.m. closing if that is what the office holders deem, because the Courts are already closing at 4:00 p.m. and, for all practical purposes, it is a moot point there anyway. They close at 4:00 p.m. If we want to look at Courts and other County offices as being on the same time frame, then let's let them all close -- or at least give them the option of closing -- at 4:00 p.m.

Ms. McClintock asked, "Is that a motion?"

Mr. Borries replied, "Yes. I will so move to amend Section 2.63 to allow for a 7:30 a.m. starting time and then just extend to 4:30 p.m. and allow for flex time in between."

Mr. Hunter seconded the motion and Ms. McClintock asked for a roll call vote: Commissioner Borries, yes; Commissioner Hunter, no; and Commissioner McClintock, no. So ordered.

Ms. McClintock proceeded by saying the other amendment that needed to be included in Work Day is that -- and she will offer this as a motion -- the Vanderburgh County Commission Office and the County Council offices will remain open a minimum of 8:00 a.m. to 5:00 p.m. on Monday through Friday.

Motion seconded by Commissioner Hunter. So ordered.

Ms. McClintock then entertained further amendments to the Ordinance.

There being none, a motion was entertained to approve the County Personnel Ordinance on First Reading.

Motion to this effect was made by Commissioner. Commissioner Borries seconded the motion and asked for a roll call vote: Commissioner Borries, no; Commissioner Hunter, yes; and Commissioner McClintock, yes. Ms. McClintock declared the County Personnel Ordinance approved on First Reading and advised the Second and Third Readings are scheduled for January 21, 1992. She asked if the Commission, even though the Ordinance has not been approved on Second and Third Reading until January 21st, if they want to go ahead and authorize offices to close at 4:30 p.m. beginning tomorrow to eliminate the confusion.

Mr. Borries said, "Apparently there is some confusion. Sure, why not?"

Ms. McClintock asked, "Is that a motion?"

Mr. Borries said, "Sure. So moved."

Mr. Hunter seconded the motion. So ordered.

Ms. McClintock said the Commission needs to distribute that memo tomorrow.

RE: ACCEPTANCE OF COUNTY EMPLOYEES FOR 1992

Ms. McClintock then presented for acceptance the list of County Employees for 1992, as submitted, for the following:

- County Clerk
- County Auditor
- County Treasurer
- County Recorder
- Sheriff
- Jail/Sheriff
- County Surveyor
- Coroner
- Prosecutor
- Prosecutor IV-D Incentive
- County Assessor
- Armstrong Assessor
- Center Assessor
- German Assessor
- Knight Assessor
- Perry Assessor
- Pigeon Assessor
- Scott Assessor
- Union Assessor
- Voter's Registration
- Cooperative Extension Service
- Area Plan Commission
- Drainage Board

Veteran's Administration
County Commissioners
Weights & Measures
Supt. County Buildings
Circuit Court
Community Corrections
Superior Court
Drug & Alcohol Deferral
Auditorium
Burdette Park
Legal Aid
County Council
County Highway
Cumulative Bridge
Health Department
Health Department/MCH
Health Dept./Sweetser
Health Department/WIC (#213.4)
Health Department/WIC (#213.5)
Health Department/AIDS
Health Department/LNMF
Supplemental Adult Probation
Pre-Trial Diversion
Surveyor Perpetuation
Misdemeanor Offender
Misdemeanor Jail Housing
Convention & Visitor's Bureau
Levee Authority
United Way/Legal Aid
Pigeon Trustee
Perry Trustee
Center Township Trustee
German Township Trustee
Knight Township Trustee
Armstrong Trustee
Clerk-Treasurer/Town of Darmstadt

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the list of County Employees for 1992 was accepted, as presented. So ordered.

RE: RESOLUTION RE COMMISSION MEETINGS - 1992

Commissioner McClintock said she is proposing a fairly significant change in 1992. She proposes that the Commissioners regular meeting be held on the First, Third and Fourth Monday of each month at 5:30 p.m. The reason she is proposing this is to give the public a greater opportunity to attend the meeting, because most people work until 4:30 p.m. to 5:30 p.m. and that would give them an opportunity to come to the meetings. If a holiday falls on a Monday, then the meeting will be held the following business day, unless otherwise stated by the Commissioners during an open meeting.

The other major change is that the Board is proposing that the Solid Waste District Board Meeting be held the Second Monday of each month at 4:30 p.m. The reason they're proposing this is because they feel it is very important that the solid waste decisions that must be made by the District Board are the most significant that we will be tackling this year -- and all three Commissioners do sit on that Board, in addition to the Mayor and representatives of the Councils. In talking with the Mayor and members of the Council, the Commissioners are the largest group representatives on that Board; and they felt by making one of the Commission Meetings each month devoted entirely to this issue that they would be able to move the business of that Board along in a much more professional and expedient manner and we do have to have that plan in by July 1992. Once that plan is in place and submitted to the State, then we can go back and hold the meetings

on the second Monday of each month at 5:30 P.M. We had originally proposed that they all be at 5:30 p.m., but City Council is anticipating a number of Committee Meetings at 6:00 p.m. and the Mayor and Councilman Riecken both felt that this would give all of us a full hour and a half to meet without interruption before they would have to leave to attend another meeting. So that is why there is that hour's difference there.

Auditor Humphrey asked, "You're not meeting as Commissioners, but as members of the Solid Waste Management District?"

Ms. McClintock said that is right.

Mr. Borries asked, "So you are, in effect, eliminating one Commission meeting per month? Is that correct?"

Ms. McClintock responded affirmatively, saying that is for the first six months of the year.

Mr. Borries said, "Well, my question is whether or not the public will be better served from that particular point of view -- or whether or not to hold those at a later hour when the public can attend. I think we tend to confuse individuals by changing things around from time to time in a rather random fashion here. What do you expect -- you say the Mayor has signed off on this? He endorsed this? Or you just told him this is what is going to happen?"

Ms. McClintock responded, "No, I called the Mayor and asked what his preference was. We originally had it at 5:30 p.m. and he indicated to me it would be more convenient for him and Councilman Riecken to attend a 4:30 p.m. meeting because of City Council."

Mr. Borries said, "I've not talked with him; I'm sure he said what you said and I can confirm that. But I just have questions here. If we're serious here about public input, why are we changing this around and why don't we meet in the evenings. It seems to me if you're conducting business of the County that it makes much more sense to do that in a somewhat regular fashion and at an agreed upon time without a lot of changes -- to not only not confuse the public but for those who have business with the County.

Ms. McClintock said, "That is why we're holding the Commission Meeting at the same time, proposing going to...."

Mr. Borries interrupted, "You're saying there just isn't enough Commission business to hold them every week as we have for the past ten to fifteen years?"

Ms. McClintock responded, "Commissioner Borries, this solid waste issue is the single most important issue facing this community for 1992. It is something that we need to put additional emphasis on and that we all need to be working toward that plan and that solution to this issue. It is felt that by putting all the emphasis on that particular Monday on this very major issue that it will encourage all of us to become more involved in that issue and to have some additional time to do some research regarding that issue and that we will be able to get our plan done in a timely fashion. As you know, it has been very difficult to get this entire group together when you're trying to get the Mayor, three Commissioners, and City Councilmen and County Councilmen together -- it's very difficult. In this manner everyone on that Board would know that it is the second Monday of the month at 4:30 p.m. and the emphasis that week by the Commission would be on that particular business."

Mr. Borries asked, "Who will chair that meeting?"

Ms. McClintock said, "It will be chaired by Betty Lou Jarrel."

Mr. Borries asked, "So it is not a regular Commission meeting, right?"

Ms. McClintock said that is correct.

Mr. Borries said, "I would certainly concur that it is a very significant issue -- that's a given. But I would also question -- I mean, let's be realistic here -- in this meeting room you're not going to do research and you're going to have a lot of work that has to be done outside of a meeting. That is really not why we're doing this. I mean, we can't do research for an hour and a half here."

Ms. McClintock asked, "Mr. Borries, would you not grant that in order to prepare for a Commission meeting there is a significant amount of time spent outside the Commission chambers in other meetings and doing site visitation in preparation for a meeting? And what we're saying is that the emphasis placed on the solid waste management -- hopefully, that time can be spent by Commission members doing that research outside this meeting."

Mr. Borries said, "Well, at the rate we've been going the last few weeks here changing this and changing that -- I'm not too sure sometimes if I'm in or out of what current mode here -- I don't know. I just don't know if I can support canceling a Commission meeting for what may or may not be some productive sessions. But I'm assuming here since you pointed that out that you have the voting on that -- so let's call for a roll call."

Ms. McClintock asked, "Is that a motion?"

Mr. Borries said, "Sure."

Mr. Hunter, "Second."

Commissioner Borries, no; Commissioner Hunter, yes; and Commissioner McClintock, yes.

Mr. Borries said, "I would also suggest that at some point in June -- in order to "better serve the public" that we again remind them that we are going back to a Commission Meeting on the second Monday of the month -- if that is what you choose to do, since we have now changed all of that."

RE: PIGEON CREEK GREENBELT COMMITTEE

Ms. McClintock said Robert Brenner was to be here today, but she doesn't see him. Is Mr. John Koch prepared to speak concerning this matter?

Mr. Koch said he is. He identified himself and stated he is a member of the Pigeon Creek Greenbelt Committee. He said he understands Bob Brenner was to appear before this group today to request \$5,000 for the beginning of the clean-up of Pigeon Creek. As far as the Committee is concerned, they heartily support and endorse that request. They know full well that is not going to be enough to do the job from Warrick County down to the river -- but it is a start. They have a lot of offers of volunteer help from local industrial firms and contractors as far as equipment and manpower. He doesn't think he is in order to request the \$5,000; but he does think he is in order to speak to the \$5,000 and ask that the Commission grant the request and that we look sincerely at starting from the head of the creek at the Warrick County line and working towards the river -- so it can be cleaned out and we can alleviate the flooding. Mrs. Pat Kixmiller is also with him today. Her property abuts the creek and two or three weeks ago a flow the size of a barge came down the creek; where it stopped -- they don't know. They know for a fact there is an old 1946 or 1947 Chevrolet dump truck which has been there for a long time. They

endorse the cleaning of the creek and the support of the Commission for the financing for this project. They hope this will be done in due time so we can then see the evolution and completion of the greenbelt in the not too distant future, because he thinks it will be a real asset to this community.

Commissioner McClintock stated we do have several private contractors who are willing to help begin the clean-up on a volunteer basis, but Mr. Brenner thought it important that we have at least a little bit of money so if we ran into a snag which we needed a little money to get rid of, that the funding would be available. Basically, what the Commission would be doing today is asking Council to appropriate the funding to the County Surveyor's Office for this clean-up.

Mr. Borries asked, "From where will the funding come?"

Ms. McClintock said, "Well, it will have to come from the County General Fund. They will have to determine -- like anything else -- whether funding is available. And they can't make the appropriation unless they have available funding. I guess what we're asking Council to do -- we're approving it as a project and asking them to look for the funding and, if available, to appropriate it to the Surveyor."

Mr. Borries said, "Well, I'm real glad we're going to move forward with volunteer help and would certainly concur with that. But I have some questions about the funding."

Mr. Hunter said, "If it's not there -- we don't get it. In the meantime, let's be optimistic and assume that it is and at this point I'll make a motion that we go to Council on this \$5,000."

Mr. Borries said, "I'll second and ask for a roll call vote."

Commissioner Borries, no; Commissioner Hunter, yes; and Commissioner McClintock, yes. So ordered.

Ms. McClintock asked Mr. Koch if Greg Curtis called him concerning the meeting on Green River Rd. He has it set up. (Mr. Koch responded affirmatively by nodding his head.)

RE: COUNTY APPOINTMENTS

Convention & Visitors Bureau: Ms. McClintock said there are two (2) reappointments, as follows: Thomas L. Plain and Al Samuelson.

Board or Review: The reappointment is Sherry Musgrave.

Board of Zoning Appeals: Dr. Dan Byrne is being reappointed.

Motion to approve the foregoing reappointments was made by Commissioner Hunter.

Mr. Borries said he would like to defer one, but would concur with the rest. He would like to defer for one (1) week Ms. Musgrave's reappointment to the Board of Review.

Commissioner Hunter said he would amend his motion to include the reappointment of Thomas L. Plain, Al Samuelson, and Dan Byrne.

Second to the motion was made by Commissioner Borries.

Ms. McClintock so ordered and said that letters will be sent to the appointees this week.

RE: COUNTY ATTORNEY - JEFF WILHITE

Agreement with Indiana Regional Highway Coalition: Mr. Wilhite said he has submitted his written report. The first item concerns two (2) agreements with the Indiana Regional Highway Coalition. The first item is really a simple one. The agreement we signed in 1991 provides for a fiscal year, which they changed. He has an Addendum he is presenting to the Board now which simply says it is okay with us that the fiscal year is changed. He sees no disadvantage to the County and it will save them some County fees.

The second item is a 1992 contract. This is substantially in the same form as the 1991 agreement. The important thing is that this contract provides for a \$20,000 payment. He doesn't recall whether this Board already has approved the \$20,000 for 1992 or not.

Ms. McClintock said it is supposed to be in the 1992 budget.

Attorney Wilhite said if it is the Board's pleasure, he needs a motion to execute the Addendum clarifying the audit period and a motion approving the execution of the 1992 agreement for the \$20,000.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the Board approved execution of the Addendum changing the fiscal year ending March 31, 1992 rather than December 31, 1992. So ordered.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the agreement re the Indiana Regional Highway Coalition was approved. So ordered.

Resolution Approving Purchase of Excess Land/Lynch Rd. Extension Project: Mr. Wilhite said the concept here is that as we buy property on Lynch Rd. there are some parcels (he thinks there are about a dozen parcels) where, if we take all we actually need for construction, there will remain a very tiny sliver. A sliver too tiny to do anything with. The landowner can't do anything with it. If we didn't negotiate an agreement, we could be arguably be sued for effectively condemning that part anyway. Bernardin-Lochmueller has suggested -- and he concurs -- that the most economical thing for the County to do is to go ahead and up front acknowledge that we are effectively destroying the use of everything -- even that tiny little sliver that we don't actually probably need for real construction. So this Resolution gives the buyer for the County the authority (if it is the Board's wish) to go ahead and buy those extra little slivers of lands that would be useless to the landowner anyway for which we would be liable for damages anyway up to a certain dollar limit -- which he has left blank. He would suggest something like giving the buyer authority to do it as long as the land is not worth more than \$5,000 or whatever amount the Commissioners are comfortable with. Do the Commissioners have any questions on the concept of what is needed here?

Mr. Hunter said he has a question for Mr. Curtis. Would it be advantageous for us to have some of these slivers -- particularly in the area of drainage?

Mr. Curtis said, "I think that is possible. I know that on one of the particular instances involved -- it is not feasible to build an access road to it. It is just a small piece of property that they are not going to be able to get to if we don't purchase it. Most of them wouldn't be of significant size to aid in water retention, etc. There may be one or two -- but most of them wouldn't be."

Attorney Wilhite said this will move the project along and, in theory, save us money by not having to file a condemnation suit, etc. We can just negotiate this as part of the original purchase. Economically it should be advantageous and perhaps, more

importantly, from a timing aspect make it a lot quicker. If the Board agrees with the concept, in general, he needs them to propose a dollar limit for authority to do this without having to come back each time. Does Mr. Curtis have a suggested dollar amount? Would \$5,000 cover most of the practical problems?

Mr. Curtis said it should.

Mr. Borries said he has a problem with the semantics here of the term "sliver". Are we talking about agricultural acreage here?

Attorney Wilhite said some of it could be. Some of it is also residential.

Mr. Curtis cited a 10 ft. wide, 200-300 ft. long sliver and said the right-of-way does not follow a straight line in that location, so it is somewhat moonshaped. He knows of one situation he has in mind where we take that much property from Day School. We leave that much on one person and take that much on Day School. That's no problem, we can take that little bit. But where we're leaving that one, you end up with a very small piece of property that is of no use to anyone. Once we get east of Green River Rd. -- and he doesn't recall how many there are -- but he knows there is one piece of property where BLA has done an analysis on the cost of building a local access road versus the cost of purchasing the property -- because it was going to be landlocked. He's not seen a list of the properties.

Seller's Affidavit and Partial Release of Mortgage: Attorney Wilhite said this is attached to his report and he needs the Board's motion authorizing our buyer to use these documents. The Seller's Affidavit is something the buyer will ask the landowner to sign. It makes the landowner represent that he owns it, the taxes are not delinquent, etc. This document is almost exclusively to protect the County. The second document is a partial release of mortgage. This is needed because there is a mortgage on a lot of the land we will be buying. Technically, the bank that holds the mortgage probably has an agreement with the owner that he is not to sell part of the land. To clean that up, we would like to try to get the bank to release their interest in the part of the land we are buying. They may or may not agree to do it, but there is no disadvantage in our trying to do it. Again, this would only be another effort to protect the County from any claim that the bank might have. He sees no disadvantage to the County in authorizing our buyer to use these two documents during negotiations.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the Board approved the utilization of both forms by the buyer during his negotiations on behalf of the County. So ordered.

Mr. Borries said he wants some definition here as to what we mean by "sliver". If you're dealing with agricultural land, and you're talking \$5,000, you can purchase an acre of land and that is hardly a sliver

Attorney Wilhite commented, "The Resolution defines it as an uneconomical remnant -- and that is an appraisal term that means that what that land is used for that's left has no value. If the Board is more comfortable with it, he can bring a similar Resolution each and every time the buyer does it. But it will cost the buyer and the Board more time each time they do it. "

Mr. Borries said he would have some hesitation in approving an acre of land or something. Maybe if we put a sum low enough in there, perhaps we can handle it this way. He would suggest a \$2,500 amount.

Motion was made by Commissioner Hunter to approve the Resolution

with a limitation of \$2,500 for purchase of excess land for the Lynch Rd. Extension project, with a second from Commissioner Borries. So ordered.

Weights & Measures/Rent: Attorney Wilhite said another small item was brought to his attention tonight by Joanne Matthews. In an earlier meeting the Board approved an extension of the lease with the Executive Inn for Weights & Measures for 1992. It is an Addendum. In looking over the document after the Commissioners signed it, Joanne noticed that the body of the Addendum says it is effective January 1, 1991 -- but the signature line says it is effective this (blank) day and November is inserted. She thought it appropriate that the record reflect authorization from the Board to strike the word "November" and inserting "January 1, 1992" to clarify that the lease with the Executive Inn re Weights & Measures be effective for 1992. It's an inconsistency and probably a good idea, as Joanne suggested, to clear that on the record.

Motion to change the effective date was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

RE: READING OF BIDS/KLEITZ RD. BRIDGE

The meeting continued with Attorney Wilhite reading the following bids:

CLR, Inc.	\$ 79,700
Koberstein Trucking	\$ 63,900
Phoenix Construction	\$ 60,626
Deig Bros.	\$ 67,895
Southwest Engineering	\$ 61,345

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the bids are to be referred to the County Engineer for his review and a recommendation. So ordered.

RE: READING OF COMPUTER BIDS

Attorney Wilhite read the following bids into the record:

Business Computer Solutions	
Hardware	\$ 24,088.81
Software	\$ 8,385.00 + \$180.00
Performance Bid	(Total Bid = \$32,653.81)
CBM Computer Center	
Hardware	\$ 33,605.35
Software	\$, 5,552.00
	(Total Bid = \$41,157.35)
Automated Office Solutions	
Hardware	\$ 23,211.00
Software	\$ 9,303.00
	(Total Bid = \$32,514.00)

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the bids were referred to the Purchasing Department for their review and recommendation. So ordered.

RE: COUNTY ENGINEER - GREG CURTIS

Agreement re Orchard Rd. Bridge: Mr. Curtis said Mr. Hunter has three (3) copies of the Orchard Rd. Bridge Agreement between the County, the Railroad, and the State. That needs to be signed and two (2) copies forwarded to the State. He doesn't think there is a problem with the agreement. The Railroad is the one who has sent that forth and they are the last ones to sign it -- but they are the ones who sent the agreement in, so he is assuming they would

agree with it. He would recommend that the Commissioners sign the agreement.

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

Requisition/Engine for Backhoe: Mr. Curtis submitted a requisition for a remanufactured engine for the backhoe at the County Garage that is used by the bridge crew in the amount of \$5,710.00. The money is in the budget for this purchase (Cumulative Bridge Fund for Equipment Repair).

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

Right-of-Way Easement/Kleitz Rd. Bridge: Mr. Curtis said he has a Right-of-Way Easement for land being donated by Clero Schmitt and he would recommend the Commissioners accept same.

Motion to accept the right-of-way easement was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Rejected Pipe Bid/St. Regis: Mr. Curtis said that at the December 23rd meeting the Commissioners inadvertently signed a bid from St. Regis Co. that he had asked be rejected. Since it has the Commissioners' signatures on it, whatever needs to be done for the bid to be officially rejected -- he is requesting same be done.

Motion to reject the signed pipe bid from St. Regis was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

Departmental Goals & Objectives - 1992: Mr. Curtis said he has submitted a list of the goals and objectives for his department for 1992, so he won't read same. But if the Commissioners have questions re same, he will be glad to sit down and discuss same.

Acceptance of Check/Storm Sewer Mtce./Audubon Estates D-1: Mr. Curtis submitted a check in the amount of \$225.00 for 455 l.f. of 12" and 15" pipe in Audubon Estates and requested acceptance of same.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter the check was accepted, endorsed, and given to the Secretary for deposit into Acct. #238. So ordered.

Supplemental Agreement/Bridge Inspection: Mr. Curtis submitted for approval a Supplemental Agreement with Bernardin-Lochmueller re Bridge Inspection, stating that INDOT, basically because of the requirements of the Federal Highway Administration, has increased the requirements for the bridge inspection report. It is basically twice as thick because of the increased requirements. They have authorized that the Consultant be compensated for their extreme additional work due to the added requirements. The agreement is in the amount of \$4,080.00. All of that would come under Phase II and this increases the total Not to Exceed Fee for the entire agreement from \$30,150.00 to \$33,240.00 and that total Not to Exceed was for both phases. Of the \$4,080.00, 80% will be reimbursed by the State -- as it always is on bridge inspection.

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

Right-of-Way Services Agreement/Lynch Rd. Extension Project/Bernardin-Lochmueller: Mr. Curtis submitted the agreement and said it is a Not to Exceed fee in the amount of \$57,613.00 for the right-of-way on the phase that we're getting close to construction on, which extends from Oak Hill Rd. to Burkhardt Rd. He has reviewed the agreement and the appendix and finds both to be

in order and would recommend approval of same.

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

Claims: Mr. Curtis submitted a large docket of claims (copy attached herewith) and said his intention henceforth is, unless we need to get the claim paid immediately, to run all these through the normal process -- which basically means a one month delay -- over the present process. That is the way most counties handle it and they seem to have no problems. The list just keeps getting bigger and bigger and he thinks it is getting to the point that everyone wants their claims handled this way. He would recommend approval of the claims docket.

Motion to so approve was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered. (Copy attached herewith.)

RE: BURDETTE PARK

Proposed Rate Schedule: Mr. Mark Tuley noted that where he's asked for a rate increase, the majority of the buildings have been enlarged and improved and the County has spent money to make them a lot nicer. A lot of these buildings now have central heat and air, etc. Utilities are increasing, building materials are constantly on the rise, and construction and labor costs are going up. They feel these rate increases are well justified. It is very labor intensive cleaning the large building and getting it ready for large companies -- as well as the clean-up after the companies leave. They've asked for a raise in the campground rates. They're still trying to make that campground pay for itself. In 1981, he believes we took in a grand total of \$800 on that building and this year it will probably break \$25,000 -- but it is still very underpriced compared to the market -- and that goes for State Parks or privately run campground facilities.

The fees for the skating rink, aquatic facilities, etc., will be addressed at a later date.

Ms. McClintock requested that Mr. Tuley provide a copy of the proposed rates, with indication as to when the rate last increased and the old rate.

Mr. Tuley said he will be glad to provide this information.

Ms. McClintock asked which buildings enjoyed the most significant improvements during the last year.

Mr. Tuley said the Bishea building is the highlight of all their buildings. Lakeside is the one that had the nice deck. Shelter House #18 is the one renovated just last year and it turned out excellent. That building is renting three to four days a week now.

Ms. McClintock requested that Mr. Tuley also note the capacity of each of the buildings.

Mr. Tuley said he will have that information on Ms. McClintock's desk one day this week.

Ms. McClintock said she will put the Proposed Rate Schedule on the agenda for January 21st.

Contract w/Wm. Harralson: Mr. Tuley said that a couple of months ago we entered into a contract with William L. Harralson and that contract was for a 5-year Master Plan (\$7,500 plus expenses). We are in receipt of a letter from him. He asked Mr. Harralson what expenses we were looking at and, in essence, his time here is already covered in the initial contract. The only thing we'll have to pay for is his travel and his lodging and meals while he is here

-- so he doesn't think we're looking at that much money -- probably less than \$1,000.

Ms. McClintock asked if Mr. Tuley is going to set up some meetings with all three Commissioners?

Mr. Tuley responded affirmatively, saying that the Commissioners have given Mr. Harralson quite a task. He has to review and study twenty-two (22) different items -- so it will be quite a report. As soon as Mr. Harralson's itinerary is confirmed, he will schedule meetings with the Commissioners.

Ms. McClintock asked for a motion to approve expenses for Mr. Harralson in a not to exceed amount.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the Board approved expenses for Mr. Harralson in an amount not to exceed \$1,000. So ordered.

Skating Rink: Mr. Tuley said the Commissioners probably received a copy of a report last week concerning the skating rink. He and Greg have been working on this, but one of the things asked of Mr. Harralson was the possibility that the Commissioners may be willing to look at building a new skating rink rather than repairing the old rink, and whether the numbers are there to make it pay for itself. They're are waiting for that feasibility report. He just wants the Board to know they haven't forgotten this -- they are working on it.

Closing of Pool Rooms/Same Hours as Pool Closing Mr. Tuley said the rooms by the pool have been both a blessing and a problem at the same time. When they started renting those out, they set the hours for those the same as he rest of the shelter houses in the park. With the pool closing at 7:00 p.m., and people being allowed to stay in those rooms until 11:00 p.m. or 12:00 midnight, it has become a security nightmare for them -- especially during the summer months. They fish people out of the pool all the time. A lot of bottles and glass have been thrown down there. The rent on those buildings was set extremely low to entice the public to get used to renting those buildings. We've never come back and tried to raise the rental rates on these rooms. It is his recommendation that we leave the rental price the same, but close those rooms at the same time the pool closes. Perhaps Attorney Wilhite can give us some advice, but he is wondering how much we are exposing ourselves as far as an insurance hazard if someone falls off the balcony late at night and hits the pool and drowns or whatever. We have no adult supervision up there. They are not supposed to be there and are trespassing if they go down there -- but he is not certain that we don't have some degree of liability exposure if a child gets down there.

Attorney Wilhite asked if there is some physical way to prevent individuals going down there.

Mr. Tuley said the way it is designed, there is. But evidently they find all kinds of neat ways to climb fences or whatever and getting in there and the Sheriff's Deputies keep throwing them out. Again, he would recommend retaining the current rental fee and closing those rooms when the pool closes.

Ordinance re "No Glass Allowed in Burdette Park" Commissioner Hunter asked if there is any advantage in requiring a breakage deposit at the time of the booking? If they're having to fish broken glass out of the pool and sweep the concrete areas, they're using staff that could be doing something else.

Mr. Tuley said that is true; but they've been fortunate that whatever glass has been broken has always hit the deck -- it has not gone into the pool. There's always the possibility we could

drain the pool to get all the glass out -- but that could shut the pool down for a week and cost the County a tremendous amount of money. Also, the Commission ought to have the Attorneys research to see if there ever was an ordinance in regards to Burdette Park when the City Parks adopted the "no glass allowed" in their facilities. He thinks it's time the County did this. There may be an ordinance there already which we can enforce. If not, maybe we need to have that drafted in ordinance form and passed by this body. They are not allowed to have glass in any of the City Parks.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the pool rooms are to be closed at the same time the pool closes (6:00 p.m. weekdays and 7:00 p.m. on weekends). So ordered.

Mr. Hunter asked Mr. Tuley if he thinks this will have an adverse effect on rental of these rooms?

Mr. Tuley said there are only a few parties that stay late -- but those are the ones that always give them trouble. They can rent the rooms beginning at 10:00 a.m. He doesn't think we will lose that much business -- or enough to justify the exposure.

Attorney Wilhite queried Mr. Tuley concerning the lease/rental form for these rooms and Mr. Tuley said he will provide Mr. Wilhite with copy of same for his review.

Ms. McClintock asked if there is interest on the part of the Commissioners to draw up an ordinance with regard to the glass.

It was subsequently noted that an ordinance would not be necessary but that a Resolution would suffice.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, Attorney Wilhite was instructed to prepare a Resolution concerning "No Glass in the Park" period, which is to be posted and enforced.

Mr. Hunter amended his motion to say "Ordinance" rather than "Resolution", with a second from Commissioner Borries. So ordered.

Catering Fee/Burdette Park: Mr. Tuley said that last year we passed a Resolution with regard to catering fee at the park. Commissioner Hunter had asked that he keep track of that and report back in a year. It went over like a lead balloon! Realizing that everybody else in public facilities -- it's standard in the industry to do what the Commissioners did and recommend that we charge a fee for that -- the public has not accepted it (since they did not pay it all those years) and it is very, very hard to enforce. They will tell you "no" on the lease that they are not having a caterer -- and then turn around and have a caterer. Caterers are certainly not going to call us and say they booked a part at one of the shelter houses. When it's in the pavilion, it's easy for them to monitor it. He doesn't see any way of doing it at the shelter houses. They have the caterer prepare the food, they go pick it up, they, in turn, bring it in themselves and say they cooked the food. What do you do? He's thought of a million different ways to solve this problem and there is no good way that he knows of. Laura Martin was telling today that we only received ten or twelve catering fee checks during the course of the summer. He remembers seeing one over \$700.00. Ms. Martin told him several companies called who have had their picnic at Burdette for years -- and said they weren't going to have a picnic this year or would be moving it to another facility -- they only have x number of dollars to work with. So we lost some business.

Mr. Hunter asked if Mr. Tuley is suggesting we drop the catering fee?

Mr. Tuley said his real thinking is that years ago he came before this Board and tried to get the County to take over the food business at the park -- not only the concessions at the aquatic center and the skating rink -- but at that time we explored the possibility of hiring a food manager and doing our own food. All the private parks will tell you that's the difference in Burdette Park making a profit and not making a profit -- there's that much money involved.

Ms. McClintock said Mr. Harralson is coming in and we're paying him all this money, so wouldn't it be appropriate to discuss this with him?

Mr. Tuley said it would, except that Mr. Harralson has already addressed it three times in seven years. He's always advised that the County take it over and we've never done it. Four or five years ago when it was brought up, the insurance carrier for the County at that time was violently opposed -- they didn't want us to even think about getting in the food business. We are currently under contract to the concessionaire and can't do anything about it for two or three years anyway. But, again, we can let Harralson look it -- but he would think we should waive the catering fee until such time as we would take over the food.

Ms. McClintock said that prior to making that decision, she would like to see a list of the companies and the amount of money. We need to look at that at the same we review the rental rates.

Mr. Borries asked why we couldn't have the catering fee for functions in the pavilion -- where we have the largest amount of clean-up and the largest amount of expense -- and where it is also easiest to enforce and maybe waive it at the other off-site facilities. Or maybe look at the Bishea Building and the pavilion.

Mr. Tuley said he thinks this is a good idea. This way the County would be reimbursed for the clean-up costs.

Ms. McClintock asked that Mr. Tuley provide the information previously requested.

Acceptance of Check for Burdette Park: Mr. Tuley stated that Kip Husk, President of the Jaycees, called him and wants to come before the Board to present a \$500.00 check to Burdette from the Jaycees to apply to playground equipment. The Evansville Jaycees helped with playground equipment several years ago at Wesselman's and several of the other City parks. They have agreed to hold a fund raiser -- and we're trying to design a major playground right next to the building that houses the Day Camp. Since Burdette has grown in popularity, we are very short of playground equipment. The Jaycees have agreed to hold a fund raiser and try to raise \$5,000 for us to buy the main hub of this playground equipment. He will try to get them to the Commission Meeting on January 21st.

Year End Report/Finances & Expenses: Ms. McClintock requested that Mr. Tuley also provide the Board with a year end report.

Mr. Tuley said they are working on that.

Request for Funds from Parks Board: Ms. McClintock asked Mr. Tuley if we've requested money from the Parks Board yet, and he responded negatively. We did send in the first phase of the Ford Foundation -- it's a \$100,000 grant and they only grant it to public facilities -- and he thinks the Day Camp is a very worthy project.

Mr. Hunter asked when we'll know if we made it?

Mr. Tuley said the cut-off was December 8th -- so he assumes we will be notified within 60 days. At that time they will send us

another very complicated packet to complete and send back.

Day Camp: Mr. Tuley said he hopes to have some very exciting news with regard to the Day Camp in a couple of weeks. It is getting bigger and better all the time. Last year we ran almost 90 children through the Day Camp. Several companies have contacted him and he thinks we will have several proposals from firms who want to sponsor the Day Camp.

RE: CONSENT AGENDA

Commissioner McClintock entertained questions concerning the Consent Agenda.

Mr. Borries asked how Ms. McClintock plans to travel to the Legislative Session?

Ms. McClintock said she has ride -- so she won't be coming to the County for any money to get up there or back.

Mr. Borries asked why this is on the agenda then?

Ms. McClintock responded, "For my per diem."

There being no further questions, President McClintock entertained a motion.

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

RE: OLD BUSINESS

Ms. McClintock entertained matters of Old Business. There were none.

RE: NEW BUSINESS

Request for Permit to Move House: Mr. Wilhite said Mr. Roger Lehman brought by a request from Girtten Moving & Dozer for a permit to move a house from Warrick County to 17600 Volkmann Rd. Mr. Lehman recommends approval.

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

One Stop Permitting Process: It was noted by Commissioner McClintock that she had a meeting with Roger Lehman and Barbara Cunningham this afternoon to discuss the one stop permitting process proposed by the Mayor. If agreeable with the Board, she would ask the County Attorney to draw up a simple one-page agreement. What we've agreed to -- Roger Lehman's office and Virginia in Roger's office, will be the primary one stop permit process person -- and this started on January 1st. January 2nd a developer came in and had a new project. This is for commercial development only. They go to Virginia and she walks them through the permitting process. They are doing this for the City and they want to do the same for the County. Barbara Cunningham was there because what they want to do is, once they get into this and people begin to use the process more, we would agree (and since those are County employees down in Plan Commission) that when Virginia had more than one client there at any time, or some overflow -- that Barbara would have an employee who would go over and assist these developers with this process. Everyone there was agreeable that this was very workable and something that would be particularly helpful to the commercial developers and wanted to go ahead and proceed with it. However, I indicated I wanted to bring it to the Commission tonight and make sure it was all right and we could go ahead informally until such time as we get the agreement back to the Commission -- because we're not talking about any kind of

funding or budgeting at this time. What she is looking for is a motion to approve the concept and occasionally loaning an APC employee to the one stop permit office and then ask the Attorney to draw up a simple letter of agreement between the City and the County indicating the Board's approval.

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

Request for Information from the Auditor: President McClintock said that B. J. (Farrel) has been working to try to get some of our financial information on the computer and in trying to make some of these decisions that we need to make as Commissioners regarding fiscal matters -- whether or not we have money to do a project -- we need to get some additional information from the Auditor's Office. We're currently getting a report from the Treasurer's Office, but there are reports that are already being generated and she would like to request that the Auditor provide to the Commission members a set of the Monthly Revenue, Expenditure & Balance Reports for the County and the Monthly Financial Statement -- so B.J. can check her records and make sure those are accurate for the Commission accounts and so that the Commission Office will have available a set of these reports to which the Commissioners can refer to see what kind of funding is available in the County.

Commissioner Borries said, "Those are already available in the Auditor's Office, aren't they?"

Ms. McClintock responded, "Well, they have not been readily available to the Commission office."

Mr. Borries asked, "In what way? You're saying that this is something new that the Commission has never had any privy to before?"

Ms. McClintock responded, "I don't know whether the Commission office had any privy to it before January 1991 -- but we have not received these."

Mr. Borries said, "I mean, if the Auditor only wants certain copies to remain in his office - are you saying he won't share that information -- if it's public information -- down there?"

Ms. McClintock said, "That's correct."

Mr. Borries asked, "What's the specific reason given for that?"

Ms. McClintock replied, "Well, I wish Sam were here. I didn't know he was not going to be here this evening. I think maybe you should talk with him about that."

Mr. Borries replied, "I will."

Ms. McClintock continued, "Because that is the kind of information we need to make decisions."

Mr. Borries said, "Well, I'm sure if it's a decision that affects County finances out of our office -- we can get that information. I don't think it's ever affected any decision we've made before. Are you implying there has been some mishandling of any funds?"

Ms. McClintock responded, " No -- no, no, no."

Mr. Borries commented, "Then somehow or other that information has been given to this office."

Ms. McClintock said, "What we need to know is how much money the County has. We can't base any long range planning on..."

Mr. Borries interrupted, "You're not going to base long range planning on how much the County has anyway -- because that is a year to year to year deal -- that is how budgets are set up -- on a year to year to year deal. If you're talking about a year being a long range plan, we can debate that. But that information is all public record."

Ms. McClintock said, "We agree. And all we're asking is that the Commissioners have access to the public records. We currently do not."

Mr. Borries said, "I don't think there is any motion necessary for that."

Ms. McClintock said, "Let's assume that is going to happen in the future."

Ms. McClintock then entertained further matters of new business to come before the Board. There being none, she declared the meeting recessed at 7:05 p.m.

PRESENT:

Carolyn McClintock
Don Hunter
Richard J. Borries
Jeff Wilhite, County Attorney
Cindy Mayo, Chief Deputy Auditor
Greg Curtis, County Engineer
Lee Frank/Kahn, Dees, Donovan & Kahn
John F. W. Koch
Pat Kixmiller
Mark Tuley/Burdette Park
Lou Wittmer/Commission Office
B. J. Farrel
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Carolyn McClintock, President


Don Hunter, Vice President


Richard J. Borries, Member

**MINUTES
COUNTY COMMISSIONERS MEETING
JANUARY 21, 1992**

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Meeting Recessed @ 7:15 p.m.

MINUTES
COUNTY COMMISSIONERS MEETING
JANUARY 21, 1992

The Vanderburgh County Board of Commissioners met in session at 5:30 p.m. on Tuesday, January 21, 1992 in the Commissioners Hearing, with President Carolyn McClintock presiding.

RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

Ms. McClintock called the meeting to order, welcomed the meeting participants, introduced members of the County Staff (Wittmer, Wilhite, Hunter, Borries, Humphrey, Matthews, Curtis, Downs, Farrell) and asked the group to stand for the Pledge of Allegiance.

Ms. McClintock subsequently asked if there are any groups/individuals who wish to address the Commission who do not find their item of particular interest on today's agenda. There were none.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

Commissioner McClintock entertained bids on the remaining parcels of County-owned Surplus Real Estate that had been advertised for sale. There were no bids.

RE: ORDINANCE/COUNTY EMPLOYEES PERSONNEL POLICY

Commissioner McClintock said this is the Second and Third Reading and Public Hearing. She then asked if anyone in the audience wishes to speak re the Personnel Policy. There being none, Ms. McClintock said Attorney Larry Downs, who was involved in the preparation of said Ordinance is with us this evening should any of the Commissioners have questions. However, it has been discussed quite thoroughly. If there are no questions, she will entertain a motion to approve the Ordinance re County Personnel Policy as amended in First Reading.

Motion to this effect was made by Commissioner Hunter. Mr. Borries said he would second and ask for a roll call vote: Commissioner Borries, no-- and, again, the reason he votes 'no' is because he objects to the part in relation to the hours (Section 2.63, known as the Work Day). We've had discussion on this before and that is why he votes no on that particular section. Commissioner Hunter, yes; and Commissioner McClintock, yes. President McClintock declared the Ordinance approved.

RE: PROPOSED DRESS CODE FOR COUNTY EMPLOYEES

Commissioner Borries said he received something from Lou Wittmer with regard to a proposed Dress Code for County Employees. This was only proposed, so are we talking about including this at some point in the County's Personnel Policy?

Ms. McClintock responded, "No. We had discussed at one point making that a part of the County Personnel Policy and our Attorney felt like it would be better to just have a separate policy on the dress code. So it's nothing that needs to be acted upon. I was going to bring that up under "New Business" to set that on the agenda at a future meeting. We can go ahead and do that now."

Mr. Borries continued, "No, that's fine. I just wanted to ask a question and express

an opinion about that."

Ms. McClintock said, "If the Commission feels like they'll be ready to vote on it, we can put that on the agenda for next week's meeting."

Mr. Borries said, "I don't know if I am; I just saw it today -- let's go ahead and proceed through your agenda. I just wanted to make sure there was no linkage here between this and the Personnel Policy."

RE: WELFARE DEPARTMENT

Commissioner McClintock called for Mr. John Schroeder. Mr. Tim Wirtz said he is here in his stead. The Commissioners should have information in their packets, which was sent to the Commission office earlier. Unless they have questions or need some clarification, he has nothing else to add. They are recommending to the Commission that the bid be awarded to Automated Office Solutions at a cost of \$32,514.00.

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

Mr. Schroeder entered the meeting room (he has been hospitalized).

RE: DATA PROCESSING - ROGER ELLIOTT

Mr. Elliott said he is here for purposes of obtaining the Commissioners' signatures on a contract with U. S. West Public Safety Group for the purchase of Digital Computer Equipment.

Mr. Elliott said that Police Chief Art Gann extends regrets that he is unable to attend tonight's meeting. Mr. Elliott said he, however, does come to the Commission from the Data Board with contracts for the Commissioners' signatures for the purchase of hardware upgrades for the upgrading of the computer systems located within the building, as well as expansion of the computer system. The total cost of this package will be \$821,000, split between the City and the County in three payments. The County portion is \$628,000; the City portion is \$193,000. The funding is in place for this expenditure and he is requesting that the contract be executed at this time.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the contract was executed, as presented. So ordered.

RE: PIGEON CREEK - ROBERT BRENNER

President McClintock asked if Mr. Robert Brenner is present. There was no response and this item was deferred.

RE: AGREEMENT WITH DAVID M. GRIFFITH & ASSOCIATES, LTD.

It was noted by Commissioner McClintock that we've had this agreement for several years. This firm, in conjunction with the Association of Indiana Counties, has developed a program that has enabled us to be reimbursed for administrative costs for such programs as the food stamps, AFDC, Medicaid, Child support, Civil Defense, etc.

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

RE: RESOLUTION OF THE BOARD OF COMMISSIONERS OF VANDERBURGH
COUNTY EXTENDING THE TERM OF THE COUNTY PARKS AND
RECREATION ADVISORY COMMITTEE

The meeting continued with President McClintock saying the next item on the agenda is one she does not expect to vote on this evening. However, she did want to provide each Commissioner with a copy of the proposed Resolution. What it is, basically -- and each of the Commissioners may want to review it individually -- but it is the identical Resolution that created the County Parks & Recreation Advisory Committee many years ago. The only change they are proposing is in Section 4. Previously the Advisory Committee consisted of three (3) citizen members; one citizen appointed by each member of the Board of Commissioners -- which is a little unlike normal Board appointments, but that is the way it was originally set up. We are proposing that this remain the same; each Commissioner will have an appointment to this Board and that we add two (2) citizen members appointed by the Vanderburgh County Council. The reason they are proposing this Resolution is we had proposed the establishment of a separate Parks Board last year and County Council has requested that we reinstitute this Board, extending the term of this Advisory Committee through 1992, which would provide the citizen input that we had wanted through a Parks Board without the kind of financial concerns that have been expressed concerning the establishment of a separate Parks Board. If successful, at the end of this year we either would continue this or determine to go ahead and establish that County Parks Board. She would like to put this on the agenda for January 27th for discussion and a vote. If there are questions which need to be researched between now and next Monday, she would be happy to hear about them now or Gary Price (the Attorney who has been working on this) will be here next week and would be happy to answer any questions the Board might have.

Mr. Hunter said the only question he would have, this Board does not open the door for Federal funding to Burdette Park?

Ms. McClintock said, "No, it does not."

Mr. Hunter said, "So in a sense we are only cranking up the Citizens Advisory Committee?"

Ms. McClintock confirmed that is correct, saying that when she discussed this with Mr. Tuley one of the reasons we were so interested in the Parks Board was that we're getting ready to do a new 5-year plan for Burdette Park. We just paid the money to bring a Consultant in and he feels -- and she has to agree -- that it is very timely to have a group of citizens involved to help review that 5-year plan and have some citizen input from the outset. This establishes the Citizens group that can be involved with Burdette Park without the baggage or concerns about the additional taxing district.

Mr. Borries said, "As you know, I certainly opposed the additional taxing district and felt that was definitely the wrong way to go. I am at least encouraged to see that that is not part of this particular proposal. Are there other sections in this Ordinance -- that may have changed? For example, the duration of the citizen members appointed by the Commission and County Council would be for as long as the Advisory Committee shall serve?"

Ms. McClintock said, "Under Section I -- the term of the citizens members as herein provided is extended to December 31, 1992."

Mr. Borries asked, "And all five appointments would end at that time?"

Ms. McClintock responded, "Unless we extend it. We would have to extend it by

Commission action."

Mr. Borries asked, "And what is the reason for not extending it?"

Ms. McClintock responded, "What the Council had requested is that we go ahead and set up the County Parks & Recreation Advisory Committee, identical to the old Committee, with the addition of two (2) members appointed by the County Council and that we have this operate through this year. In November or December of next year, determine whether we want to extend this particular Resolution for another year or then look at the County Parks Board Ordinance initially proposed last year."

Ms. Borries asked, "When you talk about the 'Council', are you talking about the Republicans on the Council? Or, has this been discussed by all members of the County Council? To whom are we talking here when we mention 'the Council'?"

Ms. McClintock replied, "I have spoken with Curt Wortman, the former President of Council, who was expressing back to me their concerns. I don't attend all their meetings -- I just assume they all discussed it. I know there was some opposition from the minority members because of the taxing district provision. But it is my understanding, Rick, that this is identical in intent and content to the original ordinance that was passed, I believe, back in 1980 or 1982. That is what I asked Gary to do -- change this. We will put that on the agenda for discussion and a vote at the January 27th meeting."

RE: CENTER CITY CORP/REQUEST FOR FUNDING

Ms. Theo Boots of Center City Corp. was recognized and stated that Center City applied for a local Economic Development Grant from the Indiana Department of Commerce in the amount of \$30,000 and this is a two-for-one matching grant, which means they need to raise \$60,000 in order to receive the \$30,000. This will be a total \$90,000 budget which be used for business/commerce area in the downtown area. They have several goals they want to complete for the first year. The first goal is to conduct a property analysis on approximately 30 out of a total 69 blocks in the first year, with the remaining blocks to be completed in the second year. The first 30 blocks will be the denser blocks and will first concentrate on the vacant buildings. A thorough and complete property analysis has not been done for downtown Evansville. She has contacted the Chamber of Commerce, several realtors and different groups. They all felt this information was desperately needed. Some of this has been done in the past, but it was never done in depth and it was not kept up. When particular people call for certain information, Center City has not been able to give them an adequate amount of information. In fact, this week she has someone interested in locating a Day Care Center in downtown Evansville. Some of their needs are real unusual. She thinks a Day Care Center would be neat for the downtown area, but she is having to do a lot of research. The realtors do not have information as to whether these buildings would be pertinent in accordance with this person's interest. So their first goal is to conduct a thorough property analysis and building inventory on all the buildings in the 30 block area the first year. The second goal would be to develop a marketing package and an overall marketing plan. The marketing package would design to provide an overall look at the community and the downtown area, giving a detailed description of economics, social and governmental and physical conditions of our downtown district. The package will be used to help sell the downtown area and will also be flexible enough to allow for updating and we can tailor it to the different people's needs, depending on the different buildings and other items that they might be interested in. The marketing plan is essential to effectively distribute and sell the marketing package. They feel Center City needs to be the downtown expert and know everything they can about the downtown area in order to help them promote the community. They have been working with Indiana Main Street and National Main Street in Washington, D.C., and they both feel that the first

goal before you even start recruiting businesses in the downtown area is to know everything you can about your downtown area and all your buildings. They have also asked Bill Brooks to chair the Downtown Progress Committee and he will be working with Center City's own business and commerce committee and along with the expert advice of Indiana Main Street and National Main Street they hope to address and work on several issues pertinent to downtown -- parking and taxes. They also hope to be actively recruiting businesses to the downtown area by this summer. They are currently working with a couple of prospects. There has been a lot of activity downtown in the past year and she thinks the future looks bright for downtown Evansville. She thinks they need community-wide support to help them in their efforts and hopes the County will grant them \$10,000 to help them in their match for the grant.

A lengthy comment and discussion period between the Commissioners and representatives of Center City Corp. followed. Ms. McClintock then entertained questions.

Commissioner Borries said he has a couple of questions. He had talked with Theo; he had not seen this. He said, "Carol, you know, it seems to me that B. J. or someone -- if it's addressed to you, as President, some of this information could be shared."

Ms. McClintock interrupted, "B. J., are you indicating this was copied and placed in Commissioner Borries box?"

B. J. Farrell responded affirmatively, saying she put a copy in Mr. Borries' mailbox. When Ms. McClintock asked if she gave him a copy of the entire package, Ms. Farrell said she thought she had copied the letter, too.

Mr. Borries said he has the Grant Proposal -- but he did not see the letter from Center City Corp.

Ms. Farrell said she took it down and made copies and collated it -- she didn't check it -- she was trying to get it in his box on Friday so he'd have a chance to look at it during the three day weekend. She will try to find the letter and provide him with a copy.

Mr. Borries said he appreciates that. He had talked with Theo earlier and his concern was there was some information -- he was a little concerned when we started talking about \$30,000 -- that would be a little more than he believes we could handle. He would support Center City's efforts -- but he guesses his concerns are -- is Center City a membership type group? Don't they have some source of revenue right now?

In response, Center City said the \$90,000 is part of their budget which totals in excess of \$235,000 per year. Business recruitment is their number one priority. They've had a series of three round tables in which some 175 to 250 downtown business people -- people who already work and own businesses in the downtown area -- and they asked them what they wanted Center City to do -- what areas they should focus on. The number one area is business recruitment and development and the retention of commerce downtown. Without a doubt, that is their number one priority.

Mr. Borries said the \$10,000 amount eases his concern somewhat. There are several criteria he personally has looked upon when groups have asked us to help fund them. First of all, does the County have direct responsibility? When the Chamber and other officials -- Mr. Leich -- came to the County several years ago and asked us to participate in the 3rd & 5th Street project by doing some renovation at the Coliseum in terms of buying property, razing the buildings, constructing parking lot (and, hi his

opinion, we still need to finish the job over there) -- but the Coliseum is the County's responsibility. It is an historic part of Vanderburgh County, as is the Old Courthouse. He understands those things and sees the direct responsibility and thinks that the County has certainly participated in definite good faith to insure that the future of the downtown is a good one. Again, we do not have unlimited monies and Center City would not expect us to in a businesslike fashion to extend this to every group. He has looked at ways we have extended grants to groups that are not necessarily revenue producing or did not have any other source of funding for whatever the immediate project or was directly related to the field of economic development. In the case of Vision 2000 or the Chamber of Commerce before Vision 2000, he saw some direct relationships. He supposes we are talking economic development here -- but he just can't imagine in this day and age that someone doesn't have that kind of property analysis -- a realtor or someone else. Be that as it may, he supposes we can look at it as economic development. But to ease his concerns on this, would Center City understand that this is not any kind of ongoing grant?

The response was affirmative, saying it is at the very most a two year project for Center City, although the business recruitment efforts they undertake subsequently will continue in a dramatic way. This is a two year grant from the Local Economic Development Commission (for new or expanding program) and they have been told that if they adhere to all the provisions of a first year grant, then they get a second year grant for half the amount. Hopefully, by next year they would have had enough impact on the downtown business sector that they would not come back to the County next year.

Ms. McClintock said she is going to support this grant proposal. It is her contention that this \$10,000 merely enhances the \$100,000 grant that the County has already provided to Vision 2000. In sitting in the Board of Directors meeting today, one of the concerns of that group was exactly this -- identifying locations and sites which Vision 2000 has done an excellent job of doing for industrial sites -- and is just now beginning to see the need for this kind of thing. She also feels it is very position for County government to support something that clearly will enhance the use of the Old Courthouse, who was just before the Commission because they are having a rental problem with regard to the Old Jail and, of course, the Coliseum.

Following further discussion, a motion was entertained to approve the \$10,000 request, subject to County Council approval. So ordered.

RE: PIGEON CREEK - ROBERT BRENNER

Mr. Brenner asked if all the Commissioners received the handout he sent with regard to Pigeon Creek, and the response was affirmative. Mr. Brenner said he is proposing ten (10) things -- some minor, and others pretty far reaching. But he thinks these are ten things the Surveyor's office can help the Commission do to improve the new navigable stream -- Pigeon Creek. (Copy attached hereto)

In explaining the attached map, Mr. Brenner said this is a Corps of Engineers map done in 1967, which plotted the bottom of the Creek (highlighted in Green) and he proposes to lay these three things out as canoe areas. You cannot get from one area to the other -- but the shortest is two miles and the longest is five miles. Those are the three distinct areas laid out. Mr. Brenner said Pigeon Creek has never been surveyed -- it just sort of sits there. Property abuts to it; no one knows where the property lines are -- it's a maze. They propose to correct that. There are boats that run up and down the creek every week when the water is high -- but one of the things that happens is when you come to a bridge (and it looks completely different from anything you've seen from the top) -- you don't know you're at Franklin Street or Maryland Street or where. He is proposing bridge signs be installed both on the upstream and the downstream. This could be done with the Traffic Department.

A sign could be installed at the Vanderburgh County Line (Vanderburgh-Warrick County Line). This is how far the navigable stream goes and he thinks we should mark it. He proposes to survey and locate distance markers every tenth of a mile from the mouth of the creek to the County Line. This does a lot of things. There are all kinds of strange pipes that come into the creek; there are dump sites. If you're in the creek and you identify this, you do not know where it is. The mile markers will give you an indicator -- he can tell the Health Department that there is a strange pipe dumping green substance -- and he's had these things and they can't find them. This will give us a way to do it. Additionally, they want to do a survey of the water depth; this will enhance this 1967 map. He wants to locate and identify the incoming pipes. If a strange one is a street drain, it is supposed to be there. If it is a sewer pipe from a plant, it is not supposed to be there. He wants to locate real estate owners. He already has three or four complaints -- once they heard he was interested -- re people who are dumping into the creek right now. There are all kinds of things being dumped into the creek -- shingles,, etc. He wishes to obtain workers from the Courts. He has already talked to them -- the people who are sentenced to Community Service would be available to us. This also makes an excellent Boy Scout Eagle project. Give them one tenth of a mile to plant grass along the kill areas. He is going to work with the Purdue Extension Agent to plant -- there is a canary grass that will take the high water and continue to grow. It can be under water for two to three weeks and come back and still be green. Right now when you go down to the creek there is an area sometimes as high as 10 ft. up that is just a mud bank with nothing on it. It needs to be improved if it is ever going to be used for anything. He's also pointed out the three areas he wants to use as a ponding area. He wants to go out and obtain creek real estate and right-of-way from property owners. There are a lot of people who would donate it to the County because it is useless to them and they are being taxed at the same rate they are up on top right now. These are things he can do for the Commission to help Pigeon Creek and he is prepared to do it. If the Commissioners go through this proposal and have questions, he would like to talk to them about same.

Ms. McClintock said this will be put on the agenda for the February 3rd meeting. She asked if Mr. Brenner will add to the list "do the survey work for Phase I and Phase II"?

Mr. Brenner said that doesn't have anything to do with the creek. They've accepted a project from the Parks Department -- a survey of the first section of the bike path which extends from the monuments to Waterworks Rd. -- it's going pretty good and they should be ready to bid it when they get permission from the Corps to build on top of the levee. They are open to suggestions from the public or anyone. If it is low budget -- they'll try it.

Ms. McClintock expressed appreciation for Mr. Brenner's hard work on the Pigeon Creek Greenbelt Committee.

Mr. Borries said he had some very real concerns in relation to Mr. Brenner's role in this. He would add a couple of items that maybe we could in the interim, as well. Perhaps we need to get a letter from the U. S. Army Corps of Engineers which really outlines what Mr. Brenner's responsibility really is? Would Mr. Brenner do this? Or, he would be happy to write it. Or perhaps, as a Board, the Commission could do this. Focus in, tell them what Mr. Brenner is going to do; send them a copy of the list, etc.

Mr. Brenner said there is nothing wrong with that. What they will reply is what **their** responsibility is. Who does anything greater than that -- there is a void and someone has to fill it. What we need to see is whether they have any objections. There is a way to word that -there is not quite certain how, but he will write to them.

Mr. Borries said he's sure Mr. Brenner has talked with Warrick County concerning problems he's been able to identify along Pigeon Creek. Perhaps at some point we

could get their cooperation?

Mr. Brenner said he hopes so. It's above our first County line where it intersects the first time is the legal drain -- and it is a legal drain in Warrick County and we pay on it -- the part that loops back into Warrick -- the Drainage Board makes payments to keep it clean. There probably hasn't been a Joint Drainage Board Meeting in 15 years. In fact, he can guarantee that since he's been the Surveyor for 15 years there's never been a joint meeting, yet we pay every year.

RE: BOARD APPOINTMENTS

Ms. McClintock said Mr. Byron Warren is being appointed to the Board of Appeals; Robert Kollker is being appointed to a one year term on the County Board of Review; and Al Bauer,, Jr. is to be reappointed to the Area Plan Commission for a four year term. Comments or questions were entertained. There being none, a motion was entertained.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the appointments were approved, as submitted. So ordered.

RE: COUNTY ATTORNEY - JEFF WILHITE

Attorney Wilhite said he has submitted his written report. Only one item requires action. Bernardin-Lochmueller will be buying several pieces of property or property interests that have a value of something less than \$150.00. As a practical matter, that would be somewhat burdensome to come back for every \$150.00 purchase. In the past the Board has established a minimum level to offer for parcels below that level and he understands \$150.00 has been about that level. If it is the Board's pleasure, he would need a motion passed tonight authorizing Bernardin-Lochmueller to purchase any parcel valued at less than \$150.00 for an established minimum of \$150.00.

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

Proposed Equipment Maintenance Agreement/Johnson Controls: Mr. Wilhite said he has a proposed agreement in substantially the same form as in the past with Johnson Controls regarding the control system at Vanderburgh Auditorium in the amount of \$5,256.00.

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

RE: ALL CARE PROGRAM/ALEXANDER AMBULANCE SERVICE, INC.

Attorney Wilhite said the Board passed a similar Ordinance in 1991 and it is time to renew same, if that is the desire of the Board. Since it needs to be an Ordinance, it needs to be advertised. He has the proposed Ordinance and the Board needs to set hearings.

It was subsequently determined the Ordinance will be advertised, with hearings set for February 3rd and February 17th.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the Ordinance was scheduled for First, Second and Third Readings at 5:30 p.m. on February 3rd and February 17th, and the secretary was instructed to advertise.

Mr. Borries asked if they ever put in the Ordinance what they charge for this

ambulance subscription program?

Attorney Wilhite said all he can answer is that they didn't in the 1991 Ordinance.

Ms. McClintock said it is her understanding they will come to the public hearing and discuss this -- but she doesn't think they propose an increase.

RE: RESOLUTION RE INDIANA HOUSE BILL #1188 RE RIVERBOAT GAMBLING

Attorney Wilhite said he is passing down copies of the subject Indiana House Bill, which is pending. Importantly, the bill provides for a binding referendum. If passed, the bill would allow the residents whether we do or don't want it. Because of the binding referendum and the economic benefit, this Resolution indicates the Commission's support of that bill if that is the Commission's decision.

Ms. McClintock said this Resolution is the result of a meeting that was held yesterday afternoon at the Convention & Visitor's Bureau. The local delegation is requesting support from not only local units of government, but also individuals and corporations in the community. What they are saying is that this will not provide riverboat gambling, but will provide opportunity for residents of Vanderburgh County to determine whether they are interested in riverboat gambling or not. Some of the figures provided to them yesterday included an anticipated economic impact exceeding \$41.4 million: \$21.5 million to be spent on lodging; \$11.1 million in retail sales; \$4.5 million for entertainment; and an additional \$4.1 million in food and beverage sales. Those numbers are based upon the first year efforts in Davenport and Peoria, who have passed and have begun excursion boat gambling or gaming in their local communities. They requested the Resolution be brought to the Commission this evening. Again, the binding referendum means the citizens in this community would have to vote on this idea. A motion was entertained.

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

RE: COUNTY ENGINEER - GREG CURTIS

Mr. Curtis said that because the Commission is not holding a meeting on the second Monday of the month, Bernardin-Lochmueller is here this evening to update us on the USI Interchange. He would ask Mr. David Isley of Bernardin-Lochmueller make that report.

Update on USI Interchange, Lynch Rd. & Eickhoff-Koressel Projects: Mr. David Isley said they provided the Commissioners with an update last month. They are here again tonight for the same reason. Tomorrow night there will be a Public Hearing at USI concerning the Interchange (6:00 p.m., 7:00 p.m., and 8:00 p.m.) and people can come to any one of those sessions for a short presentation and have opportunity to ask questions -- so that is moving along. They had the field check about a month ago. They are also continuing work on Lynch Rd. and the design of the bridges is almost complete. They are now getting into right-of-way services on this project. With regard to Eickhoff-Koressel, they are moving along on design. On the section north from S.R. 66 up to the Interchange they are continuing on the Environmental Impact Statement, narrowing down to two quarters and looking at those in great detail. In a nutshell, USI is taking up most of their time right now -- getting ready for the public hearing tomorrow night.

Copperfield Subdivision/Sidewalk Waiver: Mr. Curtis said Mr. Jim Morley of Morley & Associates is present and he believes Mr. Morley met with some individuals and they have a proposal to make. He is not sure what the Commission's wishes are on sidewalks in this area and he is not really quite sure what transpired in the meeting.

Nonetheless, the developer would like to proceed and get his Letter of Credit filed. He would request that Mr. Morley answer any questions.

Mr. Morley said this subdivision is being developed by John Elpers, a new owner of the property. He is the one who has to file his Letter of Credit on this subdivision. He purchased 30 acres -- the ten (10) acres that he is ready to record now and two adjoining 10 acre parcels behind that. The subdivision plan for the entire 30 acres was presented to the APC and approved by them. Mr. Elpers previously requested with the Board to receive the same as had been granted with Mr. Garrison, the full waiver of the sidewalks. Then Mr. Hunter asked for opinions from others -- the School Corporation -- and received back from Virgil Miller an opinion that a subdivision of 80 odd 100 ft. lots ought to have sidewalks. The next question raised was are we talking about full sidewalks everywhere or a waiver along a trunk collector? Mr. Miller basically responded that he is in favor of sidewalks, he expressed opinion, and the Commissioners need to make the ultimate decision and he doesn't want to negotiate anything. Mr. Morley said he then talked with Mr. Jeff Hatfield, who is also a developer and had been involved in a subdivision of exactly the same size lots (100 ft. wide lots) and Mr. Hatfield had carried out in developing his subdivision in a form wherein he did not build the sidewalks first. As the Commissioners know, the developers have always screamed about it, because if they put them in first they drive the concrete trucks over it and they don't know where the driveways go and they get them torn up and then have to rebuild the damaged portion. What Mr. Hatfield did in carrying out his was place a covenant with the lots that when they build the driveway for the house they had to build the sidewalk -- and then he, as the developer, did the grading. He had it all compacted and smooth for the sidewalk and when the homeowner built upon that lot, as he finished it out and poured the driveway, then he was required to pour the sidewalk before he occupied the house. That method of construction has significant advantage to the homeowner. If the developer puts them in first, because of his front end work and then tearing it out and then carrying the cost of that -- the burden on each home of a sidewalk is about \$1,000 on a 100 ft. lot. On a 100 ft. lot, if the homebuilder or the contractor - - when he pours the driveway then pours the sidewalk across that property -- he can do it for about \$6.00 per lineal foot and the remaining 80 ft. of that lot would cost him \$480.00. So to the buyer who is buying the house, there is a \$500 difference - - assuming that you are having sidewalks there is a \$500 difference between whether you have the developer do it or whether you have the concrete finisher for the home builder do it at that time. So he gets to save at least \$500. If they tear more sidewalk, the savings could be more than that. Disregarding damage, there is an opportunity here to lower the cost of housing by \$500 by simply placing it with the driveway construction. Therefore, what the developer is asking is that the Commissioners waive from the developer the requirement for placing sidewalks on the condition that he place a covenant with the lots that the sidewalk has to be built in front of all the lots in the subdivision before the house is occupied. In response to query from Commissioners Hunter and McClintock, Mr. Morley said it is hard to place a covenant that wouldn't run to all the owners of the lots.

Mr. Hunter said in a subdivision such as this you're talking about high density and from the standpoint of safety, children shouldn't be in the street on either side of the street. But by using this new method (which seems to be very effective) he sees no reason why it wouldn't work. He then asked the Attorney if we can have a covenant that will be binding wherein we are assured that the sidewalk will go in before the house is occupied.

Attorney Wilhite responded that the County will not have the covenant.

Mr. Morley said the developer is agreeing and will have that form present at the time he bring the plat in to be recorded, showing that he has, in fact, placed a covenant on each of those lots within the subdivision requiring that. The County can't

covenant the lots, but the developer is agreeing that he will covenant those lots. A covenant is binding by the developer. A developer may require anything. The check that the Commissioners have -- if they should so approve tonight -- then the APC would inspect the covenant at the time that the plat is brought in to be recorded with the Letter of Credit for the streets and the sewers within the subdivision -- and the covenant would be presented along with that.

Ms. Barbara Cunningham said the covenants would run with the subdivision -- but who would enforce the covenant?

Attorney Wilhite said the covenants are enforced by the other property owners.

Ms. Cunningham asked, "So if you didn't put in a sidewalk, your neighbors would take you to Court?"

Mr. Morley responded, "Essentially they could. If you will allow the use of the County Attorney, we would like to work the covenant up and present it to Attorney Wilhite for his review, to see if he believes that form is proper and enforceable and does indeed say what we've talked about tonight."

Ms. Cunningham continued, "I guess the bottom line is that right now government is enforcing this. So you are going to place it on those who buy lots in the subdivision?"

Mr. Morley confirmed that this is correct. The advantage for the developer here is that it does lower the total cost of the development of the lots, assuming we have sidewalks -- and it also does not tie up his Letter of Credit for a long period of time. Right now they have two options: They can leave their Letter of Credit run for a long time until people build houses and then come back and do the sidewalks; or they can do the sidewalks first and then have them tear them up as they build their driveways. They're simply trying to find a way around this to get the economy of construction - - so you build where you need it. You just do it one time and do it right.

Ms. Cunningham noted that a lot of times there will be a lot or two not sold in the subdivision. If you have this in place, you're going to have blank spots in the streets.

Mr. Hunter said he doesn't want to put the Commissioners in the position wherein they have residents suing residents to get sidewalks in. Is there some way that the sidewalk has to be put in before the final inspection?

Ms. Cunningham said, "If there were a final inspection -- but there is no final inspection. That's the problem."

Mr. Morley said the Building Commissioner's office doesn't do that in the County and that happens to be the problem.

In response to query from Commissioner Hunter as to why the Building Commissioner can't do it, Ms. Cunningham responded that he will have to ask the Building Commissioner.

Mr. Morley noted the Building Commissioner works within a set of Ordinances and his Ordinances do not currently require him to make a final inspection.

Commissioner McClintock said she does not think the Commissioners will get this worked out before midnight tonight. They've been talking about Copperfield Subdivision and she thinks this is the fourth time she's seen it. The Commission would clearly like to get this resolved just as much as Mr. Morley would. Her suggestion is that he come up with a proposal. She will not vote to have holes in sidewalks or have neighbors sue neighbors. Nor does she hear support from either

of the other Commissioners for that. If Lot #44 sells and Lot #45 and Lot #43 do not sell and Lot #41 sells, you have a sidewalk on Lot #41 and Lot #44 and then those school children we're concerned about are still walking on the street. She doesn't think this is a workable solution at this point. Maybe Mr. Morley can work something else out with the Building Commissioner. At the same time, she understands the problem of the developers.

Mr. Morley reiterated that they are trying to save the home builder money. We're talking about being able to cut the cost of a house by \$500 if we change the method we go about it. \$500 can either buy \$500 more house or.....

Ms. McClintock interrupted, "Jim, clearly we are concerned about having sidewalks in this subdivision or we would not be here for the fourth time. We were supposed to have a meeting and come back with a proposal. I do not care to vote on this tonight."

Mr. Morley said he doesn't have any other solution.

Ms. McClintock commented, "I believe the Commission has in previous meetings indicated an interest in working with the developer to determine which streets are appropriate to have sidewalks on. That is not what you are proposing tonight. You are proposing ..."

Mr. Morley interrupted, "Oh! I would love to do that -- but I don't think that Mr. Hunter really agrees with what you've just said."

Mr. Hunter said he would like to see sidewalks on 100 ft. more or less lot frontage on all streets.

Ms. McClintock said she will see if Commissioner Borries would support something less. She would support something less.

Commissioner Borries commented, "On cul-de-sacs or a bold dead-end street in the past -- for example, if a school bus is not going to go down that particular street -- or if you have a major street, for example, such as Northfield Drive on which a school bus is going to travel in and out (accessing directly to Mt. Pleasant) then as a rule of thumb in the past we have waived sidewalks on other streets except the one where the children are going to have to walk to/from the bus. We cannot in all cases guarantee you're going to have a risk-free society, but what you do guarantee is that on major roads where there are children and school buses that you have provided them a way to walk. And in the past we've worked with developers to do that kind of thing. I would share the concerns expressed by Ms. Cunningham with regard to enforcement. I don't know who's going to enforce this kind of thing. Government passes all these laws and we get you and others up here to talk about these things, but the bottom line is we always have a problem getting these things done. It expends a lot of energy and causes a lot of stress in neighborhoods and everything else. I do say obviously, that if we're going to put a sidewalk somewhere, it ought to be on that particular person's plot so that they understand those kinds of things and developers need to talk about that. I don't have a good solution as to why it is going to cost more on some than on others. I would accept something less than that as long as we can insure children's safety along school bus routes. It would seem to me that if you build this the school bus route would be Northfield Drive accessing onto Mt. Pleasant."

Ms. McClintock requested that Mr. Morley come back to next week's meeting with a proposal.

Mr. Morley said his only problem is in understanding how to do a proposal. He thinks what he has presented to the Commissioners is all of the options and within the Commission they have different feelings about how much is important and they will simply accept whatever the Commission decides. What they have before the Board is a request for waiver. What they would like the Commission to do is simply tell them how much they would grant.

Ms. McClintock said, "I can only tell you what I would support. I would support a sidewalk along Northfield Drive in this section on one side and a sidewalk on Benningfield Drive down to the Southport cul-de-sac on one side."

Mr. Borries said he can support that.

Mr. Morley said if the Board wants to act, the developer is recording only these ten (10) acres. If the Board wants to keep their decision tonight restricted to only the ten (10) acres, there is no reason they have to go ahead and decide for the remaining twenty (20) acres, which hasn't even been presented for recording. We can deal only with the ten (10) acres.

Mr. Borries said none of the alternatives are going to be acceptable to anybody -- that's a cinch. Is this a mile outside the incorporated City Limits?

Mr. Morley said the corporate City Limits now swings along Highway 57 on the other side of the airport, he believes. Because of that, it puts this one half mile north and one half mile west of the City Limits. He thinks he has presented all sides of the case clearly and they will accept whatever the Commission decides.

Ms. McClintock said what we're looking at basically is waiving the sidewalks on Southport Drive and on one side of Northfield Drive and Benningfield Drive.

Motion to this effect was made by Commissioner Borries, with a second from Commissioner Hunter, who asked for a roll call vote.

Ms. McClintock called for a roll call vote: Commissioner Borries, yes; Commissioner Hunter, no; and Commissioner McClintock, yes. So ordered.

Mr. Hunter said the reason he voted "no" is that the Board seems to be faced with this every time a developer wants to come up with a subdivision -- he wants a waiver on sidewalks. He thinks there needs to be a better way -- some system whereby some guidelines are set up -- and the Commission is not approached by every developer who wants to save money. And he can't blame them for wanting to save money. But in the interest of safety and the Board's time, we need to come up with a better solution and a better system.

Mr. Morley said he would be glad to work with any committee, the County Engineer and the County Attorney and Ms. Cunningham to develop solutions. He understands the Commissioners' position.

Mr. Borries said he would be glad to work with Mr. Morley, too -- he has in the past. But it all boils down to enforcement.

Report on Corrective Action Plan at County Garage:/Donan Engineering: Mr. Curtis said they need some direction from the Commission as to how to complete preparation of subject plan. He will let Donan explain the situation we're in and the alternatives.

Mr. Alan Frederick of Donan Engineering said they're been working on an investigation to provide a Corrective Action Plan to the Indiana Department of Environmental

Management and are now down to the point of deciding what method of remediation will go forward. They have basically focused on trying to do two things: A plan that would be environmentally sound and also economically feasible. During this process they had the opportunity to look at alternate technologies available to us to eliminate the problem. What they are proposing to put forward is, the majority of the material that is there is a combination of gravel and asphaltic material that is slightly contaminated with diesel residue and they're proposing that it be recycled with a cold mix process and used to repave the parking area and what would remain would be enough material to do patching and/or paving of non-high traffic County roads. There's another portion that is not suitable for cold mix recycling -- basically a clay content material -- that is primarily in the vicinity of the underground tanks that were removed. They propose to do a bio-remediation process on the property, which will take up a small amount of space at the northern most portion of the property. It will be excavated and two things could happen. It could be treated with naturally occurring organisms and the activity of the organisms will be promoted with the incorporation of nutrients and oxygen and/or they can also include adding additional organisms that are tailored primarily toward the diesel components that are the contamination problem. Then there is a very small portion of material -- and it's something in the vicinity of 1,000 cu. yds. that can either be recycled in the cold mix process or the bio-remediation process because of the very heavy tar like material -- and this would have to go to the landfill pending an approval as a Special Waste. They have had an opportunity to do some extensive research with the recycling that is being done around the U. S. insofar as this gravel kind of material and also they feel that IDEM is receptive to this process. Ultimately what happens is that instead of taking up a massive amount of landfill space which is only a temporary solution, the majority of the material will be recycled and reused. That is their recommendation. The Commissioners need to make that decision this evening, as Donan has a deadline. Everything has been written, but they need to juggle the computer a bit to say what they're going to do and how they're going to do it -- and they need an approval to go with these three methods -- that is primarily the recycling for the majority; removal and bio-remediation of probably one-fifth of the material; and a very small quantity to go to the landfill.

Mr. Borries noted there is a pug mill that could certainly provide the cold mix.

Mr. Frederick said there is a pug mill on site and the plans could be so written that actually a lot of the recycling could be accomplished even by County employees as a further cost savings.

Following further brief discussion on this matter a motion was entertained.

Motion was made by Commissioner Hunter and seconded by Commissioner Borries to accept the recommendation of Donan Engineering. So ordered.

Acceptance of Streets/Glenwood Hills Sub/Section A8: At the recommendation of the County Engineer, upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the streets were accepted for County maintenance. (Copy of acceptance letter attached hereto.)

Request for Waiver of Sidewalks/Glenwood Hills Sub: Mr. Curtis noted the developer of Glenwood Hills Sub is also requesting waiver of sidewalks. Most of the lots range from 170 ft. to as much as 180 ft. frontage. This subdivision is off Orchard Rd.

Ms. McClintock said she can support waiving sidewalks on one side,, but will support nothing more than that. These are not three acre lots, although they are deep.

Mr. Andy Easley noted they are 2-1/2 acres minimum.

Ms. McClintock said the policy is three (3) acres.

Following comments by Mr. Easley during which he stated he had not heard of the three acre policy (when was that adopted) he said this subdivision is almost four (4) miles from the City Limits and all the lots are 2-1/2 acres plus. He noted several similar subdivisions (Orchard Knoll, with one acre lots); Plantation Estates; Tall Timbers; Sycamore Hills; Bentwood Estates; -- some one acre and other two acre lot subs -- which do not have sidewalks. He think it fell through the cracks insofar as getting them waived. And he admits he's been guilty of not catching it -- but nobody else caught it either. They don't have a road bed in Glenwood Hills really designed to hold a sidewalk -- and the road is all graded and the street has been voted for acceptance. It really is an extreme hardship. He would ask the Commissioners to go out and look at all the other subdivisions he just mentioned. And he would ask them to look at Glenwood Hills with a nice wide street -- they don't have to vote on it today. He can't imagine any tricycles going up and down that street -- those kinds of people just aren't going to live there.

Ms. McClintock said Mr. Easley just read a whole list of subdivisions that don't have sidewalks. But at some point the Commission has to say they don't want sidewalks in the County -- or this is or isn't going to be the policy.

Mr. Borries said there is a policy. He would say that virtually everything within a one mile radius of the City Limits -- particularly with smaller lots - - we've normally had sidewalks on one side or the other -- and these have been taken on a case-by-case basis. In a case like this, it's almost like going out and asking everybody to re-do them all in areas where there are already houses and roads installed -- and they're pretty far out. They're not high generator roads -- they're collectors.

Ms. McClintock asked if this is a motion to approve?

Mr. Borries confirmed that it is. Mr. Hunter seconded the motion and said he would ask for a roll call vote.

Ms. McClintock called for a roll call vote: Commissioner Borries, yes; Commissioner Hunter, no; and Commissioner McClintock, yes. So ordered.

Market Estimates/Lynch Rd.: Mr. Curtis said he has six market estimates requiring only one Commissioner's signature. He would recommend approval.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the six estimates were approved and signed. So ordered.

Columbia-Delaware Street Bridge#1-C: Mr. Curtis said he needs to send in form containing Consultant staffing on this project, which requires Commission approval. He is recommending the employees of United Consulting Engineers be approved as the staffing for the project and the form be forwarded to the Department of Transportation.

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

Agreement with State re Columbia-Delaware Bridge #1-C: Mr. Curtis said he also has an agreement re this bridge that says we will come up with the funding for our portion of the project if the project is let. It is scheduled for late March letting. He is also recommending this agreement be signed and forwarded to the State.

Motion to so approve was made by Commissioner Hunter, with a second from

Commissioner Borries. So ordered.

Claims: Two claims on Orchard Rd. with regard to condemnation of the Krietemeyer parcels in the amounts of \$1,250.00 and \$600.00 were presented, with the recommendation that the claims be allowed and checks forwarded as soon as possible.

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

In response to query from Commissioner Borries, Mr. Curtis stated that once this documentation reaches the State, the project is scheduled for a late March letting. As far as he knows, there is no reason the bids will not be received on the bridge on that date. There were some revisions that had to be made and Veach, Nicholson made same without a Supplemental Agreement, submitting that after the fact and he has given that agreement to the Attorney for review. There is no reason why that bridge will not be bid on March 24th.

Emergency/Snow Removal Procedures: It was noted by Mr. Curtis that he has given each of the Commissioners a letter. As best as they could they have outlined what they feel the snow removal policies should be and he proceeded to read proposed policy letter into the record, saying when in final form it will be brought to the Commission for approval. (Copy attached herewith.) He said snow routes are presently set out the same as in the past. They will be revised to consider school bus routes and traffic patterns. He had hoped to have some of that information this evening. However, they're still in the process of cross-checking same with the school bus routes, as well as getting some updated traffic count information and looking at some other information insofar as haul times and how long the trucks can stay on the road without having to go back to the garage. They will have detailed routes mapped and described and placed in each truck. There will be a primary route to be taken care of first, then a secondary route set for each truck. The only thing changing those routes will be extreme emergencies and equipment breakdowns -- which we will have equipment breakdowns until we get our equipment in much better shape. Roads not on primary or secondary routes will be taken care of as time allows and unless these roads receive an excessive accumulation, they will only be worked on during normal working hours.

In concluding comments re this matter, Mr. Curtis said that hopefully this will answer many of the questions that have surfaced in the last week. Should the Commissioners have questions or like to discuss this further, he would be happy to do so at their convenience. He would ask that the Commission approve what he proposes we follow as a policy for reviewing the roads and the weather conditions prior to snow removal.

Commissioner Hunter expressed appreciation to Mr. Curtis, saying this is exactly what he has had in mind and the School Corporation has indicated to him they are willing to loan us four of the folks they put on the road to do the patrol. This might be a tremendous help to us as well as to them.

Mr. Curtis said one of the reasons we can't depend upon the School Corporation is that they are out during certain hours the night before a school day. They are not out on weekends or midnight. They're out at the earliest around 2:00 a.m. and if the storm hits before that, they are not out. So we cannot depend upon them -- but he does believe they are a good source of information once they are out.

Mr. Borries said he thinks Mr. Curtis has essentially covered all the bases and these are things we've done anyway in terms of contacting folks. It's not been written down -- but he has done that. For the record he would also say -- particularly for

some of the drivers who were concerned re the comments in the paper -- they felt they were either homeless or driving around aimlessly at this point when, in fact, there has been for some time eight (8) routes and trucks and major roads that have always been available to those truck drivers -- and he would certainly want to enter those for the record. That is a misleading statement that was made -- as there have been for some time (and he would want to emphasize that has been an ongoing kind of thing) routes -- and he is sure Mr. Cutis will be coinciding those with the school.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the proposed snow removal policy was approved. So ordered.

Termination of Carol Davis: Mr. Cutis continued by reading into the record his letter of January 21st to Commissioner McClintock recommending the immediate termination of the employment of Carol Davis (copy attached hereto as part of the formal minutes) and his recommendation that Mr. David Franklin (Highway Engineering Assistant) in charge of daily operations at the County Highway Garage. Mr. Cutis said he also will be spending time daily at the County Highway Garage until such time as a suitable replacement is found for Ms. Davis. This is all he wishes to say at this time and if the Commissioners feel this matter merits further discussion, he would prefer it be done privately.

Ms. McClintock entertained a motion to accept Mr. Cutis' recommendation.

Mr. Borries said, "I would like to make mention for the record that it seems like well, well, well -- it seems as if this was something I'd asked this Board to consider last spring when the previous Superintendent of the County Garage was terminated. It is indeed ironic -- but on a day here when we have just approved a Personnel Policy Ordinance that talks about discharge, disciplinary and discharge procedures, verbal warnings, written warnings, suspensions, etc., that we're not going to follow that tonight. And that's ironic and rather interesting. It seems that every time we do this we do it a little differently. Have there been any Executive Sessions in relation to this personnel matter?"

Mr. Cutis said, "We have not had an Executive Session in relation to this matter."

Ms. McClintock stated, "Commissioner Borries, the status of Carol Davis is significantly different than the status of the Superintendent. That individual was a person who reported directly to this Commission. Miss Davis reports -- as one of several managers -- to Greg Cutis, who is the head of the Department of Public Works. Larry Downs,, who worked on the Personnel Policy and is familiar with this case from discussing it with Greg, can comment on the legality of the action."

Attorney Larry Downs commented, "Commissioner Borries, in regard to your comments, I believe in the new Personnel Policy (Section 3.5) I would point out to you initially that that particular provision provides 'One or more of the foregoing steps may be bypassed if the severity of the offense warrants stronger disciplinary measures'. That is the same provision that was in the old policy; it is no different."

Mr. Borries said he understands what Mr. Downs is saying -- he is just saying we did it differently. And he understands the politics of this. He is just saying it is ironic -- that last July when he asked for this particular person to be terminated, it did not happen. Now we're doing it -- and we're doing it a little bit differently. It would seem to him that employees still have rights under this personnel policy and, certainly, the actions of that particular person -- his comments have certainly been well publicized that he has he definitely has not been in agreement with either her attitude or her performance. But be that as it may, he recognizes she does have some rights, he would think, under the personnel policy and just for information was wondering whether there had been some discussion outside this meeting or whether or not some

Executive Sessions had been held. He just wanted that on the record.

Attorney Downs said, "Mr. Borries, this is a brief response. From Mr. Curtis' having consulted with me, I can assure you that Miss Davis has had due process rights. She has been put on notice as to other problems with her performance -- so I think the personnel policy has been complied with and from at least a legal perspective I think there are no impediments to whatever action the Commissioners may decide to take."

Commissioner McClintock entertained a motion.

Motion was made by Commissioner Hunter to approve Mr. Curtis' recommendation to terminate the employment of Ms. Davis, with a second from Commissioner Borries. So ordered.

In conclusion, Commissioner Borries noted that when Mr. Curtis was put in charge of that particular operation he was put in an untenable position; he knows he had to do what he had to do -- and he understands that.

RE: BURDETTE PARK - MARK TULEY

1992 Rate Schedule/Burdette Park: Mr. Tuley submitted reports on rates at Burdette Park and Ms. McClintock asked when these were received -- just now?

Mr. Tuley said that is correct and he told B. J. he apologizes. To be honest with the Commissioners, since Mr. Haralson was in last week he is trying very diligently to try to get their report done for them. He also spent several more hours with him via telephone today and he forgot to send these down to the Commission Office -- and he apologizes to this Board for that. They just ran copies of the rates passed by this Board for the past three years, if the Commissioners would take just a couple of minutes to review same. They will note there were only two (2) Shelter Houses for which the rent was raised in the last three years. In 1991, they decreased the tent rental fee from \$6.00 to \$5.00 and the \$5.50 would still be in line. On the left side of the sheet given to the Commissioners are figures denoting the number of people which can be accommodated.

Ms. McClintock said, "In a nutshell, no price increases in the last three years with the exception of Bishea House and Shelter #18 and the rental on both of those was raised only \$25.00 in 1989. No increase in 1990 or 1991."

Mr. Tuley said that in defense of the increase in rental on both of those buildings, both buildings went through extensive renovation, including new roofs, new HVAC units, new electrical systems, new emergency exit systems, new tables and chairs. Bishea House (where Day Camp is held) went through about \$45,000 worth of improvements not counting County labor, which would probably match that had we contracted the work out. It would probably have cost \$100,000. Shelter House #18 roughly had \$35,000 worth of new materials put in it and it was basically rebuilt, whereas it was costing the County over \$5,000 just for utilities. It is his recommendation that the rental rates on the top sheet be approved (copy attached hereto).

Ms. McClintock said, "I know you've been working hard with Mr. Haralson, etc., but I am not pleased about this presentation -- because that was two weeks ago and we very specifically asked you to do something for the Commission's information."

Mr. Tuley said, "I can appreciate that -- I don't have any problem with that. And, again, I apologize to this Board for not bringing this to this Board prior to tonight's meeting. I can tell you that there is no excuse for fact I did not get it here outside the

fact I just want you to know it wasn't because we weren't working or anything else. It's just that this Board has asked the park to do a number of things in the last several weeks and we are working very hard trying to accommodate you."

Mr. Borries said, "Well, since we didn't meet last week and may not meet next week - because I am going to address that in terms of this Ordinance that has more holes in it maybe than who would have thought it in terms of the legality of it. But I certainly feel that if you had had the information and, as you always have in the past, you would have gotten that information down here and it would have been in as clear a fashion as it always has been."

Ms. McClintock stated, "But he didn't have two weeks to do it and that is the only point I wanted to make."

Mr. Borries said, "Well, he had Consultants here and other people and...."

Mr. Tuley said, "But I also want it entered for the record that for the first time in the ten years that I've been here, this is the first time I've been publicly criticized for my performance on the job."

Mr. Borries interjected, "Well, it's election year, Mark."

Mr. Tuley continued, "I agree with you, Carolyn, it should have been down here. There is no excuse for that and that's all I can say. I have about seven construction projects that I'm trying to oversee. Believe me, I'm trying -- but that's no excuse. But I do believe this needs to be acted on tonight and I would hope that this Commission would take the time to do so."

Motion was made by Commissioner Borries that the rate schedule recommended by Mr. Tuley for 1992 be approved, with a second from Commissioner Hunter. So ordered.

Catering Fees: Mr. Tuley said Ms. McClintock had requested copies of the catering fee checks for the year 1991. This was not put into effect until the end of January last year and everyone who had made reservations prior to that was Grandfathered and they were exempt from paying the catering fee. Most of his rentals are done on January 3-4, and that week -- so it didn't apply to a lot of people -- especially for the pavilion. Our larger companies book a year in advance. They book them for next year the day they are out there this year. He thinks this thing can generate some money and he doesn't think the \$530 dollars is a fair assessment. He doesn't think it has been in place long enough yet to give it a fair reflection.

Ms. McClintock asked if Mr. Tuley is saying he thinks we ought to leave it as it is for one more year and see how it works?

Mr. Tuley said this was one of the things that came up in discussion when Mr. Haralson was here -- and his report will contain his comments on this. He feels we ought to let it go for one more year and give it a full turn and see what kind of revenue it can produce. That is the recommendation of both Mr. Haralson and himself. He said everything else the Board had requested has been done. He sent copy of the lease to Mr. Wilhite for his review. He went over the ordinance re the glass with David Clark of Mr. Wilhite's office.

Commissioner McClintock called for a two minute recess at 7:30 p.m. and said the Board will continue the regular meeting agenda following rezonings.

REZONING PETITIONS

It was noted by Ms. Cunningham that next month the Rezoning Petitions still have to be heard at 7:30 p.m., because the letters have already gone out. They will send out a new calendar to those to whom a calendar was previously sent and change it after the February meeting to 7:00 p.m. until the end of the year.

VC-12-91/Petitioner, Gene & Brenda Willner (1st Reading): There being no questions and no one present to address this matter, a motion was entertained.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, this petition was approved for forwarding to the Area Plan Commission. So ordered.

VC-10-91/Petitioner, Ronald Schutz (3rd Reading): The Petitioner and Owner of the property, Mr. Ronald Schutz, approached the podium and said the property on Darmstadt Rd. is zoned C-1, but it is really in an all residential area. This was changed in 1977 for a gift shop and he wants to build a home on the property. Therefore, he is asking to have it down zoned.

Ms. McClintock entertained questions of the Board. There being none, a motion was entertained.

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

President McClintock asked for a roll call vote: Commissioner Borries, yes; Commissioner Hunter, yes; and Commissioner McClintock, yes. Petition approved by a unanimous affirmative vote. So ordered.

VC-9-91/Thomas Solecki (3rd Reading): Ms. McClintock said the subject property is located at 9219 Petersburg Rd. Mr. Solecki is requesting that this R-1/SU14 zoning be rezoned to C-2 with a Use & Development Commitment. Present existing land use is Fire Station/Community Building and the proposed land use is Fire Station/Community Building and Light Commercial. She then asked Mr. Solecki to share his plans with the Commission.

Mr. Solecki said he is the President of the McCutchanville Community Association, who owns the property at 9219 Petersburg Rd., which is used for the McCutchanville Fire Station. The property was acquired around 1986; it was rezoned and a Fire Station was built in addition to the existing structure -- which previously was used as a school facility and a location for Channel 9. In 1991, or prior to that, the gymnasium was refurbished and was used as a multi-purpose room. They found they are in non-compliance with the zoning and went back and got a Special Use Permit to make it a Community Facility. That was granted. There is also the old school portion of the building which they are trying to find a use for. They are trying to find a use for it so they can defray some of the maintenance and overhead cost associated with a vacant building -- so they aren't putting a drain on the Fire Department. Their primary goal in the community is Fire Protection -- and they want to maintain that. They have met with the neighbors many times. Prior to considering a rezoning they

had discussed with the neighbors the possibility of tearing the building down. A cost estimate determined that this was prohibitive. They looked at alternatives to improve the facility and put different uses in there. They investigated a museum, an art gallery, a public library (and contacted the local libraries to see if they would be interested) -- and just about anything they considered wound up being a dead-end. What they are looking for -- and they have had some interest -- is some light commercial uses (professional offices, antique shops, etc.) and they have met with the neighbors on several occasions and gone through the uses which are allowed for C-2. They have selected those uses and are willing to enter into a Use & Development Commitment (which would be recorded). In addition to that agreement they are entering into an agreement with the neighbors -- the property owners -- on various things such as signage size and the way it is lighted, hours of operation, and probably the most interesting thing is that if within three years if the neighbors are not happy with the situation or the arrangement they have set up -- then they can go ahead and call a meeting. If two-thirds of the neighbors want them to cease and desist the present uses, they will do that. They met with the neighbors two weeks and the big concern at that time was the sign. The agreement is being modified so that the maximum sign size will be 6 ft. wide and 8 ft. high -- and it will be a wooden sign and externally lit. The rezoning also includes a location for that sign, which would be on a point to the property. Jack Schroeder lives across the street from the property and he is working up the agreement. Carl and Ruth Kishline have been vocal; Dippy Vaughn has also expressed some interest in the project. To the best of his knowledge, he believes all the concerns of the neighbors have been alleviated and he thinks he's trying to be as good a neighbor as possible -- bending over backwards, actually -- trying to find some way to help defray the cost of that to the Fire Department. There hasn't been much cost to the Fire Department because they haven't been doing anything to the building. But it's getting to the point where they are going to have to start doing something or the structure will begin to fall apart and it will be too far gone and they will have to tear it down. This would involve a major expense. He doesn't want to be the head of a campaign to raise \$40,000 to \$50,000 to tear down a building -- it's hard enough to raise money to build a building. But tearing one down is a different story.

Ms. Cunningham pointed out that if the Board passes this request, it not only will be C-2 with a Use & Development Commitment, it will still keep its Special Use for the Fire Station. That will not be zoned. All he's zoning is the small area for the sign and the school portion of the building.

Mr. Solecki noted they are trying to be very restrictive in the C-2 zoning, because that was a point of concern. During the APC review, he believes the Chairman raised a question concerning the sanitary system -- since it is on a septic system. Since that meeting the Board of Health has been out there and run a test on it and they said it can be used for commercial use provided heavy water uses are not used -- such as a beauty shop, etc.

Commissioner Hunter asked Mr. Solecki if he is willing to go along with the APC's recommendations, and Mr. Solecki responded affirmatively.

There being no further questions a motion was entertained.

Motion was made by Commissioner Borries to approve VC-9-91 with a Use & Development Commitment, with a second from Commissioner Hunter.

Commissioner McClintock asked for a roll call vote: Commissioner Borries, yes; Commissioner Hunter, yes; and Commissioner McClintock, yes. Petition approved by unanimous affirmative vote. So ordered.

VC-11-91/Petitioner, AMOCO Pipe Line Co.: Ms. McClintock stated they are requesting that we refer their petition for rezoning back to the Area Plan Commission so an amended petition can be heard.

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

RE: CONSENT AGENDA

Commissioner McClintock said that with regard to Item "b" (use of the Auditorium) on the Consent Agenda, after these two requests were put on the agenda the Commission received three additional petitions from groups. She thinks what is happening here is that everybody in town is asking to use the Auditorium because we're giving it to everybody. She asked Mr. Kirwer to take those requests back to the Auditorium Advisory Board and come up with some kind of reasonable recommendation for next week's meeting -- since none of these groups meet prior to next week's Commission meeting. Item "b" is to be removed from today's Consent Agenda. She then entertained questions or comments concerning the balance of the Consent Agenda.

Mr. Borries asked where we approve minutes now? Is there any inclusion of minutes on this?

Ms. McClintock said she is going to do that under Old Business. (It is not a separate item because Joanne just got those to B.J. this afternoon.)

Mr. Borries asked if there is any change in the charge for maintenance of the flowtronic chillers? How much is that? Could we not include the amount?

Mr. Kirwer said it is \$2,880.00 -- Schmitt Refrigeration Co. It is less than last year's, he thinks. York International's bid was \$3,240; J. E. Shekell's bid was \$3,000. Schmitt was the low bidder.

Ms. McClintock entertained further questions on the Consent Agenda.

Auditor Humphrey interjected that he has a request to go to Indianapolis for Government Day. Are any of the three Commissioners going? Those should be sent in prior to January 30th. If she wants him to send it in, he will be glad to do so.

Ms. McClintock said she wants to go and she is going to give it to B.J. to put on next week's agenda. B. J. can send it in.

Release of Personnel/Auditorium: Mr. Borries asked if under employment changes the release of the individual at the Auditorium -- is that the secretary that has been there? Was that voluntary?

Mr. Kirwer responded that was voluntary. She resigned. She transferred and is in the Recorder's Office.

Mr. Borries asked if she has been replaced by anyone yet and Mr. Kirwer advised that she has not been replaced.

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

RE: OLD BUSINESS

Approval of Minutes: Ms. McClintock submitted minutes for December 16, December 9, and January 6 for approval and signatures. (The December 9th minutes had already been approved, but just needed signatures.)

Motion to approve and sign all three sets of minutes was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

Resolution re Meeting Dates: Commissioner Borries noted that Resolution concerning meeting times adopted at the first Commission Meeting of the year and advertised is not complete. It has been called to his attention that according to the January 6th minutes what the Resolution did not do was list, as pointed out by Commissioner McClintock in the newspaper, any differentiation between the first six months of the year and the last six months of the year. It doesn't say anything about the last six months in this Resolution. It also neglects to point out, for example, that there are four months in 1992 that have five (5) Mondays in the month (March, June, August and November). These have always been covered by Resolution in the past. He guesses his question is, "Are we now going to exclude those regularly scheduled meetings in these four months where there are five Mondays? Are we at a three (3) meeting per month schedule? If so, he would think this Board would have to adopt an amended Resolution which would also need to be advertised. This is what he is suggesting needs to be done. If we're going to have a fifth Monday and the Commission is going to meet, that needs to be included. He doesn't think we've seen that.

The other thing completely omitted was the Drainage Board. This normally meets on the fourth Monday of the month and the meetings were normally held subsequent to the Commissioners Meeting. If they're going to be held we need to establish what that time is going to be. If the Commissioners are going to meet at 5:30 p.m., then we're going to have to change that particular time -- because some people used to arrive around 5:30 p.m., figuring that was when the Drainage Board was going to meet. Now it apparently will not meet at that time. He thinks we need to address when the Drainage Board is going to meet and we need to address if we're going to meet on the fifth Mondays. Thirdly, we need to address if we're going to meet on the second Monday during the last six months of this year. He thinks that should be advertised in a new Resolution.

Attorney Wilhite said, "Rick, since you raised that earlier, I took a quick look at the statute and the statute simply says that this Board, by Resolution, must set regular meetings. You've done that with this Resolution. If you're wanting to set additional meetings, you can certainly do that. But this Board has clearly complied with the statute by setting regular meetings by Resolution. If you want to clarify if we're going to meet on those five Monday months, that is a practical decision you guys can debate. But I think the Resolution is clear, as written, and complies with the statute. With respect to any additional meeting dates you might propose, Mr. Borries -- or anyone else -- I don't think that needs to be advertised. It is not an Ordinance, but Statute 36-2-2-6 clearly calls just for a Resolution and it does not call for advertisements.

The last item you mentioned, Commissioner, was the Drainage Board. That needs to be addressed at a Drainage Board Meeting."

Ms. McClintock countered, "What you're saying, Jeff, is..."

Attorney Wilhite interrupted, "You've complied with the statute. If you want to set additional meetings, you certainly can. But you have passed a Resolution that sets regular meeting dates."

Ms. McClintock continued, "So we can simply say on the record that it is our intention to meet the fifth Monday of the month and that meeting will be at 5:30 p.m., just as the other meetings. And we have stated on the record previously -- but can re-state - - that in the last six months of 1992 it is our intention to hold a meeting the second Monday of each month at 5:30 p.m.?"

Attorney Wilhite, "And I think you can orally make that in the form of a Resolution -- it doesn't have to be a written Resolution -- and vote on that right now."

Mr. Borries asked if we advertised the Resolution?

Mr. Wilhite said Resolutions don't have to be advertised. Not all Ordinances have to be advertised -- certain Ordinances do.

Mr. Borries asked, "You don't think it is in the public's interest to tell them when we're going to meet?"

Mr. Wilhite said, "You've done all the statute requires and it seems to me it's common knowledge now when we meet."

Mr. Borries said, "I was not clear on it -- that is why I brought the matter up. I am not clear as to whether or not we're going to meet on the fifth Monday and I am not clear if we're meeting on the second Monday the last part of this year. So it is an item of information I needed to get clear."

Ms. McClintock said we are going to meet the second Monday the last six months of the year and we are going to meet on the fifth Monday during the entire year of 1992.

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

RE: DRAINAGE BOARD MEETINGS

Mr. Hunter said the Drainage Board will meet next week after the Commission Meeting -- and decide -- he then asked Joanne Matthews if they can decide next week if they want to change the meeting of the Drainage Board?

Ms. Matthews said, "I think you should ask the County Attorney."

Attorney Wilhite said, "Sure."

Ms. McClintock said, "The Drainage Board has just always met after the Commission Meeting -- that's the way it is."

Mr. Borries noted, "But you're going to have people showing up here at 5:30 p.m."

Ms. McClintock said, "No, we're not -- because the County Surveyor's office knows when the Drainage Board is going to meet."

Joanne Matthews apologized for interrupting, but said apparently there is some confusion -- because Mr. Hartman came to her office today to see when the Drainage Board was going to meet. She told him it had not been discussed. Upon checking with B.J. Farrell, she also advised she did not know. Ms. Matthews said she mentioned this to Mr. Hunter prior to tonight's Commission meeting.

Ms. McClintock said, "Well then, Mr. Brenner, whom I talked to last week at the Pigeon Creek meeting, did not give that information to Mr. Hartman -- because we discussed it at the meeting. So the first Drainage Board Meeting of the year will be

next Monday following the County Commission Meeting which starts at 5:30 p.m. B.J. will you send a notice to the media to that effect and send one down to the Surveyor's Office, so they know not to show up at 5:30 p.m.?"

Attorney Wilhite commented, "And include on that agenda a setting of meeting dates for the year."

Lawsuit/Helen Kuebler: County Auditor Sam Humphrey asked if President McClintock would like for him to read into the record the letter received from the State Board of Accounts re the Helen Kuebler Lawsuit matter.

Ms. McClintock responded affirmatively.

Continuing, Mr. Humphrey said this letter was addressed to Gary Price in response to a question he had about the shortage in Helen Kuebler's office:

"This is in response to your letter requesting our approval of a payment of \$2,780 from the County General Loss Fund on behalf of Helen Kuebler for a shortage disclosed in our examination. At this time a transfer from the County General Loss Fund on behalf of Mrs. Kuebler would be premature. Concurrently, this department is evaluating the possibility of dismissing the claim against Mrs. Kuebler. We will notify Mrs. Kuebler of our decision in the near future."

Mr. Humphrey said he thinks that is rather important. Along that same line -- and he'd like to have this body consider what the problems are -- we've been paying bonds for various offices. If they are not going to perform, why are we paying them?

Ms. McClintock said they talked about that this afternoon and she is going to ask Mr. Robinson to research the matter and get back to the Commission. She thinks this is something we need to look at. Ms. McClintock then entertained other matters of Old Business to come before the Board.

Auditor Humphrey said he might relay to the Board that the Reassessment process this past two years has cost the County this last year \$9,952,000. In addition, because of that, we were \$455,000 short in our collections for property taxes. That left us deficient in our operating balance of this year. We are not finished with the Reassessment and he can't even give the Board an idea of the balance of the impact on it. But if we collect only 96-1/2% next year, it is going to make us another \$600,000 short on our levy for the operating budget of 1992. We don't have those final figures until December 27th or 28th -- that's why it becomes a real critical problem. We don't get a feel for it in our June collections because many people pay both installments in the May collection -- so it distorts our figures. It distorts our projections. And he wasn't aware of two things -- that were going to have that big an impact. There are so many things that dovetail into it. For example, we shut off doing corrections or what they call 17 T's (payment of checks) November 10th in order to get our assessed valuation done in time to set tax rates. We finished that at 9:00 a.m. on December 12th and set rates at 10:00 a.m. -- that is how close it is. It took us 30 days to get the balance in. These are things we don't like to play with - - but he is just cautioning the Commissioners that if that new Board continues (and, by law, they are only allowed to work on assessments as of the 31st of March of this year) -- we still probably have a thousand corrections from the 1991 Board that we haven't made -- and he doesn't know what the impact is going to be. So he just wanted to keep the Board informed. We've levied this year by State Order \$15,041,313 for the General Fund. And if we only collect 96-1/2% like we did last year, that leaves us roughly \$600,000 in collections. He just wants to put the

Commissioners on notice that we may have a severe problem. We have a \$2,030,050 operating budget for 1992 if all collections come in -- if all collections come in.

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

Coliseum: Commissioner Borries said there apparently is some kind of new business at the Coliseum. It was called to his attention this past week that someone was either parking -- or assumed that they were to park by way of some prior agreement -

- regarding the use of the Coliseum Parking Lot. He'd like to have some kind of explanation and policy established on that particular item. There are signs posted that say that it is for Coliseum Parking Only. Apparently, if someone has been permitted to park there, he would like to know when that occurred and what is going on over there.

Ms. McClintock said she will address that. There is no agreement regarding the Coliseum parking lot with any group, including the Veterans who are operating the Coliseum. If they have posted any signs on a public, open parking lot, it has not been with the permission of this Commission. Our Attorney Gary Price is in the process of working out an agreement with the Veteran's organization regarding that parking log. She spoke with him this afternoon. He hopes to have that agreement ready for next week's meeting.

Mr. Borries said, "Well, I hope not a vote -- just for study?"

Ms. McClintock responded, "He hopes to have the agreement to us on Thursday of this week. If the Commissioners feel prepared to vote on it on Monday, we can. If your preference is to delay a week, we can."

Commissioner Borries asked, "Then why -- if it is a free open lot -- why isn't it advertised that way? Why was it brought to my attention then that apparently there are people who are putting stickers on their cars and assuming they are going to pay to park on that lot? And there was some communication...."

Ms. McClintock interrupted, "I don't know why that misinformation was brought to your attention."

Mr. Borries countered, "Well, there was some communication given to you. There was a letter."

Ms. McClintock said, "No. These people made a proposal to me that I referred to our Attorney. I did not approve them to park on the lot."

Mr. Borries asked, "Well, why didn't you tell them it was free?"

Ms. McClintock responded, "They wanted to work out some kind of agreement and I indicated to them that we're working on an agreement with the Coliseum and asked them to send the information and I would refer it to our Attorney to see if it all could be worked out in one agreement. And that is what Gary Price is doing."

Mr. Borries said, "Well, you could have reported that earlier to somebody, couldn't you?"

Ms. McClintock responded, "Well, Rick..."

Mr. Borries continued, "Well, Carol, I don't follow what you are saying."

Ms. McClintock countered, "I don't follow what you are saying."

Mr. Borries continued, "I am saying that these people apparently wrote a letter to you."

Ms. McClintock replied, "They made a proposal. People write letters to me and make a proposal every day."

Mr. Borries said, "Well, why didn't you just tell them to go ahead and park on the lot?"

Ms. McClintock responded, "That's what they are doing. Parking on the lot -- just like the veterans are and just like the Old Courthouse..."

Mr. Borries interrupted, "Why do they have stickers on there?"

Ms. McClintock responded, "I have no idea. I did not tell them to put stickers on there -- I don't have any idea."

Mr. Hunter asked, "What kind of stickers are we talking about?"

Mr. Borries replied, "I don't know; they've got some kind of deal. They've got stickers and they're parking."

Mr. Hunter asked, "Who's furnishing the stickers?"

Mr. Borries responded, "They are; they have their own stickers."

Mr. Hunter asked, "Who are 'they'?"

Mr. Borries replied, "The people who wrote to Carol."

Ms. McClintock interjected, "The accountants."

Mr. Hunter asked, "You mean the accounting firm has its own stickers for a parking lot?"

Mr. Borries responded affirmatively.

Ms. McClintock remarked, "I haven't seen any." She then entertained further matters of New Business to come before the Board.

Agenda Items: Auditor Humphrey requested clarification with regards to Items g, h, i, k and l on the Consent Agenda, asking if these are all claims to be paid? Jerry Schenk, Glenn Deig?

No claims have been passed down to the Secretary.

Ms. McClintock responded affirmatively, and said the Commissioners are signing the claims now.

(Note: For purposes of clarifying the records for future audit, etc., subsequent to the meeting, the secretary determined that Item "i" was not a claim; rather, it was a check to be accepted, endorsed, and quietused into the General Fund in the amount of \$878.08 for collections made by Mr. Deig in the County's behalf.)

Proposed County Dress Code: Commissioner Borries said he has questions about the Proposed County Dress Code, because he hopes it stays at just that. We are dealing with adults. We haven't even addressed the length or size of mini-skirts here. We haven't talked about skorts. Someone brought to his attention someone wearing skorts today at the School Corporation -- it was a very tasteful suit and looked fine to him. It seems to him that if we are going to be pro-active you could just eliminate what is not allowed and say what is allowed. The final thing, he thinks, is in terms of enforcement. Who is going to enforce that in terms of other elected officeholders?

Commissioner McClintock countered, "Well, we know we can't enforce it with other elected officeholders."

Mr. Borries asked, "Why are we doing this? You know, we are dealing with adults. If someone is dressed inappropriately, then it is the duty of the department head or elected official to talk with them."

Ms. McClintock said, "That is why we want to have a policy -- so we'll have something. Let's put that on the agenda for a full discussion next Monday."

Mr. Borries continued, "That's baloney. That's just ridiculous. Have the other officeholders seen this?"

Ms. McClintock responded, "The other officeholders don't have to follow it, as you point out -- they can do whatever they want to."

Mr. Borries asked, "So we're doing this for...."

Ms. McClintock interrupted, "The other officeholders have seen it. But as you know, Commissioner Borries, they do not have to follow it if they don't want to."

Mr. Borries asked, "Why do we put things on here like it will be strictly enforced then, etc.? Who's going to do it? Man o man! It seems to me we've got more important and significant things to do than worry about what adults are going to wear. Again, if it's inappropriate, we need to tell them."

Ms. McClintock responded, "If we don't have any guidelines, how are you going to tell them?"

Mr. Borries replied, "Well, adults know."

Ms. McClintock said, "Well, apparently they don't. This meeting is adjourned."

PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
Richard J. Borries, Member
Jeff Wilhite, County Attorney
Sam Humphrey, County Auditor
Greg Curtis, County Engineer
Ed Newton, Center City Corp.
Theo Boots, Center City Corp.
Tom Austerman, Center City Corp.
Deborah Bellaire/UE
Susan Pearson/UE
Jennifer Hatten/UE
Yoko Yoneda/UE

COMMISSIONERS MEETING
JANUARY 21, 1992

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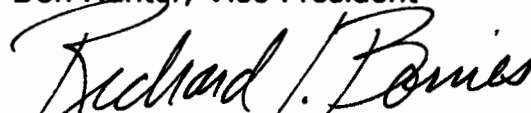
Rebecca Hodgson/UE
Caroline Dow/UE Faculty
Allen Frederick/Donan Engineering
Raj Devaragau/Donan Engineering
Sam Elder/Health Department
Robert Brenner/County Surveyor
David Isley/Bernardin, Lochmueller & Assoc.
Al Folz/Knight Assessor
Andy Davidson/Given & Spindler
Larry Downs/Attorney
Lou Wittmer/Supt., County Bldgs.
B. J. Farrell
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews

Carolyn McClintock, President



Don Hunter, Vice President



Richard J. Borries, Member

**MINUTES
COUNTY COMMISSIONERS MEETING
JANUARY 27, 1992**

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened @ 5:30 p.m.	1
Introduction of Staff & Pledge of Allegiance	1
Sale of County-Owned Surplus Real Estate (No Bids)	1
Resolution Extending Term of County Parks & Advisory Committee (G. Price to prepare Approved Amended Resolution for signatures next week)	1
County Coroner/Contract w/Forensic Pathologist	2
Board Appointments	2
County Attorney - Gary Price Check from CSX Rwy. Received and given to M. Tuley Coliseum Parking Lot Lease Agreement, etc.	3
County Engineer - Greg Curtis 1992 Bridge Projects Claim/DNR Old Petersburg Rd. Bridge #75 (Concrete structure approved) Cost Estimates re Signalizing Three (3) Intersections (Commissioners need to make a decision) Kleitzi Rd. Bridge #29 (Contract awarded to Southwest Engineering for Alternate Bid in amount of \$59,345) Request to Seek Re-Evaluation of Jobs/Public Works Department Travel/Purdue Bridge Conference (approved W. Morphey & G. Kercher to attend) Public Hearing/USI Overpass	4
Consent Agenda .(Approved)..... Travel Requests/Burdette Park Personnel (explained) Evlie. Black Coalition/Auditorium Release of Andy Easley as County Employee; plan to still use him as Consulting Engineer on projects @ rate of \$20.00 per hour Janice Bentle/Auditorium (Job Title was clarified subsequent to the meeting; App'd. as Asst. Mgr. in July 1991 by Job Study and app'd. in 1992 Budget Hearings -- but change was never discussed in Commission Mtg.)	8
Old Business	10
Memos from Commission office/Agenda Items & Employee Steering Committee; R. Borries requested copies, asked questions and objected to way in which these were handled; such memos should come before the Board prior to being sent out.	
Employee Assistance Program: Board to pursue some type of Employee Assistance Program to be made available to County Employees. (B.J. Farrell to research Commission minutes of some two years or so ago to determine what was done at that time, etc.)	
Meeting Recessed @ 6:30 p.m.	11

MINUTES
COUNTY COMMISSIONERS MEETING
JANUARY 27, 1992

The Vanderburgh County Board of Commissioners met in session at 5:30 p.m. on Monday, January 27, 1992 in the Commissioners Hearing Room, with President Carolyn McClintock presiding.

RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

President McClintock called the meeting to order, introduced members of the County Staff, and asked the meeting participants to stand for the Pledge of Allegiance.

She subsequently asked if there are individuals/groups here who wish to address the Commission but do not find their particular item of interest on today's agenda. There was no response.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

Ms. McClintock entertained bids on County-Owned Surplus Real Estate which had been advertised for sale. There were no bids.

RE: RESOLUTION EXTENDING TERM OF COUNTY PARKS & ADVISORY COMMITTEE

It was noted by Commissioner McClintock that the subject Resolution is identical to the Resolution passed by the previous Administration. The primary change is the addition of two (2) appointments to this Board. Previously the Advisory Committee consisted of three (3) citizen members. Each of the Commissioners had an appointment on this Board. They are proposing that this continue so each of the three Commissioners would have an appointment. They are also proposing the addition of two (2) citizen members to be appointed by the County Council. They felt a five (5) member Board would provide additional input via ideas as to ways we can continue to improve the operation at Burdette Park. They discussed this with Mr. Tuley and felt this would be very timely, as we are getting ready to prepare a new Five Year Plan. We've hired a consulting firm to conduct that study and once that information is brought back, this group would have time to look at same, discuss it with employees of the park, and come back to the Commission with some recommendations. Attorney Price prepared this Resolution and he is here today. Are there any questions or comments from the Commission regarding the Resolution?

Commissioner Borries asked how the members will be appointed by the County Council?

Attorney Price said it is controlled by the Commission. If the Commission wishes the Council to appoint by majority, then it can be appointed in that way. He doesn't believe it specifies in the document that the appointments be by majority. He believes that was probably the intent, however.

Mr. Borries asked, "So both would be appointed by the majority -- or would that be a bi-partisan appointment? The majority party having one and the minority party having one?"

Attorney Price said that is open for discussion. As indicated, it is controlled by the Commission. But as it is written right now, he would say the majority would select the two appointees.

Commissioner McClintock asked Commissioner Borries if he would like to propose that amendment?

Mr. Borries did so.

Ms. McClintock said, "So that should read, 'two (2) citizen members appointed by the Vanderburgh County Council. One member appointed by the majority of Council members; and one member by the minority Council members'." There being no further comments, a motion was entertained to approve the Resolution, with the amendment.

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

President McClintock instructed Attorney Price to prepare an Amended Resolution for the Commissioners' signatures at next week's meeting.

RE: COUNTY CORONER/CONTRACT WITH FORENSIC PATHOLOGIST

It was noted by Coroner Althaus that because of the increase in overall number of autopsies we've been doing in the past three years, we are twenty-five cases above the estimated 77 autopsies. He's met with County Council and Dr. Heidingsfelder and it was thought best to change the contract and put it on a per case basis of \$685.00 rather than the \$52,475 we had. Dr. Heidingsfelder had also appealed for the additional 25 cases he did last year in the amount of \$17,125 and the Council had approved paying that out of the 1992 budget. Mr. Althaus will then go before the Finance Committee this Wednesday to put that money back into the 1992 account. Attorney Price drew up the contract. Changes include the date and compensation. He's also drawn up a diagram from what they call body site examination and he put that in there for \$100. His reasoning for that was that there are a number of cases that they can bring back to the Morgue and the Doctor can do an eyesight examination and come up with the cause of death, rather than their going into complete post mortem examination of \$685.00. So this has been incorporated into the contract. Dr. Heidingsfelder and Council have already executed the contract. Normally the contract would come to the Commission first, but we had the holidays, plus he needed to get the finances first -- the Commission would have sent him to Council for funding anyway.

There being no further discussion or questions, a motion was entertained.

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

RE: BOARD APPOINTMENTS

Land Evaluation Commission: Commissioner Hunter noted he contacted John Bittner and he has indicated he would be willing to serve as the Agriculture representative on this Commission.

Ms. McClintock asked if there are any further proposed changes to the slate of appointees to this Commission. There being none a motion was entertained.

Mr. Hunter moved to appoint the proposed slate of

Board or Review: Commissioner Borries said he has the name of a person he would place in nomination to serve on the County Board of Review (in addition to Ms. Sherry Musgrave's name) -- that being Mr. Edwin Wiggers of 4001 Bellemeade. Perhaps the Commission could have a roll call vote at this time on that particular appointment. He then moved that Mr. Edwin Wiggers be appointed, with a second from Commissioner Hunter.

Commissioner McClintock then asked for a roll call vote: Commissioner Borries, yes; Commissioner Hunter, no; and Commissioner McClintock, no. Motion defeated by a 2 to 1 vote.

(Complete list of appointees included on the attached Consent Agenda, with the addition of Mr. John Bittner.)

Motion was made by Commissioner Hunter and seconded by Commissioner Borries to appoint Ms. Sherry Musgrave to the Board of Review.

Ms. McClintock then asked for a roll call vote: Commissioner Borries, no; Commissioner Hunter, yes; and Commissioner McClintock, yes. Motion carried by a 2 to 1 vote. So ordered.

RE: COUNTY ATTORNEY - GARY PRICE

Attorney Price said he has submitted a written report, and he doesn't think there are any action items. There are, however, a couple of items he'd like to bring to the Board's attention. #6 on the Orchard Rd. Bridge Project -- The County was awarded the Order of Appropriation and the Appraiser's Report has come back. He has contacted the County Engineer's office on that, to prepare a claim to the County for the amount of the damages. Once that claim has been satisfied the County will have access to that property.

With regard to Item #9 on the report, he finally received a check from CSX Railway for that derailment back in July and he forwarded same to Mr. Tuley, Burdette Park Manager.

With regard to Item #15 (Lease Agreement for parking facility behind the Coliseum). Mr. Price said he has a Lease Agreement prepared, in general. No Lessee is named. He knows there was mention of the Veteran's Council operating and managing that parking lot. He has reviewed the 99 year Lease with the Veteran's Council and he doesn't believe that includes that parking area. For that reason, if we want to use that property for a parking facility we would need to go through the Notice and Bidding Requirements of finding someone to manage that particular operation. We wouldn't want to just automatically enter into a Lease with the Veteran's Council on that. We'd have to go through an appraisal of the property, determine the fair rental value for that, include all in the specifications, and then give Notice and invite bids for the management of that particular facility.

Mr. Borries asked, "What did we do differently, Gary? I think I know the answer -- but I'd like to hear that from you. What would be different perhaps about the arrangement that we have with the City of Evansville regarding the maintenance or management thereof or supervision of the parking lot adjacent to the Auditorium?"

Attorney Price responded, "I don't know what the arrangement is with the City on that. I don't think I've seen that agreement."

Mr. Borries commented, "There is one."

Commissioner McClintock remarked, "I can tell you what the difference is. The difference is that we're not leasing the Auditorium Parking Lot to the City of Evansville. We have a written agreement approved by this Commission for collection of the parking lot monies that are in the meters and it is split with the City. But they don't control, maintain, or do any improvements on that parking lot. That is the difference."

Attorney Price said, "Also, I think the Veteran's Council is a separate entity -- it's created by State statute, but it is a separate entity from Vanderburgh County and they have their own procedures and are not part of the Commission. But at this point that parking lot is a public parking facility owned by the County. If we want to have that managed, then we would need to go through the process."

Ms. McClintock asked, "You're saying we can do that -- but we just

have to go through the process?"

Attorney Price responded in the affirmative.

Ms. McClintock asked that once you determine the fair market value of that property, do we have to get back a certain percentage of that?

Attorney Price said, "There is a certain percentage. You determine what the rental value would be. I don't have the statute with me, so I'd have to look closer at that if that is the procedure we want to follow."

Ms. McClintock said, "I'm doing this from memory and it could be a different law. But when I was in the Parks Department and we leased Wesselman Park Par #3, we went out and determined the fair market value and it was so astronomical that there was no one interested in leasing it at that. We had to advertise it one time at that rate; and then the Board of Commissioners could go back in action by the Board and say that they were going to take competitive bids. So we need to check that."

Mr. Borries said, "Well, you're going to have to check more than that, because you're talking about something that is going to have a different fair market value if it is paved or one that is unpaved. Apparently this one is rock, so you will have a significant difference from that standpoint. I have no objection to following that procedure. I think something should be done and it should be done the correct way."

Attorney Price asked, "So we want to look into using that facility for a paid parking facility?"

Ms. McClintock confirmed that is correct and asked Attorney Price to proceed.

RE: COUNTY ENGINEER - GREG CURTIS

1992 Bridge Projects: Mr. Curtis provided the Commissioners with a list of 1992 Bridge Projects (copy attached hereto) and said it is basically the priority with which we intend to pursue a number of projects. The first two projects are under contract and the third on Kleitz Rd. they intend to ask be awarded this evening. He then cited all the bridge replacement projects.

Mr. Curtis then cited the Bridge Rehabilitation Projects. In an interview with one of the local T-V stations earlier this year he had given them information he intended to bring to the Board last week or this evening -- and this is the list of proposed projects for this year. With regard to the Red Bank Rd. Bridge #55, just north of the curve improvement made a couple of years ago, they have gone through and gotten the basic information needed from the DNR as far as the size structure, etc., and have come up with the following estimates: A concrete structure at this location will cost \$156,180. A timber structure at this location would cost \$143,775. After the great success as far as time involved in the road being closed on Old Petersburg Rd., we have a net benefit on the road closure being about five to six weeks less on the timber structure and a benefit of that \$17,000. Even without that we are looking at approximately \$13,000 cheaper on the timber structure at this location and he would recommend that we proceed with that so we can get the construction done well ahead of Burdette Park gearing up on Memorial Day.

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

Commissioner Borries noted he has had concerns about our finishing this particular project and wants to make sure we get that

particular structure in. Do we have enough right-of-way to widen that out?

Mr. Curtis responded affirmatively. He would anticipate that as long as we're started by April 1st we'll have no problem in getting it open by May 1st. Old Petersburg Rd. took three weeks and it was in colder weather, etc. The only weather problem we might encounter would be if the water is up. We can't set the piling spacing unless the water is down. If we can get the piling spacing set, we can drive the piling, etc., even if it floods.

Claim: Mr. Curtis said that with regard to the Red Bank Rd. Bridge he also has a claim to DNR for the permit in the amount of \$50.00 and would recommend approval of same.

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

Old Petersburg Rd. Bridge #75: Mr. Curtis noted they did the same cost analysis on this project. The concrete structure estimate was \$96,188. The timber structure was estimated at \$109,200. With the average daily traffic of 717, this gave us a net cost on the additional road closure of \$17,900, which makes \$114,000. Basically on this one he would come to the Board and say we can build the structure for approximately \$13,000 less if we're not concerned with the road being closed. If we are, we might want to look at that. He doesn't really have a recommendation as to what it is best to do in this situation. We're going to have an inconvenience to the traveling public. If it's done when school is in session, there will be an inconvenience to the School Corporation. The bridge is in very poor shape and needs to be replaced. He would prefer to leave the decision on this particular structure up to the Commission. They estimate it will take 40 days longer for a concrete structure than for a timber structure. This estimate is based on good weather. It will take about 60 days for the concrete structure and about 20 days to complete the timer structure, providing we write the specifications -- the way we did on Old Petersburg Rd. He sees a reason to go both ways -- so he doesn't really have a recommendation.

In response to query from Commissioner Hunter as to maintenance costs on a timber structure in the long run, Mr. Curtis said we have two bridges in the County (Red Bank and Boehne Camp Rd.) and other than the bituminous overlay put over those he doesn't think we've had any problems with those structures that were of any significance whatsoever. A concrete bridge is likewise. In that time frame you wouldn't normally have any maintenance. The maintenance on both types of bridges usually comes after 20 years. In most cases the maintenance will not be related to the bridge structure, it is going to be because of water or eroding, etc. As for the life of both types of bridges, Mr. Curtis said if you're talking about a road that receives no salt or practically no salt, he would say the life span is identical. If you're getting a lot of salt, the timber structure can stand the salt without corrosion or decay as a result of the salt. There are varying opinions -- and you will get differing opinions from the trade/technical publications, as well as from engineers. His feelings are that given the location of both of these bridges, those are locations that both will receive salt. That is why they considered it. Particularly on Old Petersburg Rd. they likely would recommend concrete structure if it were not a road that receives salt. Since it does receive salt, then we might be looking at maintenance down the road. Again, that's a might and you're looking at things that are not definite and are going to depend upon a number of issues. If the EPA requirements change to where you don't use salt, then that is no longer a consideration. There are some states where they no longer use salt. He thinks either type structure will give us a good structure and we can reduce our road closure with one, but there is additional cost associated with that as far as out of

the bridge fund expense. But in either case in this line item in the budget we have sufficient funds to cover the cost.

Following further brief remarks, upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the Board approved the concrete structure on Old Petersburg Rd. Bridge 75 over Schlensker Ditch. So ordered.

Cost Estimates: Mr. Curtis said he has cost estimates re signalizing designated intersections, which need has been discussed previously.

St. Joe & Allen's Lane: Cost estimate for signalizing this intersection is \$38,110.

Covert Avenue & Fuquay Rd.: Cost estimate for signalizing this intersection is \$22,920 (flashing light).

Boonville-New Harmony & Green River Rd.: Cost estimate for signalizing this intersection is \$22,920 (flashing light).

In response to query from Commissioner Borries if the stop signs would remain at the flashing light intersections, Mr. Curtis said they would retain the stop signs. On the Boonville-New Harmony & Green River Rd. intersection, he would propose a yellow flashing light, unless the Commission elects to make that a 4-way stop; it isn't at this time. It is a 4-way stop at Fuquay & Covert and they anticipate leaving it that way. We are not anticipating changing any traffic patterns. But people are not seeing the traffic control at either of the intersections. The reason he is bringing this up is that the funds for doing these improvements will come out of Local Roads & Streets. To make a long story short, if we spend the \$85,000 to \$90,000, it will have to come out of the same monies we pave with. He will leave this information with the Commissioners for a week -- a decision does not have to be made this evening. But we have received a lot of complaints on those three intersections and the Commission had asked for information and we can proceed whenever the Board is ready to decide whichever way we should go.

Kleitzi Rd. Bridge #29: Mr. Curtis said we received bids on January 6th. Low bidder was Phoenix Construction at \$60,626. Southwest Engineering, however, put in an Alternate Bid. Their base bid was \$61,345. Their Alternate Bid said that for \$2,000 less than that they would engineer and install a single span pre-stressed concrete bridge on pile bents. He has talked with Mr. Nussmeyer of Southwest Engineering and he has said that would be a 26 ft. structure and Mr. Curtis concurs with that. It is his recommendation that we go with the Alternate Bid. He thinks we will get at least the same quality of structure and it will be at approximately \$1,500 less cost, which will save the County a little money. Therefore, that is his recommendation -- the Alternate Bid at \$59,345. We do have in our specifications that Alternate Bids are acceptable, if approved.

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

Request for Re-evaluation of Jobs/Public Works Dept.: Mr. Curtis noted it has been discussed at various times -- and he would request that the Commission ask the Job Study or the Personnel & Finance Committee, whichever appropriate, to re-evaluate the affected positions in the present Public Works Department whose duties have changed because of the reorganization -- whether it is an increase in responsibilities or just a change in duties, the job descriptions need to reflect what people are doing. If it has caused an increase in responsibility, then he thinks those jobs need to be re-evaluated. He thinks it only fair, particularly to a couple of employees who have assumed a much greater

responsibility than they had in the past; that they at least be reviewed and observed by the same standards as they were when they were originally classified in the position that they held with the duties they had prior to the reorganization. He has a letter to Mrs. Betty Hermann (President of the County Council) drafted and would request permission to forward same.

In response to query from Commissioner Borries as to how many people are involved, Mr. Curtis said, "Well, at the County Garage it would be my expectation that the foremen's job descriptions might change in a minor way and it is very likely that their responsibilities will not be deemed to have been increased. However, it might be that the Maintenance Services Manager may and may not have increased responsibilities. He doesn't know what procedures they use to determine their rating for a position -- but that might and might not change. He can testify that both Mr. Gary Kercher's and Mr. Scot Davis' responsibilities as engineering services and highway services have greatly increased. There are a number of things he has required them to do on their own initiative -- and it used to be something that we just took care of. Other than that, he doesn't anticipate there being anyone who has increased duties. However, Mr. Franklin's position of Highway Engineering Assistant -- he has much different duties than he had previously. There are people whose duties have changed and with the changes in laws and regulations he thinks we need those descriptions reflecting the duties they perform on a daily basis. He already has much of this information completed and ready to submit. Some of it is not yet ready. But he, in particular, feels the request for the re-evaluations needs to come from the Commission and not from him. It will take five (5) votes of the County Council if anything changes.

Commissioner Borries said he thinks it has to go before the Job Study group and he concurs this should have been done last year when all this reorganization took place amidst the rhetoric and the firing of Cletus Muensterman. It took place at exactly the wrong time for any of this to have been done -- and it was after the County Council had made all of their budgetary decisions. Mr. Curtis is exactly right -- this should have been done and in a way that if we were sincere about input and talking to people -- we should have done that before Council's deliberations so it could have set some of these changes in the budget. He thinks the Job Study personnel -- the way this has worked out -- should go forward. That is the way it should have been done in the first place.

Motion to approve Mr. Curtis requesting the re-evaluations was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Travel/Bridge Conference: It was noted by Mr. Curtis that he and Gary Kercher were scheduled to go to the County Bridge Conference later this week. It is a seminar being put on through Purdue University to discuss and make individuals more informed re procedures, etc., concerning maintenance and new construction of bridges. He feels with the present situation he needs to stay in town and would like to send Bill Morphew in his place. The request has already been approved. He feels this session will be very beneficial because at least one half or two thirds of the conference concerns bridges -- and that is what the Bridge Foreman does.

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

Public Hearing/USI Overpass: Mr. Borries said that at the recent Public Hearing re the USI Overpass held by Bernardin-Lochmueller there was again some discussion concerning extending and widening the intersection to S. R. 62 at Schutte Rd. Could the

Commissioners go on record -- has Mr. Curtis written anything to ask State Highway to give us some assistance to look and see what needs to be done in relation to that?

Mr. Curtis said he thinks it is good timing for a follow-up letter at this point in time. In discussions with them, EUTS, and himself, they graciously decided that they would design the intersection improvement. He doesn't know the status on that, but will get a follow-up letter out to them to check on the status. He thinks they will probably want us to fund the portion off the State right-of-way and they will fund the portion that is on the State right-of-way.

Mr. Borries said he would request that the Board of Commissioners authorize Mr. Curtis's writing the State Highway as soon as possible, because it seems to him that if we get this overpass back on track there could still be some delays, dislocations, etc., surrounding that entrance there as the overpass is being built and perhaps Schutte Rd. could also be looked upon as a kind of coordinated effort since USI students and visitors who may be going in and out of the University may want to look at some alternatives -- and Schutte Rd. is going to be one of them.

Ms. McClintock asked if that is a motion.

Mr. Borries so moved, with a second from Commissioner Hunter. So ordered.

RE: CONSENT AGENDA

Travel Requests: Commissioner McClintock noted she has one (1) additional travel request. The County Treasurer is requesting permission to attend the A.I.C. Government Day on February 4th for one day's per diem.

With regard to travel for Burdette Park, it had four people there and she wanted to advise the Commission that two of those are for a Water Safety Conference in Ft. Lauderdale that our insurance company is recommending. Tom Goodman and the to-be-hired Manager of the Burdette Park Pool for this year will be attending.

The other session is for the repair of specialty equipment (children's slides, etc.) and is being held in Texas (they will be utilizing air travel) and Tom Goodman and Bill Murphy will be attending this session.

Use of Auditorium/Eville. Black Coalition: Mr. Borries asked if there is any change on this?

Ms. McClintock said she had asked that this request go to the Auditorium Advisory Board. Evansville Black Coalition called and she told them she would put it back on the agenda for this week, since it is the 8th of February. They didn't feel they would have time for it to go back to the Auditorium Advisory Board and then back to the Commissioners. She indicated to Mr. Sanford that the Commission was really trying to get away from these activities free of charge, but that she would be happy to put it back on the Commission agenda.

Release of Andy Easley: Mr. Borries queried Ms. McClintock concerning the nature of the release of Mr. Andy Easley.

Ms. McClintock said the original agreement indicated he would be a County employee. It is her understanding that he has not been paid for some time because he hasn't had any projects. Each week B.J. has been having to take him off the payroll -- otherwise he would automatically be paid. He has also reached the age where he is no longer on regular County insurance. That was one of the original reasons he was an employee. We can now do the same thing. It is

not our intention to get rid of Mr. Easley, as there are some projects that are going to come up that we will want to use him for -- but we should just pay him \$20.00 per hour as a Consulting Engineer. He is not eligible for P.E.R.F. and all those other benefits anyway.

Mr. Borries asked, "You've notified him of this?"

Ms. McClintock responded affirmatively, saying "He's fine; we're fine. It's better for him and better for us and better for Greg. But we do plan to use him for certain projects."

Janice Bentle/Auditorium: Mr. Borries asked if Ms. Bentle is back at the Auditorium now?

Ms. McClintock responded that is correct.

Mr. Borries asked, "She left -- is that right?"

Ms. McClintock said, "Yes; she went to the Recorder's office. I did not know she was going to the Recorder's office. There was an interest on the part of the new group that is coming in to have Janice back. She is a very good employee; she has a marketing background; and they were interested in keeping her on. She was concerned at the change and didn't know what was going to happen; didn't know whether or not she would be able to keep her County benefits, etc., so they met last week and her preference was to stay at the Auditorium. That is where she wants to stay. So she is requesting to come back to the Auditorium in the same position that she was in."

Mr. Borries said, "Okay; so someone has already approved that request, I assume?"

Ms. McClintock said, "No, it is here for your approval this evening. She is not back at the Auditorium."

Mr. Borries said, "I thought we had seen her name last week and the question I had -- she apparently moved and is now moving back here -- was the position -- I was not aware it was called 'Assistant Manager'. I had a question on that. I obviously would not have much power to object -- and I certainly don't have any..."

Ms. McClintock said, "Well, she is coming back to the same position."

Mr. Borries said, "I have a question -- is that is the correct title."

Ms. McClintock said, "No, that is not the right job title."

Mr. Borries said, "Is that position called 'Assistant Manager'? I'm not aware that it was called that before -- because there was some controversy over that person's duties previously -- unless it had changed."

Ms. McClintock remarked, "No, it has not changed.:

Mr. Borries said, "Okay. I have no objection to that -- but I would ask for some explanation or that some correction be made to this form (Employee Status Form) before it goes to Joanne so we can get the proper title in there."

Ms. McClintock said, "I think Jack just feels like she is the Assistant Manager and that is why he put that on the pink slip -- but that is not accurate. I think it is Secretary/Bookkeeper -- I think that is what the title is. But it is the same position and the same amount of money. Are there any other questions?"

There being none, a motion was made to approve the Consent Agenda.

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

RE: OLD BUSINESS

Memos from Commission Office: Mr. Borries said he guesses there are some memos going out regarding deadlines for Department Heads; one on some kind of Employee Steering Committee that he'd seen some kind of notice on. He's not aware those matters had come before this Board. He asked Lou Wittmer if there is some explanation on that? Would Mr. Wittmer care to give a report? It looks like one of the memos came out under his jurisdiction.

Mr. Wittmer responded, "We had talked about organizing a group of employees for input on things like the dress code, various insurance matters, etc. That was the purpose of the memo in the meeting.

Mr. Borries said, "When it again gets back to the powers and duties of other elected County officials (and that is who you sent it out to) and also not putting your title down -- it would seem to me that if you're going to initiate those kinds of memos, I'd prefer to have a report made to this Board -- so we would be able to pass judgment on that, as well as any kind of deadlines you are imposing for some kind of agenda items now. There was some kind of a new form that was printed -- I've not seen that form. But people bring these things up to me and I haven't seen them -- and I have some concerns about that. I must repeat, again, that this Board speaks through its minutes. So if this Board wishes to make those changes and sign off on those kinds of things -- that's fine. But I'm not sure that with other elected County officials you could require any kind of attendance anyway and, in fact, name who the representatives should be -- if it's a Department Head or an Elected Official, because I'm not sure that is your call. And, again, if you are going to send those memos out they need to be brought before this Board."

Mr. Wittmer commented, "I'm certainly not trying to set policy if that is your gist of that."

Mr. Borries continued, "You know, it is from you; it doesn't have who you are; and while I'm sure everyone knows who you are it just doesn't say enough and, again, it is also a bit misleading in what the expectations are. If this Board wishes to set that kind of policy and action -- that's fine, and I understand it. But I don't agree with how that was handled."

Commissioner McClintock commented, "And you do understand, Lou, that we cannot require Elected County Officials to do anything? We've talked about that previously."

Mr. Wittmer responded, "Yes -- and it certainly is not mandatory."

Ms. McClintock asked if there is anything else.

Mr. Borries said he also would like to see this Agenda Item form -- he's not seen one of those. Would he be able to get a copy of that? There's something that has been changed that has not been brought before this Board concerning when items are due. Could he have a copy of that?

Ms. McClintock provided him with a copy.

Employee Assistance Program: Mr. Borries said he had a County employee -- whom he does not wish to name at this time -- call him regarding a matter that would have to do with a personal matter.

It had to do with a problem that could involve alcohol or that type of thing that this employee might or might not have. He was asked to check to see if we had any kind of Employee Assistance Plan among our benefits that would allow us to refer a person to some agency if a person, for example, did ask for assistance for this kind of problem -- or some other problem which could, obviously, have some effect on his/her performance. He talked with Ms. Gugin in the Auditor's office and found that there is not at this time a place that the County, as such, participated with to refer an employee for counseling or assistance in regards to perhaps a drug or alcohol problem or other personal problem -- family counseling or whatever. He checked with the City of Evansville and they have a program in place. He also made an inquiry of the Southwest Indiana Mental Health Center to see if those kinds of programs were things they did offer. They said they did. They have also talked about a fee wherein this County could participate along with family members that would amount to about \$6.00 per year, if this County chose to do that. He will refer this information to Mr. Wittmer and would also urge that at some time in the near future that this Board consider talking with these people or others who might provide this type of employee assistance service -- because he thinks it is something that is needed and something that we apparently do not have within our umbrella of benefits. He certainly thinks the Board of Commissioners needs to consider that in the near future.

Commissioner McClintock said that two or two and a half years ago -- and she will ask B.J. to go back through the minutes and look at what the discussion was at that point -- she knows she was very much in favor of an Employee Assistance Program. It either was not pursued by the former Administration or it was voted down. We need to research that. There was quite a discussion about getting some pricing on it. It was at the time we were moving our assistance program.

Mr. Borries asked, "Where were we moving from -- or what assistance plan did we have?"

Ms. McClintock said we entered into a new contract for -- the name of the agency escapes me....

Ms. Matthews interjected, "I believe you're talking about William Campbell and the Drug & Alcohol Service."

Ms. McClintock said, "Yes; and we were doing a new contract."

Mr. Borries asked, "Does Mr. Campbell still provide those kinds of services for us?"

Ms. McClintock said, "He didn't then, because we hadn't requested them and I can't remember what the discussion was. But we did not pursue it at that time. I think it is a wonderful idea and we should pursue it."

There being no further business to come before the Board at this time, President McClintock declared the meeting recessed at 6:30 p.m.

PRESENT:

Carolyn McClintock
Don Hunter
Richard J. Borries
Gary Price
Sam Humphrey
Greg Curtis
Lou Wittmer
B. J. Farrell


COMMISSIONERS MEETING
JANUARY 27, 1992

12

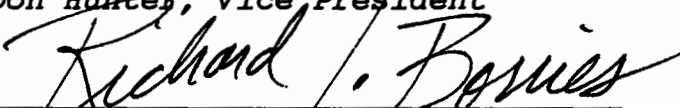
Charles Althaus
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews

Carolyn McClintock, President



Don Hunter, Vice President



Richard J. Borries, Member



CAROLYN McCLINTOCK
DON L. HUNTER
RICHARD J. "RICK" BORRIES

Board of Commissioners

of the
County of Vanderburgh
306 ADMINISTRATION BUILDING
CMC CENTER COMPLEX
EVANSVILLE, INDIANA 47708



TEL. (812) 426-8241

AGENDA

VANDERBURGH COUNTY COMMISSIONERS

JANUARY 27, 1992

5:30 P.M.

FINAL

1. CALL TO ORDER
2. INTRODUCTION
3. PLEDGE OF ALLEGIANCE
4. ANY GROUP/INDIVIDUAL WISHING TO ADDRESS THE COMMISSION
5. ACTION ITEMS:
 - a. Sale of County Owned Property
 - b. Resolution extending the term of County Parks and Advisory Committee....Discussion and vote
 - c. Charles R. Althaus, Coroner
To sign the contract with forsenic pathologist,
Dr. John Heidingsfelder
 - d. Board Appointments:

<u>Board</u>	<u>Name</u>	<u>Term</u>
County Board of Review	Sherry Musgrave	1 YR
Land Evaluation Committee	Al Mann, Commercial	None
	Marion Deig, Industrial	None
	Jim Rittenhouse, Residential	None
	Kelley Coures, Financial	None
	Kathy Briscoe, Real Estate	None
	(To be named), Agriculture	None

6. DEPARTMENT HEADS:

- a. Ted Ziemer-----County Attorney
- b. Greg Curtis-----County Engineer

7. CONSENT ITEMS:

a. Request for Travel/Education:

County Commissioner (1)
Health Department (2)
Burdette Park (4)

b. Use of Auditorium
Instructional meetings for Poll Worker for 1992
Primary Election

c. Go on Council Call
Burdette Park

d. Claims to be paid:

(1) Kahn, Dees, Donovan and Kahn.....2,105.93

e. Checks Received:

(1) Southwestern Indiana Mental Health Foundation,
Inc.....171,906.00

(2) Kahn, Dees, Donovan and Kahn..... 3,701.93

f. Permission to purchase a new SWINTEC typewriter
for the Administrative Assistant.....461.00

g. Evansville Black Coalition-
Use of Auditorium on 2/8/92 free of charge

h. Employment Changes:

County Commissioners/Released:

Andy Easley/Consultant.....20.00/HR
1/27/92

County Recorder/Released:

Janice Bentle/Entry Book Clerk.....14,864.00/YR
1/28/92

County Highway/Released:

David A. Franklin/Hwy Inspt-Hwy Engr. Asst.....22,692.00/YR
1/22/92

Carole Davis/Asst. Supt.....25,972.00/YR
1/22/92

County Recorder/Appointment:

Rebecca Kachanuk/Entry Book Clerk.....14,864.00/YR
1/28/92

County Highway/Appointment:

David Franklin/Asst. Supt.....25,972.00/YR
1/22/92

Vanderburgh Auditorium/Appointment:

Janice Bentle/Asst. Manager.....18,403.00/YR
1/28/92

Sandi Shuler/Security.....12.00/HR
1/18/92

Jacqueline Trail/Security.....12.00/HR
1/18/92

i. Scheduled Meetings:

Tues	Jan 29	Personnel and Finance	3:30 PM	RM 303
Mon	Feb 3	County Commissioners Meeting	5:30 PM	RM 307
Wed	Feb 5	County Council Meeting	3:30 PM	Rm 301

*****DRAINAGE BOARD WILL IMMEDIATELY FOLLOW*****

LETTER OF AGREEMENT

THIS AGREEMENT, made and entered into this 31st day of December, 1991, but effective January 1, 1992, by and between the VANDERBURGH COUNTY CORONER, hereinafter referred to as the "Coroner," and JOHN A. HEIDINGSFELDER, M.D., hereinafter referred to as the "Contractor."

WITNESSETH THAT:

WHEREAS, Indiana Code Section 36-2-14-6(d) authorizes coroners in the discharge of their duties, when it is deemed necessary to have an autopsy performed, to employ a physician possessing the education and training that meets the standards established by the American Board of Pathology for certification or a physician holding an unlimited license to practice medicine in Indiana, acting under the direction of such qualified physicians to perform such autopsy; and

WHEREAS, the Contractor as the only employee will be a forensic pathologist duly licensed to practice medicine in the State of Indiana and certified by the American Board of Pathology.

NOW, THEREFORE, it is agreed by the Coroner and Contractor as follows:

PRIMARY PATHOLOGIST

When used in this Letter of Agreement, the term "Primary Pathologist" means the Contractor, John A. Heidingsfelder, M.D.

RESIDENCE

The Contractor/Primary Pathologist shall maintain his residence within the Evansville, Indiana, metropolitan area during the entire term of this Agreement.

AUTOPSY

Commencing January 1, 1992, the Contractor/Primary Pathologist shall perform, within 24 hours of notification, all autopsies requested by the Coroner, subject to the Pathologist, as defined herein, making arrangements with the Coroner or his Chief Deputy as to the time and place of the performance of the autopsy procedure. When practical, the Coroner or his Deputy shall attend the performance of the autopsies.

COVERAGE

Except as provided in this paragraph, the Contractor/Primary Pathologist shall be the only person to perform autopsies hereunder. When the Contractor/Primary Pathologist is

unavailable, the Contractor/Primary Pathologist shall arrange for back-up coverage by a similarly qualified pathologist ("Back-Up Pathologist") acceptable to and approved by the Coroner at no additional expense to the Coroner.

The Contractor/Primary Pathologist performing any autopsy in question hereunder whether it be the Primary Pathologist or the Back-Up Pathologist shall be referred to as the Pathologist.

DUTY TO COOPERATE WITH PROSECUTING AUTHORITIES

The Pathologist shall attend pretrial conferences and provide expert witness testimony with respect to any autopsy performed hereunder at the request of any Prosecuting Attorney's office. Compensation for the attendance at pretrial conferences and the provision of expert witness testimony is beyond the scope of this Agreement and the Contractor/Primary Pathologist shall make separate arrangements regarding such compensation with, and be paid by, the office requesting such services.

EXCLUSIVITY

For so long as this Agreement is in full force and effect and the Contractor/Primary Pathologist is not in default in the fulfillment of any of his obligations or in the performance of any of his duties hereunder, no other physicians specializing in pathology shall be allowed to render those services normally provided by the Contractor/Primary Pathologist, provided however, the Coroner reserves the right to consult with another pathologist in a particular instance where the Coroner deems it necessary and appropriate.

EVIDENTIARY MATERIALS

The handling and retention of specimens for analysis and of items of physical evidence shall be the responsibility of the Coroner. The chain of custody methods and procedures shall be mutually worked out and agreed upon by the Coroner and the Contractor/Primary Pathologist.

WRITTEN REPORTS

Where practical, the Contractor/Primary Pathologist shall dictate to electronic recording his observations made during the conduct of an autopsy. Such recordings shall be retained by Contractor/Primary Pathologist for use in connection with any judicial or administrative proceedings in which they may have relevancy.

Contractor/Primary Pathologist agrees to provide to the Coroner, in writing, a statement relating his opinion as to the cause and manner of death in each case examined within twenty-

four (24) hours of autopsy or provide notification of the reason why the case must be deferred pending investigation.

Contractor/Primary Pathologist agrees to provide a final typewritten autopsy report within fourteen (14) days from the time the autopsy is conducted. Exception can be made upon notification of Coroner.

PERSONAL PROPERTY OF DECEDENTS

Contractor/Primary Pathologist shall prepare during the initial examination of a body and for submission to the Coroner a written inventory of all clothing and personal items found on the body upon delivery to the pathology facility as well as final disposition of such items.

In accordance with I.C. 36-2-14-11, the Coroner shall be responsible for the release of any money or other property found on any Coroner case-body held by the Contractor/Primary Pathologist.

The Coroner will provide to Contractor/Primary Pathologist all scene investigation information, accident reports and medical records necessary to assist Contractor/Primary Pathologist in determining the cause and manner of death.

TERM

This Agreement shall continue in effect commencing on the first day of January, 1992, and ending on the 31st day of December, 1992.

Unless either party to this Agreement notifies the other party of their intent to terminate this Agreement ninety (90) days prior to the expiration hereof, this Agreement shall be extended for an additional one-year term upon the same terms and conditions without any action by either party.

COMPENSATION

For service rendered pursuant to this Agreement, the Coroner agrees to pay the Contractor/Primary Pathologist the sum of Six Hundred Eighty-five Dollars (\$685.00) per autopsy and One Hundred Dollars (\$100.00) for view the body examination, the invoice and blue claim should be received at the coroner's office no later than the 5th of each month.

INDEMNIFICATION

The Contractor/Primary Pathologist agrees to indemnify and hold harmless Vanderburgh County, the Coroner, his agents and employees from any and all claims or threat of claims, loss,

liability, judgment or lien arising out of any acts or omissions by Contractor/Primary Pathologist, its employees or agents performing services under this Agreement, including costs and attorney fees in conjunction with such claims or threat of claims.

The Coroner agrees to indemnify and hold harmless the Contractor/Primary Pathologist for any liability arising out of any negligent act or omission by the Coroner, his agents or employees in connection with this Agreement, including attorney fees incurred in conjunction with such claims or threat of claims to the extent that Coroner may be liable under the Indiana Tort Claims Act, I.C. 34-4-16.5, et seq. The Coroner further agrees to indemnify and hold harmless the Contractor/Primary Pathologist from any liability, including cost of attorney fees, arising out of the retention or possession of bodies held by the pathology facility at the direction of the Coroner in the performance of this agreement to the extent that Coroner may be liable under the Indiana Tort Claims Act, I.C. 34-4-16.5, et seq.

LICENSES

The Contractor/Primary Pathologist certifies that he will furnish the Coroner any and all documentation, certifications, authorizations, licenses, permits or registrations of Contractor or any of its employees required by the laws or rules and regulations of the City of Evansville, the County of Vanderburgh, other units of local government, the State of Indiana and the United States. The Contractor/Primary Pathologist further certifies that he is now in and will maintain his good standing with such governmental agencies and that he will keep any such license, permit, registration, authorization or certification in force during the term of this Agreement. Failure of Contractor/Primary Pathologist to comply with this paragraph shall constitute a breach of this Agreement, said breach will allow Coroner to immediately cancel this Agreement without notice.

TERMINATION AND BREACH

Unless otherwise provided herein, this Agreement may be terminated without cause upon ninety (90) days prior written notice from either party to the other.

In the event of breach of this Agreement, the non-breaching party shall be entitled to all remedies available at law or in equity and to all reasonable attorney fees and court costs incurred in the enforcement of said remedies.

ASSIGNMENT

AGENDA REQUEST ~~NAME OF PERSON REQUESTING/TITLE~~ No responsibility of this Agreement shall be assigned or otherwise disposed of by Contractor/Primary Pathologist except with the prior written consent of the Coroner. Consent to assign or otherwise dispose of any portion of this Agreement shall not be construed to relieve Contractor/Primary Pathologist of any responsibility for the fulfillment of this Agreement.

DEPARTMENT GOVERNING LAW

REQUEST (S) BEING MADE This Agreement shall be governed by the laws of the State of Indiana.

TOTAL AGREEMENT

~~This Agreement represents the entire and integrated Agreement between Coroner and Contractor/Primary Pathologist and supersedes all prior negotiations, representations, agreement and/or understanding, either written or oral. This Agreement may be amended only by written instruments signed by both Coroner and Contractor/Primary Pathologist and attached hereto as an addendum.~~

ACTION CONSENT ☒ WAIVER

Coroner's delay or inaction in pursuing or exercising its rights and remedies set forth herein or available by law shall not operate to waive Coroner's rights or remedies.

SEVERABILITY

In the event any provision contained in this Agreement is determined invalid by a forum of appropriate jurisdiction, such provision shall be stricken and all other provisions which can be effected independently of a stricken provision shall remain in full force and effect.

NOTICE

Except as otherwise specifically provided herein, notice shall be given to the other party by certified mail, return receipt requested, sent to the address contained in this Paragraph or to an address subsequently provided.

To the contractor at:

John A. Heidingsfelder, M.D.
P.O. Box 4267
Evansville, Indiana 47724

To the Coroner at:

Vanderburgh County Coroner
201 South Morton Avenue
Evansville, Indiana 47713

IN WITNESS WHEREOF, the parties hereto have executed this Agreement this 1st day of January, 1992.

Date: 1-1-1992

By: Charles R. Althaus
Charles R. Althaus
VANDERBURGH COUNTY CORONER

APPROVED:

VANDERBURGH COUNTY COUNCIL

By: Betty Hermann

Date: 1/8/92

By: John A. Heidingsfelder, M.D.
John A. Heidingsfelder, M.D.

APPROVED:

VANDERBURGH COUNTY COMMISSIONERS:

By: Carolyn McClintock
Carolyn McClintock

Approved as to Legality and Form:

By: Ray H. [Signature]
Vanderburgh County Attorney

By: John A. Hunter

By: Richard J. Bonice

Date: 1-27-92

ATTEST:

By: Sam Humphrey
Sam Humphrey
VANDERBURGH COUNTY AUDITOR



P.O. BOX 7081
NURRENBERN ROAD
EVANSVILLE, IN 47712
TELEPHONE (812) 424-9531

Jan. 22, 1992

County Commissioners
Civic Center Complex
Evansville, IN 47708

Dear Commissioners,

We are requesting permission to be placed on the February County Council Agenda.
We are requesting an appropriation for one additional union position and benefits as attached.

Respectfully,

A handwritten signature in cursive script that reads "Mark Tuley".

Mark Tuley
Burdette Park Manager

cc: File

REQUEST FOR APPROPRIATION

DEPARTMENT Burdette Park

DATE January 15, 1992

ACCOUNT	LINE ITEM	AMOUNT
145-1270 Union Iron Worker/Carpenter		\$19,783.68
145-1750 Clothing Allowance		708.00
145-1900 Social Security		1,513.45
145-1910 Retirement		1,384.85
145-1920 Insurance		5,332.14

EXPLANATION OF NEED FOR REQUEST

We are requesting one additional Union Employee.

BALANCE OF ACCOUNTS

ACCOUNT NO.	BUDGET	DISBURSEMENTS	BALANCE	BALANCE AFTER APPRO
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100-2

DEPARTMENT HEAD

Mark T Tuley, Jr.

VANDERBURGH COUNTY ELECTION BOARD

ALAN KISSINGER, *President*
LESLIE SHIVELY, *Vice President*
BETTY KNIGHT SMITH, *Secretary*



214 CIVIC CENTER COMPLEX
1 NW 7th STREET
EVANSVILLE, IN 47708-1832

DATE: JANUARY 23, 1992

TO: COUNTY COMMISSIONERS

The following dates have been confirmed with Sue at the auditorium by Susie Kirk and Alberta Matlock, for the Instructional meetings for poll workers for the 1992 Primary Election.

April 24, 1992, 10:00 A.M.-Goldroom

April 25, 1992, 10:00 A.M.-Auditorium

April 27, 1992, 7:00 P.M.-Goldroom

April 20 @ 10

We would appreciate written confirmation from the Commissioners concerning this matter.
Thank you for your consideration.

Sincerely,

Susan K. Kirk

Susie Kirk

Alberta Matlock

Alberta Matlock

Jon Hill

Jon Hill

AGENDA REQUEST

NAME OF PERSON
REQUESTING/TITLE

See Attached

DEPARTMENT

Election Office

REQUEST(S) BEING MADE

Use of Auditorium
for polling places

DATE TO BE PLACED ON AGENDA

1/27

ACTION

CONSENT

X

OTHER

11

Motion was seconded by Councilman Taylor.

Mr. Humphrey: On Line Item #3130 - Travel and Mileage..I am told that the Commissioners asked us to put a line item in there. If that happened, I didn't get it, but, we will probably use about \$3,000.00 as a guess for right now.

Councilman Lindenschmidt: Sam, that is not what the Commissioners said. The Commissioners set this out and asked how much each Officeholder would use and they were going to put it in their budget.

Motion was unanimously approved.

Councilman Lindenschmidt moved to approve the following:

Motion was seconded by Councilman Taylor and was unanimously approved.

100 Accounts

Councilmember Hermann moved to approve the following:

1110	Manager	\$26,074.00
1120	Asst. Manager	18,403.00
1130 thru 1170 - Union Employees		
1300	Overtime	9,500.00
1750	Clothing Allowance	3,540.00
1900, 1910 and 1920 adjusted accordingly		

Motion was seconded by Councilmember Jerrel and was approved with four (4) affirmative votes and three (3) abstentions, those being Councilmen Lindenschmidt, Manning and Taylor.

Councilmember Hermann moved to approve the following:

1980	Other Pay	\$-0.-
1990	Extra Help	5,000.00

Motion was seconded by Councilmember Jerrel and was approved with four (4) affirmative votes and three (3) abstentions, those being councilmen Lindenschmidt, Manning and Taylor.

Councilmember Hermann moved to approve the following:

2300	Uniforms	\$2,000.00
2310	Laundry & Cleaning	1,000.00
2570	Hardware & Tools	-0.-
2600	Office Supplies	2,000.00
2700	Other Supplies	4,000.00
2730	Sanitary Supplies	6,500.00

Motion was seconded by Councilmember Jerrel and was approved unanimously.

Councilmember Hermann moved to approve the following:

ZIEMER, STAYMAN, WEITZEL & SHOULDERS

ATTORNEYS AT LAW

P O BOX 916 - 1507 OLD NATIONAL BANK BLDG.

EVANSVILLE, INDIANA 47706-0916

TELEPHONE (812) 424-7575

TELECOPIER (812) 421-5089

JOHN E. EARLY
(1912-1983)

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

January 27, 1992

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

Re: Report of County Attorney to Regular Meeting of
Commissioners (January 27, 1991); Status of Various
Legal Matters

Dear Ms. McClintock:

Herewith I submit to the Vanderburgh County Commissioners my report as Vanderburgh County Attorney on the status of various legal matters as of the regular meeting of the Vanderburgh County Commissioners held January 27, 1991:

1. At the request of the County Coroner, this office prepared the contract of employment for the position of Forensic Pathologist.

2. At the request of the Vanderburgh County Auditorium Manager, this office reviewed a letter regarding the Indiana Clean Indoor Air Law, reviewed Indiana statute regarding the same, and prepared an opinion letter stating how said law applies to the Auditorium.

3. In connection with the suit filed by DPF, Inc., against the Vanderburgh County Commissioners, this office prepared answers to DPF's set of Interrogatories, Request for Admission, and Request for Production, on behalf of the Commissioners.

4. In connection with the issue regarding storage of evicted tenant's personal property, and at the request of the Vanderburgh County Sheriff's Department, this office prepared an Authorization document authorizing the Sheriff's Department to collect and store personal property at the landlord's expense, and also prepared a Release and Waiver document releasing the Sheriff's Department of any and all liability, both present and future, in connection with the removal of said personal property.

5. At the request of the Auditor's office, and in connection with the conveyance of certain tax sale real estate, this office prepared a Tax Deed, naming Zeidler Floral Company as grantee.

6. As an update on the Krietemeyer condemnation matter, involving the Orchard Road Bridge Project, the County was awarded a judgment on January 6, 1992, ordering the appropriation of the needed real estate, and on January 14, 1992, an Appraisers Report was submitted to the Court. The amount of damages identified on the Appraisers' Report was delivered to the County Engineer's Office who will submit a claim to the County for the amount of such damages. Upon payment of said claim, the real estate will be available to the County for the use on the bridge project.

7. At the request of the Burdette Park Manager, this office prepared a collection letter to Bob Vessels for the non-payment of cottage rental fees. Mr. Vessels did not respond to such demand letter, and the matter has been handed over to attorney Glenn Deig for collection.

8. In connection with the suit filed by Alan Winterheimer, naming the Board of Commissioners and Department of Health as defendants, this office prepared an Answer to Plaintiff's Complaint on behalf of the Board of Commissioners and Health Department, and filed the same in the Vanderburgh Superior Court on January 14, 1992.

9. In connection with the CSX train derailment in July, 1991, this office received a check payable to Vanderburgh County in the amount of \$5,848.79, on January 21, 1992, as full satisfaction and release of any and all claims, both future and present in connection with said derailment. Said check was delivered to the Burdette Park Manager.

10. In connection with the claim filed by Vanderburgh County against Tropical Treehouse for the non-performance by Tropical Treehouse of its Service Agreement, a trial was held on January 10, 1992, in the Vanderburgh Superior Court, and a judgment was rendered in favor of Vanderburgh County and against Tropical Treehouse in the sum of \$1,050.00.

11. At the request of the Vanderburgh County Commissioners, this office prepared a Resolution extending the term of the Vanderburgh County Recreation and Advisory Committee.

12. The County was named a Defendant in a mortgage foreclosure action filed by Aetna Finance Company and Aetna Finance Company d/b/a ITT Financial Services v. Kenneth R. Young, in the Vanderburgh Superior Court, as Cause No. 82D03-9112-CP-2275. The County Treasurer's records indicate that real estate taxes in the amount of \$1,173.02, are due and owing to Vanderburgh County by virtue of the subject matter of the cause

of action. An Answer has been filed on behalf of the County Treasurer in response to said Complaint.

13. At the request of the Vanderburgh County Commissioners, this office prepared an opinion regarding the purpose and use of the Local Emergency Contingency Fund.

14. At the request of Roger Elliott, this office reviewed Indiana statute regarding the sale of certain outdated computer equipment, and prepared an opinion to Mr. Elliott regarding the same.

15. At the request of the Vanderburgh County Commissioners, this office prepared a Lease Agreement for the operation, management and leasing of the parking facility located adjacent to the rear of the Vanderburgh County Coliseum. A draft of such Agreement is available for distribution to each member of the Vanderburgh County Board of Commissioners.

16. At the request of Sam Elder, this office prepared an opinion regarding whether a certain brochure was acceptable for advertising the services of the Child Health Clinics.

17. At the request of Sam Humphrey, this office prepared an opinion regarding a Petition for Extension of publishing notices for the issuance of a tax deed for real estate previously purchased at tax sale.

Sincerely,

ZIEMER, STAYMAN, WEITZEL & SHOULDERS


Gary K. Price

GKP/srm

PUBLIC WORKS DEPARTMENT

AGENDA

JANUARY 27, 1992

1. 1992 Bridge Projects
2. Red Bank Road Bridge #55 - Cost Estimate
& Claim: IDNR Floodway Const. Permit \$50.00
3. Old Petersburg Rd. Br. #75 - Cost Estimate
4. Traffic Contract Estimates
5. Kleitz Road Bridge #29 - Award Contract
6. Public Works Dept.
Personnel Job Reclassifications
7. County Bridge Conference - Bill Morpew

Proposed Vanderburgh County Bridge Projects 1992

Bridge Replacement Projects

1. Nesbit Station Road Bridge #2 Over Big Creek
0.4 mi. East of Bixler Road
(Under Contract - Blankenberger Bros.)
2. Outer Darmstadt Road Bridge #34 Over Pond Flat Ditch
0.1 mi. South of Hilltop Road
(Under Contract - Phoenix Construction)
3. New Bridge on Klietz Road Over Unnamed Tributary
0.1 mi. North of Mesker Park Drive
(To Be Awarded at 1/27/92 Commissioner Meeting)
4. Red Bank Road Bridge #55 Over Bayou Creek
0.9 mi. South of Broadway
(Inhouse - Preliminary Design)
5. Old Petersburg Road Bridge #75 Over Schlensker Ditch
3.4 mi. North of S.R. 57
(Inhouse - Preliminary Design)
6. New Bridge on Volkman Road Over Unnamed Creek
1 mi. North of Baseline Rd.
(Inhouse - P.E. to begin in Spring)
7. Maasburgh Road Bridge #62 Over Branch of Big Creek
0.7 mi. North of Boonville-New Harmony Rd.
(Inhouse - P.E. to begin in Spring)
8. County Line Road East Bridge #81 Over Bluegrass Creek
0.2 mi. South of Kansas Rd.
(Inhouse - P.E. to begin in Spring)

Bridge Repair or Rehabilitation Projects

1. Darmstadt Road Bridge #214 Over C.& E.I. R.R.
0.1 mi. South of Orchard Rd.
(Under Contract - Three I Engineering)
2. Allens Lane Bridge #137 Over Locust Creek
0.1 mi. West of St. Joe Ave.
(Inhouse - P.E. to begin in Spring)

**MINUTES
COUNTY COMMISSIONERS MEETING
FEBRUARY 3, 1992**

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened @ 5:30 p.m.	1
Introduction of Staff & Pledge of Allegiance	1
Sale of County-Owned Surplus Real Estate	1
Data Processing - Roger Elliott	1
(Authorization given to declare 3 Memory Boards as Surplus and release to Purchasing for sale by sealed bid; will be disposed of subsequent to 3/15/92; Execution of four (4) contracts)	
Alexander Ambulance Service All-Care Ordinance (1st Reading)(Approved)	2
Pigeon Creek/Robert Brenner	2
(Deferred to 2/18/92)	
Indiana Department of Correction Grant Application - Harris Howerton	2
Purchasing/Rejection of Office Furniture Bids	2
Resolution of the Board of Commissioners of Vanderburgh County Extending The Term of the County Parks & Recreation Advisory Committee	3
County Attorney/Gary Price	3
County Engineer - Greg Curtis	3
Engineering Agreement/Rehabilitation of Stringtown Rd. Bridge #72 over Pigeon Creek (Agreement w/R. W. Armstrong approved and signed)	
Street Acceptance/Copperfield Sub/Section II	3
(Approved)	
Street Acceptance/Willow Creek/Section "A"	3
(Approved)	
Claims (see attached agenda from County Engineer)	4
Resignation (G. Curtis' last day with the County is 2/18)	4
Eickhoff-Koressel/Environmental Study	5
Consent Agenda	8
Employees Steering Committee (to be researched and placed on the agenda for discussion on 2/18/92)	
Old Business	9
Employees Assistance Program (B.J. Farrel to continue search for information)	
New Business	10
American Disabilities Act	
Meeting Recessed at 6:30 p.m.	10

**MINUTES
COUNTY COMMISSIONERS MEETING
FEBRUARY 3, 1992**

The Vanderburgh County Board of Commissioners met in session at 5:30 p.m. on Monday, February 3, 1992 in the Commissioners Hearing Room, with Vice President Don Hunter presiding. Commissioner McClintock was absent.

RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

Commissioner Hunter called the meeting to order, welcomed the attendees, introduced members of the County Staff (Wittmer, Price, Hunter, Borries, Mayo, Matthews and Farrell) and asked the group to stand for the Pledge of Allegiance.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

Commissioner Hunter entertained bids on the County Surplus Real Estate that had been advertised for sale. There were no bids.

RE: DATA PROCESSING - ROGER ELLIOTT

As a result of the equipment upgrade we will be going through in the near future, at the recommendation of Roger Elliott, upon motion made by Commissioner Borries and seconded by Commissioner Hunter, Mr. Elliott was authorized to declare as Surplus Property three (3) 32MB ECC Memory Boards and release them for sale by sealed bid to the Purchasing Department and disposed of subsequent to March 15th. The Board of Public Works will be asked to grant the same approval on Wednesday, February 5th. So ordered.

Also, at the recommendation of Mr. Elliott, upon motion made by Commissioner Borries and seconded by Commissioner Hunter, four (4) contracts were approved and executed. So ordered. The contracts were, as follows:

- 1) Maintenance on hardware and software that will be arriving within the next 10-15 days. If the agreement is signed tonight, in addition to expanding the agreement to cover the new gear, it will also offer an additional year on the back year. It has the same term as the previous contract in that if the funding is not available, the County and the City have the right to get out of the contract. ATEK is granting us the 6% cap that they had initially granted and that has been extended out into the sixth year.
- 2) Contract for the upgrade of a computer application that is a pass through cost from the initial vendor. The product is called Cortex. It is the run time version which allows the ATEK applications to run as well as the query application -- which allows quick look up of information.
- 3) The third contract deals with the upgrade of the ATEK application software. This is nothing more than a charge because we've gone from one size computer to the next size computer.
- 4) The fourth contract is our insurance policy that covers the new equipment involved.

RE: ALEXANDER ALL CARE ORDINANCE (FIRST READING)

Commissioner Hunter recognized Mr. Mike Klueh, Chief Operating Officer of Alexander Ambulance Service, Inc. Mr. Klueh said he is requesting an extension of the approval of the All Care Program to be administered to the residents of Vanderburgh County for 1992 through March 31, 1993. Their plan year runs from April 1st through March 31st every year. This is an extension of prior years' programs. All of the benefits will be the same, as will be the initial enrollment fee of \$44.00 per household per year. This would entitle the household to unlimited emergency ambulance transports to the hospital.

In response to query from Commissioner Hunter, Ms. Matthews said Commissioner McClintock probably has the original Ordinance. All she has is a copy -- and the Ordinance has been advertised. Final Reading will be February 18th (since the Commissioners do not have a meeting on February 17th.)

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the Ordinance was approved on First Reading. So ordered.

RE: PIGEON CREEK - ROBERT BRENNER

Commissioner Hunter advised that Mr. Brenner will not be here this evening. He requested that this matter be postponed until February 18th, at which time he will provide the Board with a report.

RE: INDIANA DEPARTMENT OF CORRECTION GRANT - HARRIS HOWERTON

The meeting continued with Harris Howerton, Director of Court Services, being recognized. Mr. Howerton said Vanderburgh County has long been a leader in the Correction Industry. He is here to request permission to go to the Indiana Department of Corrections and ask them for \$251,000. He rendered a copy of the application to the Commissioners for their perusal. The monies will serve to pay the salaries for nine (9) of the program employees and some gas and oil and maintenance money for the vehicles.

In response to query from Commissioner Hunter, Mr. Borries said this is a longstanding program that Mr. Howerton has administered in a very fine fashion for many years.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter the application was signed. So ordered. (Mr. Borries requested that Mr. Howerton provide Joanne Matthews with a copy of the application for the record.)

RE: PURCHASING/REJECTION OF OFFICE FURNITURE BIDS

It was noted that Ms. Susan Jeffries has been ill and will not be present today. Commissioner Hunter said that they have apparently decided they can only purchase part of the furniture at this time and they wish to obtain some new price quotes. Since the cost is under \$10,000 they will not have to have formal bidding. They would like to appear before the Commission on February 24, 1992 with the new price quotes.

Motion to defer this matter to the February 24th meeting was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered. (Commissioner Hunter asked Ms. Farrell to put that on the February 24th agenda.)

RE: RESOLUTION OF THE BOARD OF COMMISSIONERS OF VANDERBURGH
COUNTY EXTENDING THE TERM OF THE COUNTY PARKS AND
RECREATION ADVISORY COMMITTEE

Commissioner Hunter noted the one change brought up last week by Commissioner Borries can be found on Page 3 under Section 4. He requested the County Council appointments be a citizen member of the majority party and a citizen member of the minority party.

Mr. Borries said the amended Ordinance was not included in his meeting folder and asked to see the original. He asked if there have been some appointments to this Board that he was not aware of? Mr. Hunter said he has not made an appointment and he doesn't think Commissioner McClintock has. Mr. Borries asked if some of the persons mentioned at some point in the media served in other capacities? Are they now members of two (2) boards?

Mr. Hunter said he has no idea, because he doesn't know who has been mentioned in the news. He thinks the Commission needs to clear this hurdle before they start making appointments.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter the Resolution was approved, as amended and submitted. So ordered.

RE: COUNTY ATTORNEY - GARY PRICE

Attorney Gary Price submitted their written report for the week, saying there are no action items -- but if the Commissioners have questions, he will be happy to respond.

RE: COUNTY ENGINEER - GREG CURTIS

Engineering Agreement/Rehabilitation of Stringtown Rd. Bridge #72 Over Pigeon Creek: Mr. Curtis said that in November of last year we selected R. W. Armstrong & Associates of Indianapolis to be the Consultant to design this project. It will be brought on line as a Federal Aid Project once Orchard Rd. and the Columbia-Delaware Projects are finalized and bids received. This project, as well as the project on Oak Hill Rd. will be Federal Aid Projects. The agreement has been reviewed by the Attorney and the revisions he requested have been made. It was Mr. Curtis' recommendation that the agreement be approved and signed.

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

Street Acceptance/Copperfield Sub/Section II: Mr. Curtis made a recommendation with regard to street acceptance in this subdivision for a total of 1,680 l.f. (copy attached hereto as part of the formal minutes).

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the street acceptance for maintenance was approved, as submitted. So ordered.

Street Acceptance/Willow Creek/Section "A": Mr. Curtis said they had thought they had run this through a Commission Meeting earlier, but could not find the documentation. Therefore, they are today requesting acceptance of streets (1,200 l.f.) for maintenance (copy attached hereto as part of formal minutes).

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

Claims: Mr. Curtis submitted a list of claims (see attached agenda for details) and recommended approval of same.

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

Resignation: Mr. Curtis said he thinks all of the Commissioners are aware that he has accepted a position elsewhere. He has written each of the Commissioners a letter. Mr. Curtis proceeded to read his formal letter of resignation into the record (copy attached herewith as part of the formal minutes). Mr. Curtis' last day with the County is February 18, 1992.

Commissioner Hunter said that as he previously told Mr. Curtis, from the Commission's standpoint, he is sorry to see him leave -- because the Commission will have to get busy and try to find a replacement and that won't be easy. From a teacher's standpoint, Commissioner Hunter said that Mr. Curtis is a graduate of one of the top five (5) engineering schools in the Country and he is 30 years old. He understands he is taking a position that no one his age has ever held in the State of Indiana. From that point, his feeling is "go for it". He thanks Mr. Curtis for his service and he will take him up on his offer to help the County since he plans to continue to reside in Evansville for at least a while. He asked Mr. Borries if he hired Mr. Curtis"

Mr. Borries responded, "I surely did and am proud to say I did. I think from a teaching standpoint -- to say a bit more than 'go for it', I hope your stress level is less than you received here (particularly in this past year) and your salary is more. You have done an outstanding job here. When I look at your age, I guess the sadness I see is that although I am happy for you to be in another position, I am sad that local government is losing somebody of your caliber and your background. I think Rose Hulman is one of the top two private engineering schools in the United States -- so it is with some sadness that I see this letter tonight -- because you have done an outstanding job -- perhaps through this last year have had to survive, frankly, in an impossible situation. (You can't say that, but I can.) But I surely wish you well and support you in every way in the future.

Mr. Curtis thanked the Commissioners for their comments.

Continuing, he said he has spoken with Carolyn and along that line he has prepared a job advertisement. His thoughts, as well as her's, he believes, are to advertise that in each of the major papers once a week for two weeks. Before this is advertised, he would assume the Commissioners would want to approve the legal ad, since the person would work directly for the Commission.

Mr. Hunter asked if there are any major trade publications in which we should also advertise?

Mr. Curtis said he thinks if we're going to advertise in journals/magazines (such as the Public Works, etc.) the problem we're going to get is that we're not likely going to be able to get it in until the April issue. It usually comes out the first week of April, which means we wouldn't be able to start receiving those until mid or late April. If the Commissioners wish to do that, that's fine -- the ad he prepared would need to be modified, because he has a response deadline of February 21, 1992. He has this on the computer and it would be easy to modify. Whatever the Commission wants modified, they will do it and get the ad to Joanne Matthews. His impression from Carolyn was that her hope was to get this advertised and start the hunt.

Commissioner Hunter said he thinks we'd want to advertise in house, as well as going out of town, and cover all bases. What about Rose Hulman? Could we contact them?

Mr. Curtis said, "Needing someone with a license, they have to either be graduated four (4) years or else have ten (10) years experience. Going to universities isn't a good alternative -- at least not at this time."

Mr. Borries said he would like to see us advertise through HERPIC and also through A.I.C. Both organizations have Newsletters and the Purdue Road School will be held this month?

Mr. Curtis said it will either be held the first or second week of March.

Mr. Borries said perhaps we can get the information to the head of HERPIC and that communication can be circulated through the Road School, because there could be somebody within the State of Indiana that might be interested in the position.

Mr. Curtis asked if the Commissioners want him to investigate the deadlines on advertising in magazines? We could wait until after the 21st to see what kind of response we get -- and if we don't get any response, then advertise in the magazines at a later date?

Mr. Borries said he'd like to see some flexibility here to where this communication could be circulated at the Road School -- because there you have engineers and a whole network of people who are involved in highways and they certainly would have some ideas -- and February 21st won't hit that date.

Mr. Hunter said he believes Mr. Curtis wrote the February 21st response just for the six newspapers. He agrees with Mr. Borries in that we need some flexibility. He suggested Mr. Curtis provide the Commissioners with the name of the individual whom we should contact at the Road School and they will contact any and all people they can.

RE: EICKHOFF-KORESSSEL/ENVIRONMENTAL ROAD STUDY

Mr. Curtis said representatives of Bernardin-Lochmueller are with us today. We're going through an Environmental Corridor Study on the northern section of Eickhoff-Koressel Rd. from Diamond Avenue to Interstate 64. They are here and have information for the Commissioners in hopes we can narrow down the number of corridors that they are going to continue to look at.

Mr. Tom Cervone said this evening he would like to present an update on the Environmental Study proposed for the upper section of the Eickhoff-Koressel Highway from S.R. 66 to the intersection of S. R. 65 with I-64. The agenda for their short presentation is that he will introduce the project and discuss the environmental information on various alternatives. Thereafter, Mr. James Gulick (their Senior Engineer) will discuss engineering information, estimate costs, and summarization of various alignments. The original alignments for the Eickhoff-Koressel Highway (Section II) were lines A, B, and C. Line A was the western route across St. Wendel Rd. by the water tower, bisecting Ruff Rd. Line B was our northern route across St. Wendel Rd. between Buente and Whispering Oak Lane. Slightly to the east and crossing St. Wendel Rd. immediately west of Whispering Oak Lane is Line C, our second northerly route. Line B was similar to Line C, but had more relocations. For this reason, Line B was discarded in favor of Line C. All of the alternatives start just west of the intersection of St. Joe Rd. with S. R. 66 to the south and end at the end of S. R. 65 with I-64. Now, as part of the Public Information meeting last year, two new lines were developed to minimize relocations and impacts on the environment.

These two new lines were what they call C-2 and C-3. Both of these lines parallel Line C. Line C-3 is just slightly east of the original Line C. These three (C-2, C-3, and C) are different from each other only between roads, which are School No. 6 Rd. north to St. Wendel. After that, north to I-64 they are the same. They included C-2 and C-3 to minimize relocations and impacts on the environment. Table I (which he has given the Commissioners) lists information on four (4) alternatives (A, C, C-2 and C-3). Looking at Table I it lists seven (7) broad categories. They are:

- 1) General Information
- 2) Cost Information
- 3) Geological
- 4) Ecological
- 5) Archeological
- 6) Historical
- 7) Public Concern type items

The estimated costs for the various alternatives will be discussed very shortly by Mr. James Gulick. All four alignments are just under nine (9) miles in total length. The right-of-way for each of these four lines is similar. However, one A would require more fill and thus more right-of-way acquisition. The data the Commissioners have is simply length times width, divided by 43,560 to give acres -- and does not include topography cuts or fill. Comparatively speaking, the relocations between those four -- the relocation is slightly greater for Line C. (A-10; C-12, C-2 - 10, and C-3 - 8). All the alignments would cross the Illinois Central Gulf Railroad tracks just south of Baseline Rd. near Armstrong. They have one train a day that goes through there and that is the Indiana Hi-Rail Company. Geological considerations showed Line A to cross through an active oil field. However, C, C-2, and C-3 do not. Ecological considerations showed jurisdictional wetlands, but in C, C-2, and C-3. Line A does not have any jurisdictional wetlands. Floodplain impacts would be the greatest for Line C in Little Creek Floodplain and would especially impact longitudinal encroachment upon this floodplain -- along with other engineering constraints, of which Mr. Gulick will speak shortly. Forest acres lost in the project appears greatest in Lines A and C. Lines C-2 and C-3 appear less. The right-of-way is predominantly fields throughout this project, with about 50% agriculturally plowed fields. There are no TES or Threatened Endangered Sensitive species that we know of. However, the Indiana Department of Natural Resources (the Heritage Program) has reported the relocation of a badger 2 mi. east of St. Wendel in the year 1988. The badger is listed in Indiana as a threatened species; it is not on the Federal threatened list. There are no recorded archeological sites in the project. However, the possibility of one site south of School Rd. No. 6 is possible, as well as others. A field reconnaissance will be completed when a preferred route is selected. Historic buildings in the study area are being reviewed. One house in Line A and one house in Line C-2 are possible. Public concern items showed Line C-3 to impact Higgenbottom Cemetery, which is directly north of S. R. 66 along St. Joe Rd. Line A would come close to Calvert Cemetery up north by I-64. Lines C and C-2 showed no such cemetery impacts.

Mr. James Gulick said some of the reasons for doing C-2 and C-3 in the southern part are a direct result of the Public Information meeting held last March and the public input they received. They have been trying to make the suggested modifications to see what the ramifications are. Tom has gone into a lot of detail concerning the environmental concerns. He will now address the cost items. First of all he wants to explain the different types of options.

Expressway Option: A 4-lane divided highway with median.

Everything would be built at once. Traffic counts on Eickhoff-Koressel for the year 2010 are projected around 10,000 to 11,000 south of S. R. 66. North of S. R. 66 it would be around 7,000 vehicles per day. With that in mind, the normal viable option would be just to buy the right-of-way for a 4-lane road in the future and construct two lanes now.

He will compare Alternate A Expressway, C, C-2, and C-3. For highways about the same length, the difference in cost is going to be in direct relationship to the amount of earthwork for the various alternatives. So that is why there will be a difference in some of these. Alternate A was in a much rougher terrain with lot more cut and a lot more fill. This is quite a bit higher than C, C-2, and C-3. Alternate A construction cost adjusted to the 1996 year is about \$42.7 million. C is about \$27.5 million. C-2 is \$31.5 million and C-3 is \$33.1 million.

The second part would be to do a 2-lane arterial. Buy the right-of-way for four-lane, but only do the cuts and fills necessary to put the two lanes in today. That is why there is a difference in price between the Expressway and the two lane alternate. Not only do you have the reduced pavement costs because you're doing only half the paving, but you also have less earth work. Alternate A was \$24.4 million; C was \$14.2 million; C-2 was \$16 million; and C-3 was \$14.8 million. Based on their engineering they found some things about C-3 -- even though it came off construction-cost wise not too bad in there -- that they're not very happy with. One reason is the Little Creek floodplain. In terms of looking at the cost data, they think it preferable to discard at this time Alternate A on the basis of cost. They think it is prudent to discard Alternate C-3 -- not necessarily on the basis of cost, but on the basis of disruption to the Higgenbottom Cemetery and also disruption to the floodplain impacts and the difficulty we might have in getting environmental approval and there are necessary DNR permits in that area. That leaves us with Alternate C-2 and C-3 (the western alternate and the center alternate). It is their recommendation at this point to continue to finish out the environmental assessment with Alternate C-2 and C-3 still in there as viable alternatives and dropping of Alternate A and Alternate C-3. That is basically where they stand on that project today.

Commissioner Borries said it looks as though they've done a very comprehensive job on this. What will be the next step?

Mr. Gulick said the next step is to go ahead and write the Environmental Assessment. Once this is written they will send it to INDOT, who will review it and then forward it to the Federal Highway Administration. Once they approve the Environmental Assessment we will conduct a formal Public Hearing on this Corridor. Once we have the Corridor Hearing and address all the comments of that, depending upon the significance of these comments, Federal Highway will issue what is known as a Finding of No Significant Impact -- or if new information comes to light that says, 'Wait a minute this is much beyond environmental assessment' -- we might have to do an Environmental Impact Statement.

Commissioner Borries said it looks as though at this time Mr. Gulick is saying that C-2 and C-3 will have less impact on some of the homes in the area than the earlier ones? Is that correct?

Mr. Gulick responded, "If you count up the actual ones there that you see today -- between C and C-2 to the west, C was 12 and C-2 is 10. That is pretty close to Alternate A which we have in there now. They are all pretty close. The arrow in C-3 is less, but that is because there aren't that many homes built down in that floodplain. That is one reason why that is less, but it has some other severe impacts, we think."

In response to query from Commissioner Hunter, Mr. Gulick stated they would anticipate that the next step -- once we have the Environmental Assessment -- would be that INDOT would go ahead and schedule a Corridor Public Hearing and that should be somewhere in the vicinity of September of this year.

Commissioner Hunter said he had a call from a member of County Council yesterday concerning the cost. How much of this is the State paying and how much is the County paying?

Mr. Gulick said that presently this is a Rural Secondary type project. At the present time he believes that would be 75% Federal Aid and 25% County. But since we have a new Surface Transportation Act there are some new ramifications -- and it is going to change some of those formulas for funding -- he'd have to study this more -- and all the details are still being worked out, but it looks like it would be less that we would pay.

Commissioner Hunter said Mr. Gulick has talked about expressway; he'd talked about two lane arterial; and he's also talked about the two lanes and preparing for two lanes later. If we did the two lanes and prepared it for the other two lanes to be completed later, he sees the numbers are less. But percentage wise, how much is it going to go up every year by not doing it complete the first time around?

Mr. Gulick said he cannot really predict what inflation would be, but probably 4% to 5% per year. What they're trying to do is give us a range of values for different options.

The Commissioners expressed appreciation for the report on this project.

RE: CONSENT AGENDA

With regard to the Consent Agenda, Commissioner Hunter directed the group's attention to Item "a". Monday, February 17th, is President's Day. Therefore, the Commission meeting will be held on Tuesday, February 18th, at the same time (5:30 p.m.) in Room 307.

With regard to the second check listed under Item "d", the amount of the check received is listed as \$131,644.58. This is an error. The check received tonight is in the amount of \$34,390.66 for 4th Quarter Franchise Fees. The \$131,644.58 figure is the grant total for 1991.

Concerning Employment Changes, the appointments at Burdette Park on the next to the last page (Joyce Moers, William Murphy, and Steven Craig) these hourly rates are retroactive to 1/1/92.

Commissioner Hunter entertained questions concerning the Consent Agenda.

Commissioner Borries said he keeps coming to the scheduled meetings of this **Employees Steering Committee**. Again, he raises a question on how this Employee Steering Committee was selected, who is on it? He doesn't recall any of this being discussed in the Commission Meeting. Again, he would request further information as to exactly what is going on here.

Lou Wittmer said the individual elected officials and department heads each picked a representative to be on this Committee. That is how the selection was made.

Commissioner Borries said, "But, Lou, I mean when was this Committee formed? When did this Board vote or not vote or discuss or do something? This Board -- and I say this like a broken record -- speaks through its minutes. When did this go through the meeting?"

Mr. Wittmer responded, "I'm not sure, but it did."

Mr. Borries asked, "What was the purpose of the Employees Steering Committee? What does it do? Who does it steer or what? I mean, don't understand what it does."

Mr. Wittmer responded, "It is primarily to get the employee input on things like dress

code, personnel policy, whatever gripes the employees might have about working conditions or ideas they may have for improving things in the County -- that type of thing."

Mr. Borries asked, "Could you provide me at the next meeting some indications? This needs to be in your purview, I would think, that gives me some indication as to when this Employees Steering Committee was formed -- because I don't recall it. Maybe Joanne Matthews can help me a bit. Can we do a little research, too?"

Commissioner Hunter said Legal Counsel says he vaguely remembers it being discussed -- but it was not called the Employees Steering Committee. It had a different name.

Commissioner Hunter asked, "Joanne would you mind -- just for the sake of time here -- to research and see if we can find anything that is a reasonable facsimile of the Employees Steering Committee?"

Both Attorney Price and Lou Wittmer again said it was not called that in the Commission meeting.

Commissioner Borries said he thinks we need to define what we're talking about, who we're steering, or what we're steering -- and the nature of what is going on -- because in this vastness of County government, you do get questions from time to time and he raises some simply because he is not at all sure what is going on here and would like more information on this.

Commissioner Hunter requested that this matter be researched and placed on the agenda for February 18th for further discussion.

There being no further questions, a motion was entertained.

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

RE: OLD BUSINESS

Employee Assistance Program: Commissioner Borries said at one of the meetings B.J. Farrell was asked to research the minutes concerning the Employee Assistance Program. He does remember that Carol talked about this at that particular meeting, as well.

B. J. Farrell said she did research the 1989 minutes and could find nothing. She is now searching the 1990 minutes.

Mr. Borries said it may even be earlier than that. When the matter came up, in that discussion there was also concern -- if he recalls correctly, the agency that Mr. Bill Campbell works with is a Court-related agency and there was some concern about confidentiality and kind of an in house problem if there were any employees who had a problem -- they might be reluctant to do it there, where perhaps an outside agency might assure a greater degree of confidentiality -- and he does recall some discussion on that.

Ms. Farrell said she went through 1989, but she can go through 1988, too.

Mr. Borries said it probably was 1989.

Ms. Farrell said she can go through it again.

RE: NEW BUSINESS

American Disabilities Act: Mr. Hunter said he believes Commissioner Borries has copies of a letter and the Disabilities Act in his meeting folder. It was reviewed with County Department Heads on January 27th. Mr. Hunter continued by reading the letter into the record (copy attached hereto as part of formal minutes).

Mr. Hunter asked if Mr. Borries thinks it would be a good idea for Larry Downs to come back and meet with the Officeholders after they have had an opportunity to read the ADA information? He is recommending we have another meeting with them and he will do some hypothetical interview situations.

Mr. Borries said he has no objections.

Mr. Hunter asked that Mr. Wittmer go ahead and set up the meeting.

There being no further business to come before the Board at this time, Commissioner Hunter declared the meeting recessed at 6:30 p.m., saying the Commissioners have several documents to be signed prior to their leaving the meeting.

PRESENT:

Don Hunter
Richard J. Borries
Gary Price, County Attorney
Cindy Mayo, Chief Deputy Auditor
Greg Curtis, County Engineer
Jim Gulick (Bernardin-Lochmueller)
Tom Cervone (Bernardin-Lochmueller)
Lou Wittmer
B. J. Farrell
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Don Hunter, Vice President


Richard J. Borries, Member

MINUTES
COUNTY COMMISSIONERS MEETING
FEBRUARY 18, 1992

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MINUTES

COUNTY COMMISSIONERS MEETING
FEBRUARY 18, 1992

The Vanderburgh County Board of Commissioners met in session at 5:30 p.m. on Tuesday, February 18, 1992 in the Commissioners Hearing Room, with President Carolyn McClintock presiding.

RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

President McClintock called the meeting to order, welcomed the attendees, introduced members of the County Staff, and asked the group to stand for the Pledge of Allegiance. She subsequently asked if there were any individuals/groups who wished to address the Commission but did not find their particular item of interest on today's agenda. There was no response.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

Commissioner McClintock entertained bids on the County-Owned Surplus Real Estate which had been advertised for sale. There were no bids.

RE: BOARD APPOINTMENTS

Vision 2000: Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, Carolyn S. McClintock was appointed to a one (1) year term on the Vision 2000 Board. So ordered.

Private Industry Council: Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, Denise Freier was appointed to a one (1) year term on the Private Industry Council. So ordered. (This was at the recommendation of PIC. Ms. Freier will replace Mr. Bruce Blesch, who moved to Atlanta, GA.)

RE: ORDINANCE APPROVING ALEXANDER AMBULANCE SERVICE
SUBSCRIPTION PROGRAM/FINAL READING)

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the subject Ordinance was approved on Final Reading. So ordered.

RE: ALEXANDER AMBULANCE SERVICE - CONTRACT RENEWAL FOR 1992

Commissioner McClintock said the next item of business is the renewal of the contract with Alexander Ambulance Service, Inc. Ms. McClintock said she has a note from the County Attorney dated February 14th indicating that he has reviewed the agreement between the Board of Commissioners and Vanderburgh County and Alexander Ambulance Service, Inc. and finds said agreement legally acceptable. She then entertained questions. There being none, a motion was entertained.

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

(It was noted by Commissioner Borries that the original shows the Contract being attested by the County Clerk and that should be corrected to reflect the County Auditor. Correction was made by hand.)

RE: CORRECTION PROGRAM/INSURANCE - HARRIS HOWERTON

Mr. Howerton said that the Corrections Program insurance has been discussed since October 1991. About a year before that the County saw fit to bring them in with regard to the Community Corrections Program, paying for the insurance through the County. The statute regarding Community Corrections clearly stated that it was incumbent upon the County. One issue was left hanging and that was the Jobs Program component -- because that was a non-profit organization incorporated within their Community Corrections Plan. The Jobs Program Board got together about a month ago and did what he believes the Commissioners had in mind for them to do. They resolved that any and all properties accumulated by that Corporation would, in case of going of business, relinquish all those properties to the County. He believes that satisfied the insurance requirements.

Ms. McClintock said that is her understanding.

Mr. Howerton said he thinks we should get together with the County's insurance carrier one more time to review all those policies they've talked about and then come back to the Commissioners in another week or two to see if this matter has been resolved.

Ms. McClintock asked if Mr. Howerton is requesting permission this evening to contact the County's Agent of Record and have them come out and do an assessment on all the policies and then come back to the Commission with a recommendation?

Mr. Howerton said that is correct.

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

RE: CORRECTIONS PROGRAM/DECLARATION OF COPY MACHINES AS SURPLUS

Mr. Howerton noted they have two (2) copy machines which are not functional and he is requesting that the Commissioners declare same as surplus.

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

RE: G.I.S. SYSTEM FOR VANDERBURGH COUNTY (DIGITECH SYSTEMS, INC.)

Mr. Jeff Terp of Digitech Systems, Inc. was recognized and said he is present with several of his colleagues this evening. Since the selection of their firm in November to handle the GIS System, they have spent the past two months meeting with various people in the County trying to itemize a scope of work and delineate the exact costs they would see for the Pilot and the continuation of the G.I.S. He believes the Commissioners have before them a contract of that delineation. Following a meeting today, they are asking the Commission (and it was the consensus in the Auditor's office today) that Digitech proceed with this. They would like for the Commisison to recommend that this be sent to the County Council for approval and analysis and delineation and release of the funds. Between now and the March 4th County Council Meeting, they are going to further itemize several factors in this. First of all, there may be some additional hardware/software that they want to make sure the Council is ware of -- and further, at the suggestion of the Auditor and the people present at the meeting earlier today, they are going to change the Pilot from Pigeon and Armstrong townships to Center Township, which should lower some of the cost potentially of the Pilot and also allow them to test(which is what their ultimate goal was) some commercial, residential, industrial and agricultural -- so that they have a Pilot that encompasses everything that might be relevant later on in the full

continuation of the project. And there are a few other items they are going to present. They will be meeting with the Finance & Administration Committee a week from tomorrow to discuss line item by line item each element in the contract and the delineation of the cost and then, hopefully, get a release of the funds at the March Council meeting and then come back to the Commissioners again on March 16th for their signatures. They will be glad to try to answer any specific questions the Commissioners might have. The County Auditor may also wish to offer comments at this time or have questions.

Ms. McClintock said it is her understanding that what Mr. Terp is asking the Commission to do today -- really, in effect, Sam -- is to go on Council call to get the funds appropriated and then the Commission would come back and sign the contract?

County Auditor Humphrey said that is correct. This is a Pilot Program which encompasses greater cost perhaps than the Pilot would have allowed. But they thought probably they would go ahead and do it at this time to get the ball rolling and see what happens in additional equipment and everything. It is a very good program.

Ms. McClintock then entertained questions. There being none, a motion was entertained to go on Council call for approval of the funding for the Pilot Project for the S.I.S. System for Vanderburgh County.

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

RE: WESTWOOD GARDEN CLUB/BOCKELMAN NO. 3 SCHOOL

The meeting continued with Commissioner McClintock reading into the record a letter from the Westwood Garden Club concerning the old Bockelman No. 3 School at the corner of Eickhoff and Middle Mt. Vernon Rds. (Copy attached herewith as part of the formal minutes). In summary, Westwood Garden Club is requesting that when the County comes into possession of the property as part of the USI Interchange Project, they turn it over to them. They plan to spearhead a fund raising campaign to move the building to the University of Southern Indiana campus and to restore it. They hope to place it near the Eicher Barn and the Paul Grimes Haus, which they have already moved to the campus and restored. The State has no funds to grant to preserve this old school, so it would probably be torn down unless someone comes forth who is interested in saving it.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the Commission endorsed this project and asked Attorney Wilhite to draw up an agreement whereby the County can give Bockelman No. 3 School to the Westwood Garden Club. So ordered.

RE: VISION 2000

Messrs. Ken Robinson and Ed Hafer (Executive Director and Chairman of Vision 2000, respectively) were recognized. McClintock said these gentlemen are present for purposes of giving an overview for 1992, as well as information for 1991. (Copies of related documents are attached hereto.)

Mr. Robinson said their job is marketing. They market the virtues of Southwestern Indiana, Vanderburgh County, and Evansville all over the world. In order to do that they had to develop a package of information that would speak well of this area. His Number 1 Priority was to make sure that they sold the idea that this is a quality location for quality companies. The first order of business was to get the marketing package together. He then distributed copies of same to the Commissioners for their perusal. They submitted this marketing package for national competition and won a

National Award on the package and six (6) Regional Awards on some of the individual items contained in the package. So it is recognized as a very professionally done, quality package -- which was done right here in Evansville through Keller-Crescent. That package has gone to over 3,500 different companies utilizing their travels, direct mail, and prospect trips. Mr. Robinson proceeded to give a lengthy and detailed presentation concerning their marketing package, utilizing an overhead projector.

In conclusion, Mr. Robinson said they appreciate the funding they receive from the County, Mr. Borries' presence on the Board, and now Ms. McClintock's. They look forward to working with them in the future.

The Commissioners expressed appreciation to Messrs. Robinson and Hafer for the report.

RE: TRI-STATE MINORITY SUPPLIER DEVELOPMENT COUNCIL

It was noted by Commissioner McClintock that a letter was received from Mr. Jack Buttrum of Swanson-Nunn Electric Company (copy attached hereto) asking the County to join the Tri-State Minority Supplier Development Council. He referred to an enclosed brochure; but as far as she knows a brochure was not enclosed. Nonetheless, Mr. Buttrum indicates this is basically a group of majority owned corporation and organizations working with minority business people, helping them to become viable contributors to the tri-state's economic well being. They are requesting from the Commission Annual Dues in the amount of \$750.00 plus a designation of an individual to attend the monthly meetings, which are held the second Tuesday of each month at the Evansville Chamber of Commerce from 8:30 a.m. - 10:00 a.m. This is not an item that was budgeted for 1992. If it is something that interests the Commission (as she is sure it does) then it is something we need to request the funding from Council for and a request to go on Council Call would have to be prepared. If the Commission so desires, the paperwork can be completed and the request to go on Council Call could be approved at the next meeting. Or, if the Commission would like more information, she can obtain same.

Commissioner Borries said he has no problem with it, but would like more information.

Ms. McClintock asked that B.J. Farrell contact Mr. Buttrum to obtain the brochure and possibly a list of their membership, goals or action plans, and to place this item on the agenda for the next Commission meeting.

RE: CONVERSION OF VANDERBURGH AUDITORIUM PARKING LOT METERS FROM THREE HOURS TO TEN HOURS

Ms. McClintock said that Marsha Abel, City Clerk, had requested that the Commission change the parking meters in the Vanderburgh Auditorium Parking Lot from three (3) hours to ten (10) hours. She indicates that currently the three (3) hour meters are very under utilized and that the greatest utilized meters are in the City Lot at Third and Locust Streets, which are ten (10) hour meters. It is the feeling of the Clerk's office that this would provide for employees who wish to park occasionally in the subject parking lot, but do not want to have a monthly pass to do that. Perhaps they want to park there during periods of inclement weather. Right now we are not really providing for that with the three hour meters; we are kind of encouraging employees not to use that lot.

Commissioner Hunter asked if the County will incur any cost for the conversion?

Ms. McClintock said we will not; they will pay for that.

Mr. Borries said he would like more information on this, such as the hourly rate for

parking? Why it is a ten hour period? Why it wouldn't be an eight or nine hour configuration on that? If someone is going to park from 6:00 a.m. - 6:00 p.m. and the working hours are 8:00 a.m. to 5:00 p.m. What options do we have on hours? He would like to know how much whoever parks there is going to have to pay.

RE: INCREASE IN MILEAGE PAY FOR PRIVATE VEHICLE USE ON COUNTY BUSINESS

Ms. McClintock said the next item on the agenda is an increase in the mileage paid for private vehicles use on County business from 25 cents to 28 cents per mile to meet the new Federal guidelines. The City has already enacted this policy and is currently paying City employees 28 cents per mile for use of their private vehicles for City business.

Mr. Borries said his only comment would be that we're probably not budgeted for that kind of an increase at this point.

In response to query from Commissioner Hunter as to whether we have a choice, Ms. McClintock said we do have a choice.

Mr. Hunter asked why we have a choice if it is a Federal guideline.

Commissioner Borries responded that it is a guideline.

There being no further discussion, upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the Board opted to follow the Federal guidelines and enact the increase from 25 cents to 28 cents. So ordered.

RE: PIGEON CREEK GREENBELT ACTIVITIES

The meeting continued with County Surveyor Robert Brenner stating that in January he proposed a list of ten (10) things his office could do to improve Pigeon Creek. All he needs from the Commissioners is for them to tell him to do it. He does have one additional to add. He would like to procure some small cypress trees (cost is 10 cents each) and he proposes to purchase 850 of these trees. In fact, he has already placed the order. He has Boy Scouts and the Courts lined up to plant the trees. (If the Board does not approve, while his yard would look a little strange -- he is prepared to eat the trees. But the cost is around \$103.00.) In response to query from Commissioner Borries as to where these trees will be planted, he said they will be planted on the banks of Pigeon Creek. Primarily, it will be on Levee Authority property. Near the mouth of the creek there are several places -- he was out there today. He met with them and has something in writing from them.

Mr. Borries asked whether Mr. Brenner has heard from the U. S. Army Corps of Engineers yet?

Mr. Brenner said he has not.

Mr. Borries asked if he has written them yet?

Mr. Brenner said he has not.

Mr. Borries requested that Mr. Brenner write a letter to them and he agreed to do so.

Mr. Borries said Mr. Brenner told him previously he would do this.

Mr. Brenner said that is correct.

Ms. McClintock asked if Mr. Brenner has a copy of the list he submitted to the Commissioners in January?

Mr. Brenner responded that he does; the Commissioners have a copy of the list included in their minutes of the subject January meeting.

Ms. McClintock said that is correct -- but they don't have the minutes in front of them at this time.

Having read the list provided by Mr. Brenner, Ms. McClintock asked, "Is what you are telling us, Bob, in effect we need to give you permission to do these things and then you will write to the U. S. Army Corps of Engineers?"

Mr. Brenner said some of the things don't require permission from the Corps, but some do. He will contact them. But tell him to start work on the Creek -- there is \$5,000 appropriated and approved by the Council and the Commissioners just need to tell somebody to begin.

Ms. McClintock asked, "But in order to write to the Corps, you have to tell them what you are going to do?"

Mr. Brenner confirmed that is correct.

There being no further discussion, Ms. McClintock said she has added the purchase of 850 cypress trees to the list provided by the County Surveyor.

Commissioner Borries said he would like to establish a time schedule as to when some of these things are done. He is particularly interested in Item #10 in terms of any right-of-way Mr. Brenner has to secure. What agencies has Mr. Brenner contacted? The Levee Authority? Anyone else in the City of Evansville?

Mr. Brenner said he has talked with the Levee Authority and Jim Hadden of the Parks Department. They have been out on the job.

Mr. Borries asked if Mr. Brenner has written contact with these departments -- to please share these letters with the Commissioners.

Mr. Brenner said everything he has done has been verbal.

Mr. Borries said he would just like to have written documentation concerning the meetings, etc.

Ms. McClintock said perhaps it would be helpful if Nancy could make a copy of the minutes of the Pigeon Creek Greenbelt Committee meeting and provide Commissioner Borries with same.

In response to query from Commissioner Hunter as to which of the eleven (11) items require Corps approval. Mr. Brenner said none of them that he is aware of. They've pretty well backed away from the Creek. He just looks at this as information. None of the items interfere with their right-of-way and he anticipates no problems. He doesn't intend to purchase any right-of-way. However, there are people who have volunteered to give us right-of-way (Zeidler's and different places). We will not spend a dime on right-of-way with the exception of the legal expertise it takes to draw it up.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, County Surveyor Brenner was authorized to proceed. So ordered.

Ms. McClintock asked that Mr. Brenner provide the Commission office with a copy of

the letter for inclusion in the Commissioners' packets for next week's meeting.
RE: COUNTY ATTORNEY - JEFF WILHITE

Supplemental Agreement/Veach, Nicholson & Griggs/Orchard Rd.: Attorney Wilhite said he reviewed the subject agreement for its legal form and it is ready for the Commissioners signatures. He then asked County Engineer Greg Curtis if he can provide again the reason for the Supplemental Agreement?

Mr. Curtis said we have had numerous times that the plans have been submitted on various projects and the guidelines change. In this instance, however, the plans were completed and sent to the State and it was placed on a letting -- and the Federal Highway Administration changed their design guidelines for a couple of items, which required that the plans be re-designed. VNG went ahead and did the work and the plans are already back up at the State without the agreement being approved. But that is what the agreement covers.

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

Proposed Ordinances: Attorney Wilhite said that attached to his report are two (2) Ordinances for review and consideration. The first concerns Burdette Park. Approximately a month ago the Commission requested that he look into establishing Park Rules, Regulations and Penalties -- primarily concerning glass at that time. In drafting the Ordinance they came across a lot of other language that seemed to be closely related. They worked with Mark Tuley and have come up with this Ordinance. The Commission needs to set hearing dates concerning this Ordinance, if they desire to adopt this Ordinance. In response to query from Commissioner Borries, Attorney Wilhite outlined various nuisances covered in the Ordinance which go beyond glass. It is very close to the City's Ordinance.

Commissioner McClintock subsequently asked Ms. Matthews to schedule the First Hearing on March 9th and Second, Third and Final Hearing on March 23rd and advertise same.

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

(County Auditor Humphrey noted that Ms. Matthews just pointed out that under Item #21, that probably should read "Park" property rather than "party" property. Attorney Wilhite concurred and the change was made by hand.)

(It should be noted that subsequent to the meeting after having an opportunity to read the proposed Ordinance in its entirety, Ms. Matthews contacted Attorney Wilhite with regard to a change in the last line of Item #19. The proposed Ordinance read "...and shall also be on file for public inspection in the office of the County Commissioners and the office of the County Clerk". The correct language is, "...and shall also be on file for public inspection in the office of the County Commissioners and the office of the County Auditor.")

Ordinance re County Corrections Fund: Attorney Wilhite said this fund comes through the Indiana Department of Corrections. We've participated for every year for at least the last several years. It is a current Ordinance of the State Statute that the Indiana Department of Corrections has reminded us of -- that by May 1st each year we simply need to reiterate our intent to have this fund. This also needs to be scheduled for public hearing and advertised.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries,

President McClintock instructed Ms. Matthews to also schedule this Ordinance for Hearings on March 9th and March 23rd, and advertise same. So ordered.

RE: BURDETTE PARK - MARK TULEY

Credit Card: President McClintock noted the Credit Card for Burdette Park has already been approved, as requested by Mr. Tuley in his memo of 2/14/92.

Water Damage: The Board also received Mr. Tuley's letter with regard to the water damage sustained at Burdette Park as the result of a hydrant being left open by the Evansville Water Department on February 3, 1992.

Mr. Tuley advised that he and Norris Robinson played telephone tag today. He did, however, come out to Burdette and meet with Tom Goodman and one of the City Engineers and one of their insurance representatives. It is his understanding that they are being very cooperative. Tom talked to White Water West Industries, the installers of the new water slides, and they have basically given him some advice to pass on to the Commissioners. He will let Mr. Goodman bring the Commissioners up to date on that.

Mr. Goodman said he talked with Alan Heis from White Water West Industries in Canada, the manufacturers and installers of the slide. It is his recommendation that he send finalized plans of the slide, itself, for us to consult a local engineer to see if there is any damage to the structure. The motors for the pumps have been repaired and they have notice that same are ready to be picked up. They will be receiving a billing on that, but he is not sure of the amount at this point in time. That will be turned over to Mr. Robinson.

Mr. Hunter said, "And the bill for the removal and installation of the motors -- that had to also be a bit of a problem due to the size of the motors."

Mr. Tuley said he has discussed the matter with Jack Danks and he has indicated this is their mistake and they are willing to pay for the damage -- and, again, they have been very, very cooperative.

Day Camp Rates: Mr. Tuley said Joyce Moers is the Day Camp Administrator and he will let her address this matter.

Ms. Moers said she believes the Commissioners have a sheet containing the current rates and the proposed rates. To date, the rates have not changed since the beginning of the Day Camp, so this is the first proposed increase. Basically, the campers will pay \$10.00 more per session. The bus fee will increase from \$5.00 to \$10.00. They are also proposing a \$5.00 charge for swimming lessons. The Co-Sponsors, the City-County School Officials, and the employees of these Offices will get a \$10.00 per session discount. For the new **Science Camp** they are proposing \$5.00 more per camper per session, with the same bus fee -- \$10.00 per session per child.

Ms. McClintock asked if the swimming lesson charge is a new charge?

Ms. Moers responded that it is a new charge. In the past they have required that all the children take swimming lessons -- that since they were there that was part of the day camp and they should all have swimming lessons. They have run into problems in the past wherein kids didn't want to take swimming lessons; parents don't realize a lot of times that the kids don't want to take swimming lessons. Kids who are there all summer get tired of them and it's been hard on the actual teachers to teach this number of kids -- especially with the number who do not want to be there. They, therefore, felt like a \$10.00 fee is not that much -- but it will make the parent aware

that swimming lessons are being given and they need to sit down and ask the child if he wants the lessons -- or encourage the child to take them. This is something the Commission can either pass or not pass. They just felt that swimming lessons are normally around \$30.00 or \$40.00 if taken privately. These same teachers do teach privately. If they pass they are Red Cross Certified. They can't go anywhere else and get lessons for \$5.00 per camper. With the expenses of the Camp the way they've been and the fact we've not raised our rates at all until this year, they felt this might be something to make the parents a little more aware before they send their kids out for swimming lessons. If they don't want them, an alternate activity will be offered. Once kids get up to 11 and 12 years old age level, some of them have taken all the tests they can possibly take and passed everything they could pass -- and they don't have anything else to offer them anyway. So they either have to offer them an alternate activity or create a class designed specifically for these and sometimes there just isn't that much they can offer them until they reach the age of fifteen or sixteen. This will be the fourth year for the Day Camp.

Ms. McClintock entertained a motion to approve the Day Camp Rate Schedule, as submitted.

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

Athletic Retreat/Evansville High School Athletic Council: Ms. McClintock said the subject organization is requesting permission to hold this event at Shelter #18, with the rental fee being waived. (The rental fee is \$175.00.)

Mr. Goodman said it is his understanding they have previously held this event at Camp Carson. There is more to do at Burdette Park, obviously, and this is why they want to hold it there.

Ms. McClintock asked if they will be using park facilities such as the pool, etc.?

Mr. Tuley said the only thing they've requested is to use Shelter #18. At this point they haven't bought a package for this -- so he doesn't know. To date they've requested no pool discounts.

Ms. McClintock entertained a motion to approve the request, as submitted.

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

Operation of Shops at Burdette: Mr. Tuley said the Commissioners approved a contract with RMD, which is represented by Patsy Cartwright. With the Commissioners' blessing a couple of months ago, they have started by letting the old concessionaires know that the Council and the Commission are not interested in renewing the existing contracts.

Mr. Hunter asked if it would be helpful for the Commission to establish some kind of Non-Reverting Fund?

Commissioners Borries and McClintock noted we already have one -- this was done last year with regard to the Float Stand. Ms. McClintock said we can use the same fund.

Mr. Tuley said they wouldn't need any monies for new merchandise. They have a request to go before Council further on in this report, and that is addressed separately. They need to do some modifications to the guard building.

Ms. McClintock said that basically we are talking about two (2) shops, one of them operating in the water park area when the pool is open. The second location would be in the Administration Building and would be open approximately nine (9) months per year.

In response to query from Commissioner Borries, Mr. Tuley noted that what is currently Joyce Moers' office will be converted to the Arcade. Ms. Moers' office will be relocated to one of the current storage rooms.

Mr. Tuley said that Ms. Cartwright suggested that the Commissioners entertain the idea of allowing the use of Credit Cards, with perhaps a \$10.00 or \$15.00 minimum purchase. He is a little concerned about this, as when he and Carolyn checked on this previously there seemed to be a 3% to 5% charge at the bank to do that. He thinks it would help in the shop, especially when you're talking about sportswear, etc. They will be selling new volleyball wear that really is not offered around here. It is going to be a very nice shop and he thinks stuff will sell.

Mr. Hunter asked if they sell skates in the shop?

Mr. Tuley said that could be a possibility.

Ms. Moers noted they currently sell them at the skating rink.

Mr. Tuley said they probably would not go into as much of that there, as they would hope the Haralson report addresses a facility that would basically be a pro shop for that.

Ms. McClintock said the Commission has already approved the operation of the shops in concept and, hopefully, will shortly approve the request to go on Council call. The only thing the Commissioners need to vote on today is the use of Credit Cards at the shops and authorize Mr. Tuley to spend money out of the Non-Reverting Fund to place their orders for resale merchandise for the two shops.

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

Mr. Humphrey asked how the Non-Reverting Fund is funded and how is it replenished?

Ms. McClintock responded, "By sale of items."

Ms. Moers said she thinks last year was actually the first year that they made purchases out of it. All income from sales went into that account and anything purchased for that area came out of that account. It is a Cash Fund -- not General Fund item.

Mr. Humphrey said he is not sure this is going to work.

Mr. McClintock commented, "We already have it set up, Sam. It was established by Ordinance."

Mr. Humphrey said, "You have it set up, but...."

Mr. Tuley asked, "It was approved by the State Board of Accounts. Are you saying that we might not be able to use the money for this shop here? Or are you saying that the whole use of the Non-Reverting Account...?"

Mr. Humphrey responded, "I just went through this with Danny Spindler -- on the Non-Reverting Fund at the Auditorium. What came out of that was that all income had to

be quietused in and could be going into the Non-Reverting Fund and you pay your bills every month or two months and give us a report on what was being paid. You're using taxpayers money, and it doesn't make any difference where it is coming from. Let me check into it. If we're doing it wrong we can change it -- it's no big deal. But it's just the methodology of handling it that I'm concerned about; but the accounting of the money may have to be a little different.

Ms. Moers noted, "The Auditor's office writes the checks; we don't write them."

Claim/Consulting Fee & Travel Expense/Patsy Cartwright: Ms. McClintock entertained a motion to approve the subject claim in the amount of \$852.47. *1852 47

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

Use of Visa/MasterCard & Discover: Ms. McClintock requested that Mr. Tuley research the use of the subject credit cards.

Ms. Moers said it is her understanding that since we have a contract with Citizens Bank with the Treasurer's Office that Burdette is required to go through Citizens as long as that contract is in effect. They gave Ms. Moers a rate of 4%. When she checked with INB before she checked with Citizens they gave her a rate of 4-1/2%. Citizens gave her the lower rate. After talking to the Treasurer's Office and Citizens, that is as far as she went -- since she thinks they are required to use Citizens.

Ms. McClintock entertained a motion to request a written proposal from Citizens Bank for review by the Commission.

Ms. Moers said they are supposed to mail a proposal to her.

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

Ms. McClintock asked if this is just Visa and MasterCard?

Ms. Moers confirmed that is correct.

Ms. McClintock said we might want to look at the Discover card, too. They are doing about one-third of WNIN's business right now.

Auditor Humphrey said he doesn't have any objections to using Citizens. But what does the use of Visa and MasterCard have to do with our Cash Management System? That doesn't strike him as being correct.

Ms. Moers said she doesn't know. But when she talked with the Treasurer's Office they did tell her that since Citizens has the County's business in this Cash Management System and have this contract for the second of two years and (the money is going to be County money

Mr. Tuley suggested the Commission ask Mr. Wilhite to look into this. Since they've never taken credit cards at Burdette he can't tell them.

Attorney Wilhite said he needs to look at the Cash Management System contract and Mr. Humphrey agreed to provide him copy of same. He said he still doesn't know why this would have anything to do with the use of credit cards at Burdette Park. Don't the Commissioners have a credit card?

Request to Go on Council Call: Ms. McClintock said that each of the Commissioenrs

should have a copy of the request for additional appropriation from Mr. Tuley, with a written explanation.

Ms. McClintock said the only question she has concerns the new 1991 Model Ford CM274 which is going to cost more than \$10,000. Don't we still have to bid that?

Mr. Goodman said the actual cash cost is \$6,500.

Mr. Tuley said they went through the Purchasing Department to obtain the bid.

Auditor Humphrey asked if the amount is now up to \$25,000 before you have to obtain bids?

Commissioner Borries said the Commissioners have always kept it \$10,000 -- and that has been in effect for some time. That's just policy.

Ms. McClintock entertained further questions.

Mr. Tuley asked if Ms. McClintock saw the letter concerning P.E.R.F.? They have one union employee, who has been at the park longer than Mr. Tuley -- and for some reason we haven't taken P.E.R.F. out of his paycheck. He doesn't know how this happened. Working through Mr. Humphrey's office they tried to get it straightened out. This was prior to Sam's time and DeLores Gugin of the Auditor's office has worked with them to try to work it out with the State. Basically, the State is mandating that we put the money in there for all full time employees -- we really don't have any choice. This employee's retirement fund doesn't look too good right now.

Ms. McClintock entertained further questions.

There being none, upon motion made by Commissioner Hunter and seconded by Commissioner Borries, Mr. Tuley was authorized to go on Council Call, as requested. So ordered.

Park Board Appointments: Mr. Tuley asked if the Commission made the last appointment to the Park Board?

Ms. McClintock asked Mr. Borries if he made his appointment to that Board.

Commissioner Borries responded, "No, I don't make any appointments unless it comes before this Board in a public meeting."

Ms. McClintock asked if Mr. Borries is going to make that appointment this evening?

Mr. Borries said he would be happy to nominate Mr. Michael Shoulders, a resident of Vanderburgh County, as an appointee to this Board.

Motion was seconded by Commissioner Hunter. So ordered.

Scheduled Park Board Meeting: Mr. Tuley requested permission to schedule the first meeting of this Board at 11:30 a.m. on Thursday, February 27th, at the Burdette Park Main Office. They will try to provide a lunch. The Commission is invited to attend. They will be sending out letters and copies of the Haralson report to the Advisory Board and they also will be sending out letters to the media. He assumes they need to do that.

Attorney Wilhite responded affirmatively.

In continuing, Mr. Tuley said they will be submitting their year end Financial

Statement to the Commission within the next two weeks.

RE: INTRODUCTION OF NEW COUNTY LOGO

The Chair recognized Mr. Lou Wittmer, Superintendent of County Buildings.

Mr. Wittmer stated that Firehouse Graphics is a new and fast growing Evansville design and arts studio and they have been so kind as to design a new logo for Vanderburgh County, as can be seen on the easel. Greg Holland, an Account Executive at Firehouse Graphics and Mike Bartholomew, one of the Art Directors, are present today. Mike actually did the design work on the logo and Mr. Wittmer said he thinks it is excellent. We plan to phase this in over a period of months and/or years. We will primarily start with the letterhead and phase it in as other things are in an out-of-stock condition. We certainly Firehouse Graphics' input on this. They gave us the design and artwork absolutely free and we really appreciate it. He then thanked Firehouse Graphics for same.

Ms. McClintock echoed Mr. Wittmer's thanks and said the new logo is very attractive. She then said she needs a motion to approve the new logo.

Motion to this effect was made by Commissioner Hunter.

Commissioner Borries said, "Well, I will second. I've known Greg for quite some time. I am just always amazed. Lou, was there a reason here that they were asked to do this? You did this? Or, what was the reason?"

Mr. Wittmer responded, "Well, the Vanderburgh County logo that is in existence now -- while it looks fine on the side of a truck in large format, did not seem to lend itself to a letterhead. When it was brought down that small it was hard to read and hard to understand the meaning behind it. So I just thought that this type of logo was more in line with the Mayor's office and the County Council and other logos I've seen for counties and cities. I just thought it was very apropos for us."

Commissioner Borries said, "Well, okay. But, again, so that we don't get the cart before the horse -- I noticed that both County Council and the City of Evansville have some scales on their logo -- and, again, having known Greg for quite some time I am fully aware of his abilities -- so I certainly don't want to offer that kind of criticism. But I certainly will offer the criticism on how this was handled. I'd appreciate knowing in advance if we are going to make some decisions here as to whether or not the logo is appropriate. It's not that big a deal. But when you're talking about this Board making some decisions on that -- I'd like to know those things in advance and would appreciate your communicating with me as one of the members on the Board if you're going to do this.

The other thing is that we probably have a pretty good stock of the other logo in relation to cataloging a number of things that have gone through this office -- and I would assume that that would be a part of your review -- that any items that are purchased by this County as per the State Board of Accounts dictum of a few years ago need to be cataloged and certainly need to have a stamp on them that indicates they are the property of Vanderburgh County. You are aware of that?"

Mr. Wittmer responded affirmatively.

Mr. Borries asked, "And we are doing that on an ongoing basis?"

Mr. Wittmer responded, "We will go through what we have in stock -- absolutely."

Ms. McClintock said, "I will so order."

Mr. Hunter commented, "I'm not sure he ever seconded that motion."

Ms. McClintock started, "He did -- and I will so order it."

RE: COUNTY ENGINEER GREG CURTIS

Update re USI Overpass: Mr. Curtis said before he gets into his printed agenda -- he noted that Messrs. Keith Lochmueller and David Isley are present to give the subject update to the Commission -- even though they are not included on the Final meeting agenda, or his printed agenda. Therefore, he will let them proceed with their progress report.

Mr. David Isley said he believes the Commissioners already have a copy of the update, but some of the items the Board will be working with tonight concern the agreement re Lynch Rd., the Ohio Street Bridge contract, etc. We've already taken care of the Bockelman No. 3 Schoolhouse issue. They are continuing on the design of Phase I, Phase II on Eickhoff-Koressel and are still working on the Environmental for the two sections. On the Interchange, the old Schoolhouse No. 3 matter is being worked on and we are obtaining a letter from the Historic Preservation Society which, hopefully, will say good things. The design has been revised based upon some of the comments at the public information meeting and they are now working on a right-of-way agreement. With regard to Lynch Rd., they are moving into the right-of-way services and the Commission is going to see that, as well as the second phase of Lynch Rd. is progressing with some beginning of hard design. If there are questions, he would be glad to answer same.

Commissioner Hunter asked exactly where we are with regard to the Ohio Street Bridge?

Mr. Isley said we're just getting ready for the contract.

Mr. Hunter asked, "What about that environmental inventory? Have we passed that hurdle?"

Mr. Isley responded, "No. In fact, there is an item in there -- what that is -- first, if there is anything hazardous out there it will be identified. We have a couple of letters (one from the EPA and one from the Indiana Department of Environmental Management). They were concerned that some hazardous material could be out there and they wanted to see some further testing. BLA built that into the contract -- to go out and do the testing and the geotechnical work on that to identify if there is anything there. Hopefully there won't be anything and we'll obtain the sign off and that will take care of it."

Mr. Hunter asked, "You do have somebody to do the testing? The last thing I read was that some group in Louisville had backed out and ..."

Mr. Isley responded, "It took a while, but we've got somebody to do the testing."

Mr. Hunter said he guesses he just keeps having nightmares about both lanes of Lloyd Expressway being closed and the Ohio Street Bridge being replaced yet. This really concerns him.

Mr. Isley said he thinks that is why this is an important item -- and that is one of the first things that is going to be done -- to test to be certain nothing is there so that when we get into right-of-way nothing happens that suddenly we've just bought a hazardous site and now everything stops and we get in the process of cleaning that

up. It is going to be early on to identify that.

Mr. Hunter asked, "How quickly should we have the results from that?"

Mr. Lochmueller responded, "We are showing 60 days in there, but hopefully we can get it quicker."

Mr. Hunter continued, "I had a call from Shirley James of the West Side Improvement Association yesterday and they are absolutely panicked. A lot of the business people on the west side are almost beside themselves with fear of what will happen out there."

Mr. Ising reiterated that is why they are moving along on this -- and that is the first thing on the agenda.

Mr. Borries said, "I don't think it is time to push the panic button yet. We've worked on this for quite some time. As a matter of fact, there were several offices that never saw a need of this and I am glad that we're finally beginning to get some support. I have full confidence in Bernardin, Lochmueller and feel that this group being the local group that they are that they will come through for us in fine fashion -- plus we are not going to let that happen until we get our act together. We've known for some time that -- in fact, I can recall one meeting out at Reitz High School where the Indiana Department of Highways came through with some kind of plan that had to do with dropping that bridge and then it was changed until the Lloyd Expressway was completed -- and I'm sure now that with Greg Curtis being aware of our situation here that we won't let that happen. But, again, the bottom line is that I feel very pleased that Bernardin, Lochmueller is aware of this fact and are on top of it."

Mr. Lochmueller said, "That is where I'm coming from. Originally it was not in there and it really would have gotten hung up -- there were people saying that it wasn't necessary. Well, I can assure you -- and I'm sure the Attorney can vouch for that -- you get into a hazardous site and you get into problems. It would be a maximum of 60 days -- and I have a list of activities and there are a whole lot of tests to be made and a whole series of borings. But we will be going as fast as we possibly can. Something can still pop up. If it pops up ugly, then that has to be corrected. If they run into anything serious out there it will slow the process down."

Street Acceptance/Arby's Minor Subdivision: At the recommendation of Mr. Curtis, upon motion made by Commissioner Hunter and seconded by Commissioner Borries, streets in the subject subdivision were accepted for County maintenance. So ordered. (Copy of formal acceptance letter attached hereto for the record.)

Design for Remediation/County Highway Garage: Mr. Curtis said the Board will recall that back in September, 1991 we selected Donan Engineering for preparing our Corrective Action Plan for the remediation at the County Highway Garage site. They have submitted that report and it is now time to go ahead and do the final design of the remediation project and get that ready for bid. Once IDEM comes down with approval we're going to have a very short time within which to get that under contract and proceed with that work. The Commissioners have a copy of a proposal from Donan. He has reviewed the proposal in depth, both with them, as well as reading over it. He then directed the Commissioners' attention to the fourth page (the last page under "Cost"). They have a projected work plan and that work plan has to be established for the work to proceed. Basically, the problem we have with the remediation style project is that we have to simulate the thing and make sure that design they have is going to work. And then preparing the design specifications, etc., and the construction bidding for a total of \$60,000. He would ask the Commissioners to note that the analytical cost for the outside lab that does the testing will be billed directly with that company, whomever that turns out to be -- and that should be

approximately \$12,000. He feels the thing for us to do is to go ahead and approve them to go ahead and proceed with this work. It's not going to be a cheap process for us at the garage, but he thinks these costs are in line with what they have to prepare in a very short time frame. They can't really start on it until IDEM comes down with their approval.

Ms. McClintock asked, "So we're talking about \$72,000?"

Mr. Curtis said that is correct -- and that is approximate. The lab results will be based upon how many tests the lab does. The Commission is not approving that at this point -- that will be a separate billing with a separate company.

Commissioner McClintock entertained questions. There being none, a motion to approve was entertained.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, this expenditure was approved. Mr. Curtis advised that someone from his office will bring the agreement next week for signatures.

Annual Report/County Highway Fund, Local Roads & Street Fund & Cumulative Bridge Fund: Mr. Curtis said this report reflects all the work done by the County using the subject funds. If the Commissioners have questions and his office staff can't answer same, then the Commissioners can contact him in Vincennes and he will be happy to try to answer those questions.

Public Road Hearing: Mr. Curtis advised it is time to have the annual hearing concerning County Roads to receive complaints and suggestions as to what roads we might look at for paving this year.

Following brief comments, it was the consensus that the Public Road Hearing should be scheduled at 6:00 p.m. on Monday, March 16, 1992 in Room 307. Commissioner McClintock asked Ms. Matthews if this has to be advertised separately. Commissioner Borries noted that it does. (The regular Commission Meeting will begin at 5:30 p.m. The Public Hearing re County Roads at 6:00 p.m. and Rezoning Petitions will be heard at 7:00 p.m.)

U.S.I. Right-of-Way Engineering Agreement/Bernardin, Lochmueller & Associates: Mr. Curtis said the agreement is to cover the right-of-way engineering for the property that will need to be acquired on the U.S.I. Project. It is in a total fee Not to Exceed \$54,866. It is his recommendation that the agreement be signed.

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

Ohio Street Bridge Agreement/Bernardin, Lochmueller & Associates: Mr. Curtis said he has reviewed the agreement and while things such as the soil work, environmental work, etc., he wishes we didn't have to spend money on -- the agreement is something he feels is in order and it is his recommendation that it be signed.

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

Columbia-Delaware Street Bridge Agreement/United Consulting Engineers: It was noted by Mr. Curtis this is an already approved agreement. We approved it and sent it to the State and they have given their approval. We now need to sign the agreement and send it back to the State. It is his recommendation that this agreement be approved.

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

Signal Funding/Three Intersections: Mr. Curtis said that a few weeks ago discussion took place as to whether the County wants to fund the signals at St. Joe Avenue & Allen's Lane, Covert Avenue & Fuquay Rd., and Boonville-New Harmony & Green River Rd.

The St. Joe-Allen Lane Project would be a traffic signal at a cost of \$38,000. The two flashing signals -- at Covert Avenue & Fuquay Rd. and Boonville-New Harmony & Green River Rd. would keep traffic patterns the same and the cost for the two (2) projects in total would be \$22,920. It would be good to go ahead and get that work done this year if possible -- if it is to be done. He reminded the Board that this will have to come out of Contractual Services in the Local Roads & Streets fund, which is basically the fund from which we pay for our paving.

Commissioner Hunter said he thinks that in view of the two fatalities that occurred last summer at the St. Joe/Allen's Lane intersection and in view of the recommendations of the Scot Township Fire Department -- particularly on the Boonville-New Harmony/Green River Rd. intersection -- that we definitely should pursue those two projects.

Mr. Curtis said that would be his recommendation. He feels our roads are in fairly good shape and it is likely that we can afford to transfer that money toward these projects this year.

Mr. Borries asked where the upkeep money will come from in the future?

Mr. Curtis said the upkeep money will come out of the utilities account in the 201 budget. We have a separate billing from SIGECO for our traffic signals.

Mr. Borries asked if Mr. Curtis knows how much this is per month?

Mr. Curtis responded he does not know.

Mr. Gary Kercher of the the County Engineer's office said they give us a flat rate per year -- but he doesn't think it is a prohibitive amount.

Commissioner Borries said he would think about all three. He is very familiar with the Fuquay Rd./Covert Avenue intersection. There have been two or three major accidents there during the past six months. He is not aware of any fatalities -- but he is aware of some very critical spots there. At one time there was some consideration given to removing the stop signs and he definitely was opposed to that.

Mr. Curtis said they are proposing a four way stop there, with a flashing red light.

Ms. McClintock asked, "We're talking about a four way stop with a flashing red light at Covert Avenue & Fuquay Rd.?"

Mr. Kercher confirmed this is correct. And at Boonville-New Harmony and Green River Rd., we're talking about a flashing light, and Boonville-New Harmony would be a red stop, with amber on Green River Rd. (which doesn't change the pattern -- it just makes it a lot safer). There would be a full blown stop light at St. Joe & Allen's Lane.

In response to query from Commissioner McClintock, Mr. Curtis again cited the costs: St. Joe & Allen's Lane intersection would cost \$38,110 and the other two combined would cost \$22,920. This would be a total cost of \$61,030. In response to query from Commissioner Borries as to cost of the St. Joe/Allen's Lane intersection if just a flashing light was installed, Mr. Curtis said it would be around \$11,000 to \$12,000.

Following further brief comments, it was the consensus of the Board that the recommendation of the County Engineer on the three intersections, as outlined, should be approved. With regard to the St. Joe-Allen's Lane intersection, Mr. Crutis said EUTS is has very strongly recommended a signalized intersection. With the fatalities out there, he thinks there is a strong argument for that.

Motion to this effect was made by Commissioner Hunter and seconded by Commissioner Borries. So ordered.

Snow Route: Mr. Curtis continued by saying that as discussed about a month ago, the snow routes have been revised. The Commissioners have the verbiage before them and the map is on the easel. Route "A" is primarily in the very southwestern part of the County. It goes down into Union Township, as well taking care of some bridges in the City on the way. What they have tried to do on these routes is take care of both lanes of traffic and minimize the amount of deadhead involved. Once a truck gets to its route, there is some deadhead -- which is basically the truck driving without doing anything. That will be required on some of the routes, because St. Joe and Mill Rd. I don't need to be treated a number of times. Route "B" is in pink. Route "C" is the green. The yellow is Route "D". Route "E" is in blue. Route "F" is in pink. Route "G" is in green and Route "H" is in yellow. All of these routes are approximately 40 miles of treated lane miles. Some of the routes that a further distance from the County Garage are slightly less than that. The route right around the garage is more than that -- and they tried to make it work out that way because they are able to get back and reload their trucks. He doesn't have Secondary Routes includes. Their feeling was that the primary concern at this point in time was to cover all the school bus routes and they have been able to do that. They have had to eliminate -- feeling that 40 miles to treat was at the upper limit -- some of the routes that weren't school bus routes that were previously on some of the snow routes. Whether the traffic patterns or the kids going to school has changed or what has precipitated that, he doesn't know. He would say that we have asked for money to finance buying five (5) new trucks. If we do that, he would suggest we either go to nine (9) or ten (10) routes to pick up some of those roads that have been dropped. At this point we have eight (8) routes and that is what we've had in the past. If we get five (5) new trucks, we will have nine (9) trucks that are in very satisfactory condition and then if we have the money to spend on it, we can upgrade one other truck. He thinks it is not unreasonable to expand that to ten (10) routes -- and that will require re-doing this list to some degree. He thinks it would be appropriate for the Commission to approve those, given the potential controversy or liability -- or whatever the case be involved in snow removal and deciding what roads to plow and what roads not to plow. Whether the Commission wants to give approval tonight or wait and think about it is up to the them. But he does think the Commission needs to take a "yes" or "no" on these.

Commissioner Hunter said the Board can wait a week if it so desires -- but he has no problem in approving the list tonight.

Ms. McClintock said she doesn't either.

Commissioner Borries said, "I guess the obvious question, Greg, is that you did talk with school officials -- or someone in your office did -- to verify the school routes."

Mr. Curtis responded that they've covered every documented snow route the school has. If they didn't have it documented, then possibly he has missed it. But they have everything covered that they had documented.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the snow route list was approved, as submitted. So ordered.

Nesbit Station Rd. Bridge: Mr. Curtis said that we earlier looked at the Nesbit Station Rd. Bridge, but because of some time constraints with the personnel in the Engineering Department we decided to contract that out. With him leaving and with one of the foreman at the garage being incapacitated for at this point in time is an unknown period of time, he thinks one of the things he'd like to recommend the Board look at is reconsidering on Bridge #75 on Old Petersburg Rd. What we did was to start looking at what it would cost us to do a Consultant to do that bridge simply because it is the next bridge on the list. It is probably the most critical of the bridges on the list. They felt after negotiating with Mr. Savage on the last bridge that the minimum they would likely get a design fee on this project would be \$16,000. He has given the Commissioners a cost estimate on this. That, with the traffic runaround makes the concrete option with the engineering approximately \$130,113. The timber, adding the engineering (with the timber company doing the engineering) makes theirs approximately \$116,000. That makes the difference approximately \$14,000. However, that is including the road closure issue discussed previously. If you subtract that back out, you're looking at \$113,000 vs. \$116,000 -- and he thinks the savings and the convenience to the public is definitely worth \$3,000. His recommendation would be that we reconsider and go ahead and put a timber bridge at that location. However, if we don't -- he would recommend that the Engineering office look at finding a Consultant to design that bridge. He thinks with the Union Township and other bridges we've got going -- and Orchard Rd. Bridge is coming up - (that we're doing the construction engineering on) -- he thinks it very unlikely that the engineering staff is going to have time to do that project this year.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the Board accepted the recommendation of the County Engineer to go with a timber bridge. So ordered.

Temporary Easements/Bridge #34: Mr. Curtis submitted two (2) Temporary Ingress/Egress Easements for Bridge #34 -- which we're in the process of constructing -- which haven't been approved. He would request that those be accepted by the Commission. (Copies of easements attached hereto as part of the formal minutes.)

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

Request for Appropriation & Transfer of Funds: At the recommendation of the County Engineer, upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the Board approved the subject requests (copy attached hereto as part of the formal minutes.) So ordered.

Mr. Curtis noted they have also asked for \$450,000 to cover the cost of the remediation at the County Garage. Hopefully, when that comes up at the Council Meeting we will have a much better idea of what kind of time frame we have. Our problem will be, however, that we can't award a bid on doing that remediation if the money is not in place. At the present time we don't have any money for that.

Job Advertisement: Mr. Curtis said the Board has a copy of a Job Advertisement. He left the response date blank. The Board had requested advertising in certain publications and in various cities (Evansville, Indianapolis, Cincinnati, Louisville, St. Louis, and Nashville. If the Board approves the advertising tonight, in most cases we have until March 10th to get into the April issue of these publications. In that event, he thinks the earliest response date the Commission would want to put would be April 20, 1992. If the Board wishes to receive responses sooner than that, then there is really no advantage to advertising in those publications -- because the people who get those magazines won't have sufficient time to read them and respond. There is basically no cost for advertising in HERPIC and AIC publications. In public works and state and city county news, it will be approximately \$300 to \$500 per publication for

advertising. He didn't check on the newspaper ads.

Ms. McClintock asked, "You have not advertised in the newspapers yet?"

Mr. Curtis responded, "No clear date for advertising was set out in the last Commission meeting. My understanding from the meeting was that we wanted to advertise in the HERPIC magazine, etc., and I didn't know whether you wanted to advertise every week in the newspapers from now until a certain time or what you wanted to do."

Ms. McClintock countered, "Well, I don't think we want to put ourselves in the position of waiting until April 20th to get applications in for a Director of Public Works. My preference would be to go ahead and advertise in these regional papers and get a response by March 15th."

Mr. Borries asked, "What regional papers -- are you talking about the newspapers?"

Ms. McClintock responded affirmatively, naming the above-listed cities. She then entertained a motion to advertise in one (1) major newspaper in each of the the aforementioned cities, with the response dated March 15, 1992.

Mr. Borries asked, "How many times are you going to advertise?"

Ms. McClintock responded, "In the Sunday papers."

Ms. Matthews asked if the Board wants this to be a regular advertisement or a block ad?

Ms. McClintock said, "In the employment section -- a block ad."

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

Interim Management: Mr. Curtis said he spoke with Carolyn and his office staff and to briefly update the Commission on how things are going to be handled in the interim period, Mr. David Franklin (who is out at the County Highway Garage on an interim basis) will basically be taking care of the garage. If he has a problem -- he will basically filter the calls via Lou to the Commissioners. Gary Kercher will be doing the same thing for engineering. Karen and Scot will basically run the Engineer's office and take care of complaints, get the paperwork shuffled and to the right people, etc. At the present time, it will probably work best if Scot Davis attends the Commission meetings and takes care of that, unless there is something coming up that is beyond his involvement and he won't be qualified to answer questions on. In that case, the appropriate other person would be here at the meeting.

Mr. Curtis said he would like to thank the Commission for the opportunity to work and for everyone many time being patient, understanding, and very good to work for during the past three years. Whenever he can be of help, he will be. He doesn't know that he can be of the degree of help that the Commissioners might possibly desire on a project like Ohio Street (which is handled through Local Assistance) but the Commisisoners can rest assured that coming out of local government he will have a much more compassionate view of the problems that local government has.

The Commissioners expressed their appreciation to Mr. Curtis for all of his hard work.

RE: CONSENT AGENDA

President McClintock entertained questions concerning the Consent Agenda. She also asked B. J. Farrell to please number the pages of the Commission Meeting Agenda in the future.

Auditor Humphrey raised questions concerning Margaret Lloyd in Circuit Court.

Ms. Farrell said she took this information from the pink slips.

Ms. McClintock noted Ms. Lloyd is being paid out of two different accounts -- and it was noted that one of these is a special fund.

There being no further questions, a motion was entertained.

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

Interviews/County Garage Superintendent: Commissioner McClintock said she would like to get interviews set up for the position of County Garage Superintendent. Sandi Deig has been collecting all of the applications -- so they are up here in this articular area for anyone who wants to review them -- or wants copies. She would like all the Commissioners to be able to talk with as many of these candidates as they are interested in talking with. She'd like to get something set up either this coming Saturday or some time next week. Is there a time that would be good for the other two Commissioners?

Mr. Borries asked, "And what position is this for?"

Ms. McClintock responded, "Garage Superintendent."

Mr. Borries asked, "And who is in that position now?"

Ms. McClintock responded, "David Franklin."

Mr. Borries asked, "So David Franklin is in that -- and we're calling it a 'Garage Superintendent' again? Okay."

Ms. McClintock countered, "We never changed that job title."

Mr. Borries commented, "Well, we had -- on this schematic thing you did last year we had some kind of Manager of Maintenance or something like that. Frankly, you know, what I want to consider out of this is a return to having that person report directly to the Commissioners. I feel very strongly that if you're going to have a County Garage Superintendent, that person needs to be the person in charge of the County Garage at all times."

Ms. McClintock replied, "I'd be happy to have that debate with you at some point. But at this point what I'd like to do is interview those available people and determine if we have anybody who is qualified to operate...."

Mr. Borries interrupted, "We'll go through the rhetoric of being qualified. We've been through that. I'll be happy to debate with you on that at some point, too, as to qualifications -- be that as it may. But what I am saying is, I am not sure under this so-called table of organization that you have what you need in order to function at the County Garage. And I would like to have a job description clarified so that, in effect, when you're going to interview someone -- that person has some clear understanding

as to whether or not they are in charge and to whom they report."

Ms. McClintock responded, "Okay. We've approved all of this. We have a job description for this person. We've had this discussion. If you would like to place it back on the agenda to discuss again, that's fine. I want to interview these candidates and get somebody hired who can run the garage."

Mr. Borries remarked, "Well, I certainly concur that we need somebody who can run the garage."

Ms. McClintock asked, "Would you like to do that Saturday -- or some other late afternoon or time next week?"

Mr. Borries responded, "I can't do it this Saturday."

Ms. McClintock said, "Okay. Is there a day that would be good next week?"

(End of Tape #1)

Mr. Borries said, "That's fine. That's your call. If you can do it Saturday."

Ms. McClintock said, "No, it doesn't matter."

Mr. Borries continued, "No, that's fine. I'm saying do it -- and then I'll interview the person or persons."

RE: COUNTY BOARD OF REVIEW - CHERYL MUSGRAVE

Ms. Cheryl Musgrave was recognized and stated she is a citizen member of the Board of Review. She said she is here tonight to ask the Commissioners to change the meeting location of the Board of Review.

Commissioner McClintock interrupted, "Cheryl, I'm sorry. I just talked to Jeff (Wilhite) this afternoon about this very request. He has not had an opportunity to look at that or research that issue at all."

Ms. Musgrave asked, "Would you like for me to come back to the next meeting and be on the agenda for that?"

Ms. McClintock said, "That would be great."

Commissioner Borries asked, "Cheryl, who is in charge of the Board of Review?"

Ms. Musgrave asked, "In terms of the room assignment?"

Mr. Borries responded, "Well, in charge of the Board of Review."

Ms. Musgrave commented, "The County Commissioners assign the room."

Mr. Borries asked, "The County Commissioners assign the room?"

Both Auditor Sam Humphrey and Commissioner Borries simultaneously stated, "No."

Ms. McClintock continued, "Well, we're going to ask our attorney to look into that. Cheryl has an opinion, obviously. Jeff has an opinion. Jim Angermeier has an opinion. So our attorney represents not only the Commission, but the Assessor -- so let's have him look at it and then we'll have a legal opinion."

Ms. Musgrave stated, "Good, I'd like to have that. Thank you."

Ms. McClintock asked, "And you'll be back next week?"

Ms. Musgrave responded, "Yes, or the week after -- whichever you want."

Ms. McClintock asked, "Why don't you get with Jeff and see? Thank you, Cheryl."

Auditor Humphrey commented, "Much of what that Board does is confidential information -- I want to remind you of that. We can't even give it out in our office."

President McClintock declared the regular Commission Meeting recessed so the Board can real rezoning petitions and said the Board will reconvene.

* * * * *

REZONING PETITIONS

President McClintock said it is her understanding that we do not have any First Readings this evening, which means the Commission won't have any rezonings next month.

VC-11-91/Petitioner, Frank Staub (AMOCO): Ms. McClintock said Mr. Staub called this afternoon and was stuck at the airport in Chicago and will not be here tonight.

Mrs. Barbara Cunningham said she can represent Mr. Staub if the Commission would like. Mr. Staub has been very cooperative with what Plan Commission had requested. He came before the APC January 8, 1992 and denied the petition when he sought to rezoning six (6) acres. He revised his petition; he amended it; he satisfied all the neighbors; he came back with a new petition with smaller acreage, which is before the Commission tonight. It was passed unanimously at the February APC meeting.

Commissioner McClintock entertained questions. There being none, a motion was entertained.

Mr. Hunter moved to approve the Petition, with a second from Commissioner Borries.

Ms. McClintock then called for a roll call vote: Commissioner Borries, yes; Commissioner Hunter, yes; and Commissioner McClintock, yes. President McClintock said the petition is approved by unanimous affirmative vote. So ordered.

VC-12-91/Petitioners, Gene & Brenda Willner: It was noted that the Petitioners are represented by a familiar face tonight -- that being Robert Willner.

Mr. Willner identified himself and said he represents Willner Tool & Mold in their petition for rezoning. The facility is located at 200 Inglefield Rd., just due west of PPG. Willner Tool & Mold find themselves in an enviable position. They need to expand and they have purchased 72 ft. from a neighbor immediately on their west boundary. They intend to build an addition onto their building yet this year and possibly hire three to four persons. He doesn't believe there are any remonstrators and would ask that the Commission approve this petition for rezoning.

In response to query from Commissioner McClintock, Mrs. Cunningham said this petition was was passed at the APC meeting with 9 affirmative and 0 negative votes.

Motion was made by Commissioner Borries and seconded by Commissioner Hunter to approve the petition. Ms. McClintock then asked for a roll call vote: Commissioner Borries, yes; Commissioner Hunter, yes; and Commissioner McClintock, yes. So

ordered.

Commissioner McClintock said if there is no further Area Plan business, the regular meeting will reconvene.

Commissioner McClintock entertained further matters of business to come before the Board. There being none, she declared the meeting adjourned at 7:46 p.m.

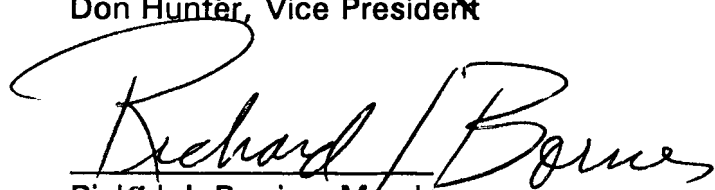
PRESENT:

Carolyn S. McClintock, President
Don Hunter, Vice President
Richard J. Borries, Member
Jeff Wilhite, County Attorney
Sam Humphrey, County Auditor
Greg Curtis, County Engineer
Mark Tuley, Manager/Burdette Park
Ken Robinson/Vision 2000
Ed Hafer/Vision 2000
Jeffrey A. Terp/Digitech Systems, Inc.
Larry C. Stout/Digitech Systems, Inc.
Kathryn A. Haller/Digitech Systems, Inc.
Allen R. Frederick/Donan Engineering Co.
Pam Martin/Chamber of Commerce
Taylor Payne
Bob Brenner/County Surveyor
Harris Howerton/Community Corrections
Michael Klueh/Alexander Ambulance Service
Andy Davidson/Given & Spindler
Jack Waldroup, Jr./United Consulting Engineers
Keith Lochmueller/Bernardin, Lochmueller & Assoc.
David Isley/Bernardin, Lochmuller & Assoc.
Barbara Cunningham/Area Plan Commission
Cheryl Musgrave/Board of Review
Lou Wittmer/Supt. County Bldgs.
B. J. Farrell/Commission Office
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Carolyn S. McClintock, President


Don Hunter, Vice President


Richard J. Borries, Member

PUBLIC WORKS DEPARTMENT

AGENDA

FEBRUARY 18, 1992

1. Street Acceptances
2. Design for Remediation
3. G.I.S. Conceptual Approval
4. Yearly Report
5. Road Hearing
6. USI Right-of-Way Engineering Agreement
7. Ohio St. Bridge Agreement
8. Br. #1C Construction Engineering Agreement
9. Signal Contracts
10. Snow Routes
11. Bridge #75 - Reconsideration
12. Bridge #34 Right-of-Way
13. Appropriation Requests
14. Job Advertisement
15. Personnel - Interim
16. Future Staffing Situation
17. Thank You

VANDERBURGH COUNTY PUBLIC WORKS

715A Locust Street
Evansville, IN 47708

DATE: February 13, 1992

Tel. (812) 424-9603

Vanderburgh County Board of Commissioners
Rm. 305 Civic Center Complex
Evansville, IN 47708

RE: Acceptance of Street Improvements in
Arby's Minor Subdivision

Dear Commissioners:

The undersigned have made an inspection of the subject Street Improvements on February 13, 1992. These Street Improvements were constructed/finished on/by October 1991. All streets were constructed with Asphalt and Concrete in accordance with the approved plans.

The following is a summary of the length of the completed 31.0 + feet wide streets in the subject Subdivision:

<u>Rusher Creek</u>	<u>230</u>	<u>LFT</u>
<u>Elpers Road</u>	<u>560</u>	<u>LFT</u>
<u></u>	<u></u>	<u>LFT</u>
<u></u>	<u></u>	<u>LFT</u>
<u></u>	<u></u>	<u>LFT</u>
TOTAL:	730	LFT

It is recommended that these Street Improvements be:

ACCEPTED XXXX REJECTED FOR MAINTENANCE

If you have any questions please call the Engineer's Office.

Respectfully,

[Signature]
Public Works Director

[Signature]
Highway Services Manager

CC: Developer
Design Engineer
APC

Accepted for Maintenance by the
Board of County Commissioners

[Signature]
President

[Signature]
Vice-President

[Signature]
Member

2-18-92
Mtg.
Jm

ROUTE A

App'd. 2/18/92

From Garage to:

Fifth Avenue Bridge (150 ft. S. of Diamond Avenue)

First Avenue Bridge (.3 mi. S. of Diamond Avenue)

Columbia-Delaware Overpass (1.3 mi. W. of First Avenue)

Maryland Street Bridge (200 ft. E. of Ninth Avenue)

Franklin Street Bridge (.2 mi E. of Ninth Avenue)

Ohio Street Bridge (.2 mi E. of Ninth Avenue) (approaches only)

Deadhead to Red Bank Road and Broadway Avenue

SB Red Bank Road from City Limits to Nurrenburn Road

WB Nurrenburn Road from Red Bank Road to Broadway Avenue

EB Nurrenburn Road from Broadway Avenue to Graff Road

SB Graff Road from Nurrenburn Road to Pleasant Road

SB Pleasant Road from Graff Road to Cypress Dale Road

NB Pleasant Road from Cypress Dale Road to Graff Road

NB Graff Road from Pleasant Road to Nurrenburn Road

EB Nurrenburn Road from Graff Road to Red Bank Road

NB Red Bank Road from Nurrenburn Road to City Limits

Deadhead to Old Henderson Road and Short Nurrenburn Road

SB Old Henderson Road from Short Nurrenburn to Cypress Dale Road

WB Cypress Dale Road from Old Henderson Road to Seminary Road

SB Seminary Road from Cypress Dale Road to Roth Road

NB Seminary Road from Roth Road to Bayou Creek Road

SB Seminary Road from Bayou Creek Road to Cypress Dale Road

EB Cypress Dale Road from Seminary Road to Old Henderson Road

SB Old Henderson Road from Cypress Dale Road to Railroad Bridge over Ohio River

NB Old Henderson Road from Railroad Bridge to Short Nurrenburn Road

* This route will include the Union Township Access after construction is complete.

ROUTE B

From Garage to:

Deadhead to Broadway Avenue and Speaker Road

WB Broadway Avenue from Speaker Road to County Line Road

EB Broadway Avenue from County Line Road to Schutte Road

NB Schutte Road from Broadway to Middle Mt. Vernon Road

SB Schutte Road from Broadway to Middle Mt. Vernon Road

EB Broadway Avenue from Schutte Road to Speaker Road

Deadhead to Mid. Mt. Vernon Road at City Limits

WB Mid. Mt. Vernon Road from City Limits to Boehne Camp Road

NB Boehne Camp Road from Mid. Mt. Vernon Road to Hogue Road

SB Boehne Camp Road from Hogue Road to Mid. Mt. Vernon Road

WB Mid. Mt. Vernon Road from Boehne Camp Road to West Terrace Drive

WB West Terrace Drive from Mid. Mt. Vernon Road to West Terrace School

EB West Terrace Drive from West Terrace School to Mid. Mt. Vernon Road

WB Mid. Mt. Vernon Road from West Terrace Drive to County Line Road

EB Mid. Mt. Vernon Road from County Line Road to City Limits

Deadhead to Upper Mt. Vernon Road at City Limits

WB Upper Mt. Vernon Road from City Limits to County Line Road

EB Upper Mt. Vernon Road from County Line Road to Hogue Road

EB Hogue Road from Upper Mt. Vernon Road to Peerless Road

SB Peerless Road from Hogue Road to Mid. Mt. Vernon Road

NB Peerless Road from Mid. Mt. Vernon Road to Upper Mt. Vernon Road

SB Peerless Road from Upper Mt. Vernon Road to Hogue Road

EB Hogue Road from Peerless Road to City Limits

WB Hogue Road from City Limits to Upper Mt. Vernon Road

EB Upper Mt. Vernon Road from Hogue Road to City Limits

ROUTE C

From Garage to:

WB Mill Road from St. Joseph Avenue to Mesker Park Drive

NB Mesker Park Drive from Mill Road to Big Cynthiana Road

Deadhead along Big Cynthiana to No. 6 School road

WB No. 6 School Road from Big Cynthiana to Vienna Road

SB Vienna Road to Diamond Avenue

NB Vienna Road to No. 6 School Road

EB No. 6 School Road to Big Cynthiana Road

Deadhead along Big Cynthiana Road to Mesker Park Drive

SB Mesker Park Drive to Diamond Avenue

NB Mesker Park Drive to Mill Road

EB Mill Road to St. Joseph Avenue

Deadhead to Diamond Avenue and New Harmony Road

WB New Harmony Road from Diamond Avenue to Resurrection Drive

NB Resurrection Drive from New Harmony Road to Diamond Avenue

SB Resurrection Drive from Diamond Avenue to New Harmony Road

WB New Harmony Road from Resurrection Drive to Posey County Line

EB New Harmony Road from Posey County Line to Koressel Road

SB Koressel from New Harmony Road to Upper Mt. Vernon Road

NB Koressel from Upper Mt. Vernon Road to New Harmony Road

EB New Harmony Road from Koressel Road to Red Bank Road

SB Red Bank Road from New Harmony Road to Lloyd Expressway

NB Red Bank Road from Lloyd Expressway to New Harmony Road

EB New Harmony Road from Red Bank Road to Harmony Way

SB Harmony Way from New Harmony Road to City Limits

NB Harmony Way from City Limits to New Harmony Road

EB New Harmony Road from Harmony Way to Diamond Avenue

ROUTE D

From Garage to:

NB St. Joseph Avenue from Mill Road to Meier Road
WB Meier Road from St. Joseph Avenue to Kuebler Road
WB Kuebler Road from Meier Road to Big Cynthiana Road
Deadhead on Big Cynthiana Road to St. Wendel Road
NB St. Wendel Road from Big Cynthiana Road to St. Joe Road
EB St. Joe Road from St. Wendel Road to Big Cynthiana Road
Deadhead on Big Cynthiana Road to Orchard Road
EB Orchard Road from Big Cynthiana Road to Railroad Bridge
WB Orchard Road from Railroad Bridge to Big Cynthiana
Deadhead on Big Cynthiana Road to St. Joe Road
WB St. Joe Road from Big Cynthiana Road to St. Wendel Road
NB St. Wendel Road from St. Joe Road to Boonville-New Harmony Road
SB St. Wendel Road from Boonville-New Harmony Road to Big Cynthiana Road
Deadhead on Big Cynthiana Road to Kuebler Road
EB Kuebler Road from Big Cynthiana Road to Meier Road
EB Meier Road from Kuebler Road to St. Joseph Avenue
SB St. Joseph Avenue from Meier Road to Mill Road
SB St. Joseph Avenue from Mill Road to City Limits
NB St. Joseph Avenue from City Limits to Allens Lane
EB Allens Lane from St. Joseph Avenue to City Limits
WB Allens Lane from City Limits to Mesker Park Drive
EB Allens Lane from Mesker Park Drive to St. Joseph Avenue
NB St. Joseph Avenue from Allens Lane to Mill Road
Deadhead to Kratzville Road and Wimberg Avenue
NB Kratzville Road from Wimberg Avenue to Darmstadt Road
NB Darmstadt Road from Kratzville Road to Boonville-New Harmony Road
SB Darmstadt Road from Boonville-New Harmony Road to Mt. Pleasant Road
EB Mt. Pleasant Road from Darmstadt Road to Old State Road
WB Mt. Pleasant Road from Old State Road to Darmstadt Road
SB Darmstadt Road from Mt. Pleasant Road to Evergreen Road
EB Evergreen Road from Darmstadt Road to Old State Road
WB Evergreen Road from Old State Road to Darmstadt Road
SB Darmstadt Road from Evergreen Road to Kratzville Road
Deadhead to Old State Road and Campground Road
NB Old State Road from Campground Road to Boonville-New Harmony Road
SB Old State Road from Boonville-New Harmony Road to Campground Road
Stringtown Road Bridge (.3 mi. S. of Pfeiffer Road)
Deadhead to Darmstadt Road and Kratzville Road
SB Kratzville Road from Darmstadt Road to City Limits

ROUTE E

From Garage to:

Deadhead to St. Joseph Avenue and Meier Road

NB St. Joseph Avenue from Meier Road to Boonville-New Harmony Road

WB Boonville-New Harmony Road from St. Joseph Avenue to Posey County Line

EB Boonville-New Harmony Road from Posey County Line to St. Joseph Avenue

NB St. Joseph Avenue from Boonville-New Harmony Road to Baseline Road

SB St. Joseph Avenue from Baseline Road to Orchard Road

WB Orchard Road from St. Joseph Avenue to Railroad Bridge

EB Orchard Road from Railroad Bridge to St. Joseph Avenue

SB St. Joseph Avenue from Orchard Road to Meier Road

Deadhead to St. Joseph Avenue and Baseline Road

WB Baseline Road from St. Joseph Avenue to County Line Road - West

EB Baseline Road from County Line Road West to Old Owensville Road

NB Old Owensville Road from Baseline Road to I-64 Overpass

SB Old Owensville Road from I-64 Overpass to Baseline Road

EB Baseline Road from Old Owensville Road to St. Joseph Avenue

ROUTE F

From Garage to:

Deadhead to Boonville-New Harmony Road and St. Joseph Avenue
EB Boonville-New Harmony Road from St. Joseph Avenue to Old State Road
NB Old State Road from Boonville-New Harmony Road to Browning Road
SB Browning Road from Old State Road to Old Petersburg Road
NB Browning Road from Old Petersburg Road to Old State Road
NB Old State Road from Browning Road to I-64 Overpass
SB Old State Road from I-64 Overpass to Baseline Road
WB Baseline Road from Old State Road to Old Princeton Road
NB Old Princeton Road from Baseline Road to I-64
SB Old Princeton Road from I-64 to Darmstadt Road
NB Darmstadt Road from Old Princeton Road to Boonville-New Harmony Road
SB Darmstadt Road from Boonville-New Harmony Road to Old Princeton Road
NB Old Princeton Road from Darmstadt Road to Boonville-New Harmony Road
EB Baseline Road from Old Princeton Road to Old State Road
SB Old State Road from Baseline Road to Boonville-New Harmony Road
EB Boonville-New Harmony from Old State Road to Browning Road
WB Boonville-New Harmony Road from Browning Road to St. Joseph Avenue
Deadhead to St. Joseph Avenue and Baseline Road
EB Baseline Road from St. Joseph Avenue to Old Princeton Road
WB Baseline Road from Old Princeton Road to St. Joseph Avenue
NB St. Joseph Avenue from Baseline Road to I-64
SB St. Joseph Avenue from I-64 to Baseline Road

ROUTE G

From Garage to:

Deadhead to Old Petersburg Road and SR57

NB Old Petersburg Road from SR 57 to Greenriver Road

SB Greenriver Road from Old Petersburg Road to Boonville-New Harmony Road

NB Greenriver Road from Boonville-New Harmony Road to Old Petersburg Road

NB Old Petersburg Road from Greenriver Road to Baseline Road

EB Baseline Road from Old Petersburg Road to Warrick County Line

WB Baseline Road from Warrick County Line to Old Petersburg Road

WB Baseline Road from Old Petersburg Road to Old State Road

EB Baseline Road from Old State Road to Old Petersburg Road

SB Old Petersburg Road from Baseline Road to Boonville-New Harmony Road

EB Boonville-New Harmony Road from Old Petersburg Road to Greenriver Road

WB Boonville-New Harmony Road from Greenriver Road to Old State Road

EB Boonville-New Harmony Road from Old State Road to Old Petersburg Road

SB Old Petersburg Road from Boonville-New Harmony Road to SR 57

Deadhead to Oakhill Road and SR 57

SB Oakhill Road from SR 57 to Millersburg Road

EB Millersburg Road from Oakhill Road to Greenriver Road

WB Millersburg Road from Greenriver Road to Oakhill Road

SB Oakhill Road from Millersburg Road to St. George Road

WB St. George Road from Oak Hill Road to Railroad Tracks at Whirlpool

EB St. George Road from Railroad Tracks at Whirlpool to Oak Hill Road

St. George Road Bridge (.4 mi W. of Hwy. 41)

SB Oakhill Road from St. George Road to Lynch Road

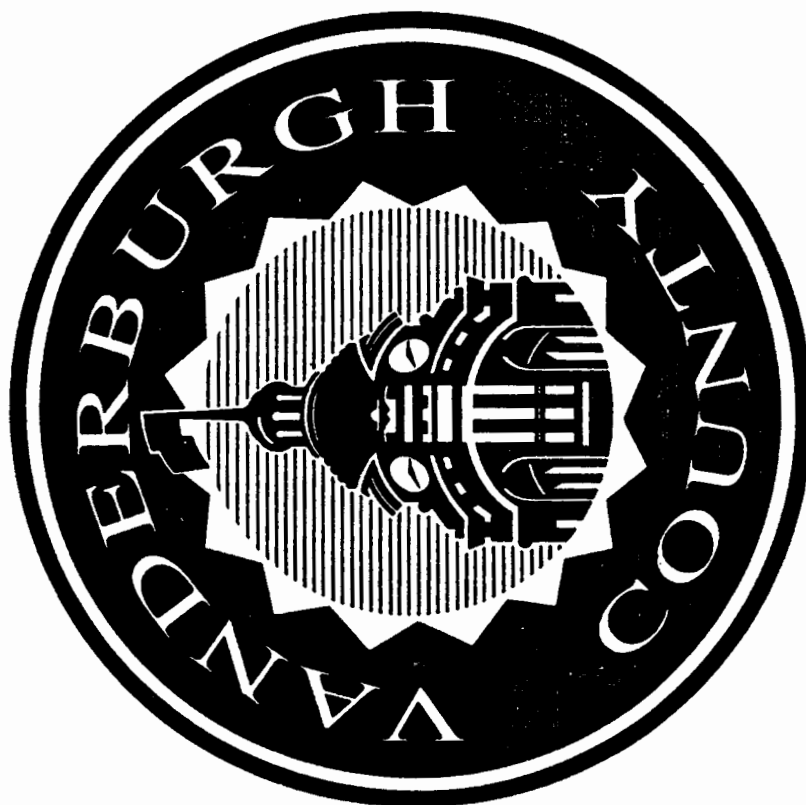
NB Oakhill Road from Lynch Road to SR 57

ROUTE H

From Garage to:

Deadhead to Greenriver Road and Millersburg Road
SB Greenriver Road from Millerburg Road to Morgan Avenue
NB Greenriver Road from Morgan Avenue to Hirsch Road
EB Hirsch Road from Greenriver Road to Burkhardt Road
NB Burkhardt Road from Hirsch Road to Olmstead Road
EB Olmstead Road from Burkhardt Road to Old Boonville Highway
SB Old Boonville Highway from Olmstead Road to Burkhardt Road
NB Old Boonville Highway from Burkhardt Road to Olmstead Road
WB Olmstead Road from Old Boonville Highway to Burkhardt Road
SB Burkhardt Road from Olmstead Road to Lloyd Expressway
NB Burkhardt Road from Lloyd Expressway to Hirsch Road
WB Hirsch Road from Burkhardt Road to Greenriver Road
NB Greenriver Road from Hirsch Road to Boonville-New Harmony Road
EB Boonville-New Harmony Road from Greenriver Road to I-164
WB Boonville-New Harmony Road from I-164 to Greenriver Road
SB Greenriver Road from Boonville-New Harmony Road to Millersburg Road
Deadhead to Greenriver Road and I-164
NB Greenriver Road from I-164 to Pollack Avenue
EB Pollack Avenue from Greenriver Road to Warrick County Line
WB Pollack Avenue from Warrick County Line to Fuquay Road
NB Fuquay Road from Pollack Avenue to Covert Avenue
EB Covert Avenue from Fuquay Road to I-164
WB Covert Avenue from I-164 to Greenriver Road
EB Covert Avenue from Greenriver Road to Fuquay Road
SB Fuquay Road from Covert Avenue to Pollack Avenue
WB Pollack Avenue from Fuquay Road to Greenriver Road
SB Greenriver Road from Pollack Avenue to I-164

App'd.
2/18/92



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January 24, 1992

RECEIVED

JAN 28 1992

Carol McClintock, President
Board of County Commissioners
1 N.W. Martin Luther King Boulevard
Room 305
Evansville, IN 47708

**VANDERBURGH COUNTY
COMMISSIONER'S OFFICE**

Dear Ms. McClintock:

About eight years ago our friend, Mr. Bob Slade, then General Manager of the Evansville Division of Inland Container Corporation brought into Evansville the concept of our business community recognizing the many advantages of minority entrepreneurship. Bob sold us on the nationwide effort conducted by the Minority Supplier Development Council.

Now some eight years later we have the Tri State Minority Supplier Development Council. The enclosed brochure speaks of that organization -- basically a group of majority owned corporations and organizations working with minority business people, helping them become viable contributors to the Tri State's economic well-being.

Corporate membership to our organization involves annual dues of \$750.00, plus the designation of an individual to attend our monthly meetings. These meetings occur on the second Tuesday of each month at the Evansville Chamber of Commerce Conference Room, and last from 8:30 A.M. to 10:00 A.M.

Our current Council Officers are:

Mr. Ted Klenske, Alcoa - President
Mr. Rob Harrison, General Foods - Vice President
Mr. Mike Lipking, Bristol Myers - Treasurer
Mr. Phil Lawrence, ATSCO - Secretary

We need your organization's participation. Please carefully consider this matter and contact us by either returning the enclosed

SWANSON-NUNN
ELECTRIC COMPANY

Ms. Carol McClintock
January 24, 1992
Page 2

self-addressed response sheet; calling our Director, Mary Brown, at 422-9747; or calling me personally at 464-3701. One of us will be more than happy to visit for further discussion.

Thank you very, very much.

Sincerely,



Jack Buttrum

JB/mw

Enclosure

AGREEMENT TO PROVIDE SERVICES

THIS AGREEMENT is made and entered into effective the 1st day of January, 1992, notwithstanding the date actually executed by and between the Board of Commissioners of Vanderburgh County, Indiana (the "Board"), and Alexander Ambulance Service, Inc., an Indiana corporation with its principal place of business located at 522 Northwest First Street, Evansville, Indiana (the "Provider").

RECITATIONS

1. The Board finds it to be in the best interest of the citizens of those areas of Vanderburgh County lying outside the corporate limits of the City of Evansville (the "Service Area") to encourage the availability of Emergency Medical Service ("EMS") as defined by I.C. 16-1-39-2 to residents in the Service Area.

2. The Board believes that the availability of EMS should include Advanced Life Support ("ALS") capabilities as that term (ALS) is defined by the Indiana State Emergency Medical Service Committee. The Board is a member of the Advanced Life Support Consortium established by the General Hospitals of Vanderburgh County, Indiana.

The Provider has agreed, subject to the commitments of the Board contained herein, to continue to render Basic Life Support ("BLS") services and Advanced Life Support ("ALS") services to Vanderburgh County residents in the Service Area according to the terms and conditions hereof.

AGREEMENTS

NOW, THEREFORE, in consideration of the foregoing, and in consideration of the mutual promises and covenants hereinafter contained, the parties agree as follows:

1. The term of the agreement shall be from 12:01 a.m. on January 1, 1992, until 11:59 p.m. on December 31, 1992, provided that the Board shall have the right, if just cause exists, to terminate this agreement by written notification to the Provider, which termination shall be effective ninety (90) days after the date of such written notification. For purposes of the agreement, "just cause" shall exist in favor of the Board if the Provider fails or refuses to perform the services which are the subject of this agreement with reasonable speed or professionalism or in the event the Provider breaches any term or provision of the agreement. Just cause shall also exist in favor of the County if the Provider, or any employees of the Provider, in the course of providing the services contemplated herein, violates any of the laws of the State of Indiana or any political subdivision thereof, or in the event the Provider, or any employee thereof, commits a negligent, fraudulent or otherwise unlawful act. Just cause shall exist in favor of the Provider in the event the Board fails to meet its monetary commitments herein made and in the event that the Provider has notified the Board of such failure and given thirty (30) days written notice to the Board, during which thirty (30) days the Board shall have the right to cure any such failure or default.

2. The Provider agrees that during the term of this agreement, the Provider will:

A. Maintain sufficient equipment and qualified personnel to outfit and provide three (3) certified ALS units on a twenty-four (24) hours per day, seven (7) days per week, basis. One unit shall be stationed at Provider's East side facility located at 3700 Washington Avenue, Evansville, Indiana, at all times. One unit shall be stationed at Provider's North side facility located at 4200 Stringtown Road, Evansville, Indiana, at all times. One unit shall be stationed at Provider's West side facility located at 2100 West Illinois, Evansville, Indiana, at all times. Provider shall have Paramedic and Emergency Medical Technician ("EMT") personnel stationed with the equipment and units at all times.

B. Maintain equipment and personnel as required for certification by both the Indiana State Emergency Medical Service Commission and the Advanced Life Support Consortium of Vanderburgh County, Indiana.

C. Have in effect at all times a binding agreement, a copy of which shall be provided to the Board, with the Advanced Life Support Consortium of Vanderburgh County, Indiana.

For the same equipment and personnel for the sole purpose of responding to calls for Emergency Medical Service by any person then located in the Service Area through any of the following sources:

(1) The Indiana State Police;

- (2) The Sheriff Department of Vanderburgh County,
Indiana;
- (3) The Police Department of the City of Evansville,
Indiana;
- (4) The Fire Department of the City of Evansville,
Indiana; or
- (5) Any Volunteer Fire Department for any Township in
Vanderburgh County, Indiana.

E. Maintain in effect and in full force during the term of this agreement or any extension or renewal hereof, insurance coverage in the types and amounts required by the laws of the State of Indiana and/or the rules and regulations of the Emergency Medical Services Commission of the State of Indiana. Provider shall, within thirty (30) days of this agreement, and thereafter upon the reasonable request of the Auditor of Vanderburgh County, provide documentation which establishes its compliance with this paragraph. In addition, Provider shall hold the County of Vanderburgh, the Board and all elected and appointed officials and employees of Vanderburgh County, and all of their officers, attorneys, designates, heirs and assigns, harmless from, and indemnify them for, any and all losses recovered by judgement or compromise with respect to any person or property due to accidents, injuries or damages suffered by such persons or properties due to the negligence, willful or wanton misconduct or lack of due care of the Provider or any of the Provider's employees in the course of

providing the services which are the subject of this agreement.

3. It is understood and agreed that the Provider enters into this agreement as an independent contractor of the Board and shall in no way or manner represent or cause others to believe that the Provider is an agent of the Board or an officer, employee or official of Vanderburgh County, Indiana.

4. At any time when Provider is rendering the services contemplated by this agreement, Provider shall be subject to the jurisdiction and direction of the Sheriff of Vanderburgh County, Indiana, and his duly appointed deputies if the Provider arrives at a site where said Sheriff or his duly appointed deputies are acting in an official capacity; provided, however, that Provider shall have the unrestricted discretion and authority in caring for sick or injured persons and the unrestricted discretion in determining the order of removal of such sick or injured persons from the scene.

5. For services so rendered, the Provider agrees to make minimum charges for services to be rendered to persons in the Service Area as follows, which shall be cumulative;

Emergency Run	\$ 105.00
Emergency Support Run	\$ 105.00
Emergency Support Run	\$ 300.00
Telemetry Use	\$ 75.00
Mileage charge per loaded mile of transportation to a medical facility	\$ 4.00

Any increases permitted during the term of the contract by

regulatory or insurance bodies will be incorporated as early as possible.

Supply charges for all of the following supplies shall be charged to the person receiving the service of the Provider at a minimum rate equal to one hundred sixty percent (160%) of the Provider's cost of the said following items:

1. AMINOPHYLLINE 500 mg/10ml
2. ATROPINE SULFATE 1mg
3. BRETLYLOL 50mg/10ml
4. CALCIUM CHLORIDE 1gm/10ml
5. DEXAMETHASONE (Decadron) 4mg/1ml
6. DEXTROSE 25mg/50ml
7. DIAZEPAM (Valium) 10mg/2ml
8. DIPHENHYDRAMINE (Benadryl) 50mg/ml
9. DOPAMINE 400mg/5ml
10. EPINEPHRINE 1:1000/ml
11. EPINEPHRINE 1:10000/10ml
12. FUROSEMIDE (Lasix) 40mg/4ml
13. HYDROCORTISONE NA SUCC 500mg/4ml
14. IPECAC 30ml
15. ISOPROTERENOL 1mg/5ml
16. LEVARTERENOL 4cc
17. LIDOCAINE 2% 100mg/5ml
18. LIDOCAINE 2mg/10ml 20%
19. MEPERIDINE 100mg/1ml
20. METARAMINOL (Aramine) 100mg/10ml
21. MORPHINE SULFATE 10mg/1ml
22. NALOXONE (Narcan) 0.4mg/1ml
23. NITROGLYCERINE TAB GR 1/150
24. NORMAL SALINE 30ml
25. SODIUM BICARBONATE 50meq/50ml
26. ADHESIVE TAPE
27. ALCOHOL
28. BENZYL
29. INTRATRACHEAL CATHETER
30. PORE TAPE
31. SET
32. VACUTAINERS
33. IV SOLUTIONS
34. DEXTROSE 5% IN WATER 500ML
35. LACTATED RINGERS SOL. 1000ML
36. NORMAL SALINE 1000ML
37. VASELINE GAUZE 2"
38. Y-BLOOD ADMINISTRATION SETS
39. MINI-DRIP ADMINISTRATION SETS
40. EXTENSION SET FOR IV

41. ANGIOCATHS GAUGE
42. BUTTERFLY NEEDLES
43. STRAIGHT NEEDLES
44. SYRINGES
45. IV ARMBORDS
46. ASPIRATING SUCTION CATHETERS
47. SUCTION TUBING
48. IV SET PRIMARY
49. START PAK (IV)
50. CERVICAL COLLAR
51. KERLIX
52. KLING
53. 4 X 4'S
54. ABD PADS
55. EYE PADS
56. COTTON TIP APPLICATORS
57. ELECTRODE GEL
58. ENDOTRACHEAL TUBES
59. YANKAUER SUCTION TIP CATHETER
60. MONITOR ELECTRODES
61. DEFIBRILLATION PADS
62. NASAL AIRWAYS
63. ORAL PHARYNGEAL AIRWAYS
64. ICE PACKS
65. NASAL CANNULA
66. OXYGEN MASK (ADULT)
67. OXYGEN MASK (PED)
68. OXYGEN VENTURI
69. OXYGEN CONNECTING TUBING
70. OXYGEN
71. Other required drugs, supplies or procedures used.

The charge to a person receiving the service of the Provider for the use of MAST TROUSERS shall be \$25.00 per application.

[REDACTED] of the Provider shall prepare and maintain a complete record of all services rendered during a particular run in the [REDACTED] area and shall provide to the billing service engaged by the Board a detailed list of all such services and the charges therefor in order to facilitate proper billing and collection thereof.

6. All billings for services so rendered by the Provider

shall be processed and sent by and through the Provider as a part of this contract for no additional consideration. Provider shall have the obligation to send statements for such services to the party or parties responsible therefor for a continuous period of ninety (90) days, one (1) statement being sent each thirty (30) days. In the event that the party or parties responsible for the services so rendered by Provider have not paid the subject obligation before the third billing, Provider agrees to include a letter prepared and provided by the Board's attorney in the form attached as Exhibit A, addressed to the responsible party or parties, with its mailing of the third statement. At the conclusion of one hundred twenty (120) days following the date of the first billing, if the account has not been paid for, no agreement for periodic payments is in effect and if no active insurance claim is pending, the unpaid account shall be assigned by the Provider to Vanderburgh County, Indiana, for collection by written letter to the County. Any funds collected by the Board after the assignment of such unpaid accounts shall be retained by Vanderburgh County. The Provider agrees to cooperate in the prosecution of such accounts by allowing its employees to present themselves for testimony in the legal proceedings with respect to such collection matter without charge to the Board.

7. Provider shall not be required to accept Medicare assignment in respect of Emergency Medical Service which it provides under this contract.

8. Within fifteen (15) days of the close of each calendar

month, the Provider shall furnish to the Board a statement of income and expenses in the form set forth in Exhibit B with respect to the maintenance and operation of the Emergency Medical Service unit which is the subject of this agreement for the last preceding month, and within thirty (30) days of the close of each calendar quarter, the Provider shall furnish to the Board a consolidated verified statement of all income and expenses of the Provider with respect to said unit for said calendar quarter. The said consolidated verified statement shall be in the form set forth in Exhibit C and shall provide details in order to disclose:

(1) total income of Provider during the applicable period from all operations of equipment and personnel under this contract,

(2) total operating expenses attributable to all operations of the equipment and personnel designated to be employed by Provider under this contract including expenses incurred as a result of Provider's private employment of said equipment and personnel;


The operating expenses attributable solely to the operation of the equipment and personnel experienced by Provider under this contract, shall then be determined according to generally accepted accounting principles, consistently applied and acceptable to the Indiana State Board of Accounts so as to show an apportionment of the total expenses to the operations of Provider under this contract based upon a ratio comparison of

Provider's operation of the subject equipment and personnel under this contract ("County runs") to Provider's operation of the same equipment and personnel for its private for-profit purposes ("Private runs").

The county or its duly appointed representatives shall then have a period of thirty (30) days within which to examine into the accuracy of said report. In the course of examining said report, the board shall have access to all of the financial records and journals of the Provider at all reasonable times. In the event such quarterly statement reveals an operating loss by the Provider with respect to the unit which is the subject of this agreement, and in the event said statement of operation loss is accepted by the Board, the Board shall thereupon reimburse the Provider for said operating loss; provided, however, that the Board's obligation to reimburse the Provider for such operating losses shall be limited to a total reimbursement during the calendar year 1992 in the sum of One Hundred Ninety Seven Thousand Nine Hundred Seventy Seven Dollars and Ninety cents. (\$197,977.90). It is further agreed that in the event a operating profit is realized by Provider during the term of the agreement, the Board shall, within forty-five (45) days after the end of the term of this agreement, pay over such profit to the Board to the extent, and only to the extent, that the Board has previously reimbursed the Provider for operating losses during the term of this agreement. Any excess profit shall then be applied to offset operating losses in any subsequent

calendar quarters prior to any request from the Provider for reimbursement for operating losses in such subsequent calendar quarters.

9. The parties understand and agree that the Provider will use all Emergency Medical Service vehicles at Provider's disposal as a backup to the Emergency Medical System of the City of Evansville, and for responding to private calls for Emergency Medical Service which are not covered by this contract. It shall not constitute a breach of the agreement by Provider if the units which are the subject of this agreement are unavailable to the residents in the Service Area during periods of time when they are engaged in use as a backup to the City of Evansville Emergency Medical units, or when they are engaged in use in response to such private calls for assistance.

10. In the event Provider fails to perform the covenants and conditions of this agreement, the Board shall have the right to give written notice of such default. If Provider does not cure the default within thirty (30) days after the written notice, the Board shall be entitled to cancel this agreement and shall have all  and remedies available to it at law or in equity.

~~In the event~~ this agreement is referred to attorneys for enforcement, the prevailing party in any litigation, by judgment, settlement or otherwise, shall be entitled to recover its attorneys fees and costs. Any dispute which arises under or by virtue of this agreement shall be determined according to the

laws of the State of Indiana. The Vanderburgh Circuit and Superior Courts shall have sole jurisdiction to hear and determine any such dispute.

11. This agreement may be executed in multiple counterparts, each of which when so executed shall be deemed to be an original, and all such counterparts together shall constitute one and the same instrument notwithstanding the actual date of the execution thereof.

12. If any provision of this agreement or of any schedule hereto, or the application of such provision to any person or circumstance is held invalid, the remainder of the agreement or of any such schedule, in the application of such provision to persons or circumstances other than those as to which the same has been held invalid, shall not be affected adversely thereby.

13. This agreement may be modified only by an agreement in writing executed by all of the parties hereto. This agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, legal representatives, personal representatives, successors and assigns, subject, however, to the restrictions against assignment as provided for hereinafter. The waiver by either party of a breach of the provisions hereof shall not operate or be construed as a waiver of any subsequent breach hereof.

14. All necessary notices, demands and requests required or permitted to be given under the provisions hereof shall be deemed duly given if mailed by certified mail, postage fully prepaid, in

an envelope properly addressed as follows:

IF TO BOARD:

Board of Commissioners of
Vanderburgh County, Indiana
City-County Building
Evansville, IN 47708

IF TO PROVIDER:

Alexander Ambulance Service, Inc.
522 Northwest First Street
Evansville, IN 47708

or to such other addresses as the parties may, by like notice,
from time to time designate.

15. This agreement constitutes the entire understanding and
agreement between the parties, and supersedes all prior oral or
written understandings, agreements or contracts formal or
informal between the parties hereto.

16. The effectiveness of this contract is expressly
conditioned upon the enactment of a valid ordinance by the Board
in substance establishing the rates set forth for service and
materials as more fully set forth and agreed to in paragraph 5 of
this agreement.

BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA

 1992

BY: Carolyn McClintock

ALEXANDER AMBULANCE SERVICE, INC.

Date 2-21 1992

BY: Thomas A. DeFand

WESTWOOD GARDEN CLUB

evansville, indiana 47712



January 21, 1992

Ms. Carol McClintock, President
Vanderburgh County Commissioners
City-County Building
Evansville, IN 47708

VANDERBURGH COUNTY
COMMISSIONER'S OFFICE

Dear Carol:

Members of Westwood Garden Club are concerned for the fate of the old Bockelman No. 3 School at the corner of Eickhoff and Middle Mt. Vernon Roads. Moving this edifice to the campus of the University of Southern Indiana and restoring it have been uppermost in our minds for several years. Formerly, our club had a major role in moving and restoring two buildings on the campus -- Eicher Barn and the Paul Grimes Haus. We hope to have the school placed near them.

On January 14, I learned from Bernardin Lochmueller and Associates, that the school would become the property of the county as a part of the interchange project. We are informed that the State has no funds to grant to preserve this old school. It would probably be torn down unless someone comes forth interested in saving it.

Elmer Buchta, of Moving Engineers, has given us a price of moving the building to our proposed location of approximately \$30,000.

Artist Jerry Baum made and gave us a drawing of how the school looked when classes were held there. He used several old photographs for accuracy. Jerry also gave Westwood full rights to make prints or stationery from the original drawing to raise funds for the project.

Many people have offered money, but without official permission in hand we have been reluctant to spearhead a fund raising campaign.

Greg Curtis, County Engineer, told me the county will come into possession of the property and suggested that I write the Commissioners. When the County becomes the owner, we ask the County Commissioners to give us possession of the Bockelman No. 3 School. Westwood Garden Club is proposing to sponsor a fund raising campaign to move the building to the University of Southern Indiana campus and to restore it.

Sincerely,

Doris S. Eicher, President
Westwood Garden Club
1900 Schutte Road
Evansville, IN 47712
424-6194



OFFICE OF THE PRESIDENT

University of Southern Indiana

8600 UNIVERSITY BOULEVARD · EVANSVILLE, INDIANA 47712 · TEL. (812) 464-1756

RECEIVED

JAN 25 1992

VANDERBURGH COUNTY
COMMISSIONER'S OFFICE

January 24, 1992

Mr. James Glass, Director
Division of Historic Preservation and Archaeology
Department of Natural Resources
402 West Washington
Indianapolis, IN 46204

Dear Jim:

Thanks for discussing the review status of the old school building located in the proposed campus interchange site. Enclosed is a copy of the letter transmitted to the county commissioners by the Westwood Garden Club.

The Westwood Garden Club has established a record of accomplishing the projects they have proposed. The first achievement was the Bent Twig Trails project. Next, the Garden Club asked permission to restore the Westwood Lodge which was badly deteriorated and needed demolishing. The Breckinridge Job Corps worked with them to restore a small cabin located nearby. When Highway 62 was four-laned to Mt. Vernon, they sought permission to move a salt-box-style log house from the right-of-way in Posey County to campus and restore it as a Bicentennial project. An Appalachian barn on a nearby farm was scheduled to be torn down, and they moved and restored it. These components of the emerging Bent Twig Outdoor Education Center have been complemented by their outdoor amphitheater and an herb garden project. The area is heavily used by youth groups for day camps and for overnight campouts. (See Campus Map and pictorial clips)

The Westwood Garden Club would now like to tackle the moving and restoration of the old school. As the enclosed letter notes, they have asked the County Commissioners to donate the school to the Garden Club when the county becomes owner of the site in the proposed project.

They have also asked the University for permission to locate the structure in the Bent Twig Outdoor Education Area and plan, when approvals are forthcoming, to raise the funds, move the building and restore it. They have the will to do the project, and with their performance record, it's reasonable to project that they will find the ways and means to achieve their goals. The Vanderburgh County Historical Society and Westside Improvement Association have also endorsed preservation and pledged assistance. The University has pledged its cooperation and has given permission to the Garden Club to proceed with seeking ownership, fund raising, and developing the project in a timely manner.

The efforts of the Garden Club to save this bit of history are commendable, and their plans to add another component to the Bent Twig Outdoor Education Center would add significantly to the educational experiences of youth utilizing the facilities. We seek your assistance in expediting the project and will be pleased to provide additional information which would be helpful to you.

Sincerely yours,


David L. Rice
President

cc: John L. Carr, Sr. Environmental Specialist, Division of Historic Preservation and Archaeology
David Isley, Bernardin Lochmueller and Associates
✓ Carol McClintock, President, Vanderburgh County Commissioners
Donald Hunter, County Commissioner
Rick Borries, County Commissioner

ORDINANCE ESTABLISHING COUNTY PARK RULES, REGULATIONS AND PENALTIES

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF VANDERBURGH
COUNTY, INDIANA, AS FOLLOWS:**

SECTION 1: RULES AND REGULATIONS.

It shall be a violation for any person to do any of the following in or upon the grounds or facilities of any Vanderburgh County park without the permission of the Commission:

- 1) Canvass or solicit any contribution or vend, sell, peddle, or offer for sale any goods or activities on park property.
- 2) Bring or allow any animal to go onto park property, with the exception that one may bring a cat or dog on park property if the animal is under the absolute control of such person and is constantly maintained on a leash.
- 3) Paste, glue, tack or otherwise post any sign, placard, advertisement, or inscription whatever or erect or cause to be erected any sign whatever on any public land or highways or roads in or adjacent to a park.
- 4) Dig or remove any soil, rocks, sand, stone, trees, shrubs, plants, or other wood or materials or make any excavation by tool, equipment, blasting, or other means of agents on park property.
- 5) Damage, cut, carve, mark, transplant, or remove any plant or injure the bark or pick flowers or seeds from any tree or plant, dig in or otherwise disturb grass areas, or in any other way injure the natural beauty or usefulness of park property.
- 6) Swim, bathe, or wade in any waters or waterway in or adjacent to any park except in such waters and at such places as are designated specifically thereof.
- 7) Ice skate, sled or otherwise go upon the surface of any frozen lake, pond or other body of water within the park boundaries.
- 8) Take any boats, canoes or other watercraft upon any lake, pond or other body of water within the park boundaries.

- 9) Kindle, build, maintain, or use a fire, except in places provided for such purposes. Any fire shall be continuously under the care and direction of a competent person from the time it is kindled until it is extinguished. No person shall throw away or discard any lighted match, cigar, cigarette, tobacco, paper, or other material within or against any building, boat, or vehicle or under any tree or in any underbrush.
- 10) Hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot, or throw missiles at any animal, wildlife, reptile, or bird; or remove or have in one's possession the young of any wild animal or the eggs, nest, or young of any reptile or bird.
- 11) Fish in any waters or waterways in or adjacent to any park, except in such waters and at such places as are designated specifically therefor.
- 12) Wilfully mark, deface, disfigure, injure, tamper with, displace, or remove any building, bridges, tables benches, fireplaces, railings, paving or paving material, water lines, or other public utilities or parts or appurtenances thereof, signs, notices, or placards, whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities, or park property or appurtenances whatsoever, either real or personal.
- 13) Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay, or other body of water in or adjacent to any park, or any tributary stream, storm sewer, or drain flowing into such waters any substance, matter or thing, liquid or solid, which will or may result in the pollution of said water.
- 14) Bring glass beverage containers onto any park property or facility.
- 15) Be or remain on or in park property between the hours of 12:00 p.m. local time and 7:00 a.m. the following day unless engaged in activities directly supervised by park personnel acting within the scope of their employment.
- 16) Sell or offer for sale any alcoholic beverage in or upon park property.
- 17) Drive any vehicle on any area except the paved park roads or parking areas or leave a vehicle standing or parked in established parking areas or elsewhere in the

park and recreation areas during hours when the park and recreation area is closed.

- 18) Endanger the safety of any person by any act or conduct.
- 19) Violate any rule or regulation imposed in any park and recreation area, golf course, or pool, which rules and regulations shall be posted at the park or recreation area, golf course, or pool, and shall also be on file for public inspection in the office of the County Commissioners and the office of the County Clerk *Aud. 7012.*
- 20) Bring into or have in one's possession in or on any park property any pistol, revolver, or object from which loaded or blank cartridges may be used, or any rifle, shotgun, BB-gun, airgun, spring-gun, slingshot, bow, or other weapon in which the propelling force is gunpowder or spring or air.
- 21) Bring into, have in one's possession, or set off any fireworks in or upon any party property.

SECTION 2: ENFORCEMENT OF RULES AND REGULATIONS.

All County parks shall be operated and maintained under the supervision of the Board of County Commissioners pursuant to §31.39 of this Code. The Vanderburgh County Sheriff's Department and the Board of County Commissioners and County Parks Manager, as well as the parks employees and agents, shall in connection with the duties imposed by law, diligently enforce the provisions of this subchapter. A violation of any of the prohibitions in this section shall be a violation of this subchapter and shall be punishable pursuant to §10.99. A separate offense shall be deemed to have been committed on each day during or upon which a violation occurs or continues.

**BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA**

By: _____
Carolyn McClintock, President

By: _____
Don Hunter, Vice President

By: _____
Richard J. Borries, Member

ATTEST:

Sam Humphrey, Auditor

APPROVED AS TO FORM:

Jeffrey A. Wilhite
County Attorney

January 29, 1992-DLCC\PAKES\RULES.ORD

**ORDINANCE ESTABLISHING
COUNTY CORRECTIONS FUND**

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY, INDIANA, AS FOLLOWS:

(A) The Board of Commissioners elects to receive deposits from the State Department of Correction in accordance with IC 11-12-6.

(B) The Board designates level 3 funding, as defined in IC 11-12-6, with respect to all deposits to be received by the county under IC 11-12-6 and this section.

(C) A fund to be known as the County Corrections Fund is established. The County Corrections Fund shall consist of deposits made by the State Department of Correction in accordance with IC 11-12-6. This Fund shall be administered by the county fiscal body.

(D) The County Corrections Fund shall be used for any purpose authorized by IC 11-12-6. Any money remaining in the County Corrections Fund at the end of the year does not revert to any other fund, but remains in the County Corrections Fund.

PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF VANDERBURGH COUNTY on the _____ day of _____, 1992, and upon said day executed by the members of said Board of Commissioners and attested by the Auditor of Vanderburgh County.

**BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA**

By: _____
Carolyn McClintock, President

By: _____
Don Hunter, Vice President

By: _____
Richard J. Borries, Member

ATTEST:

Sam Humphrey, Auditor

APPROVED AS TO FORM:

Jeffrey A. Wilhite
County Attorney

KAHN, DEES, DONOVAN & KAHN

305 UNION FEDERAL BUILDING

P. O. BOX 3646

EVANSVILLE, INDIANA 47735-3646

TELEPHONE (812) 423-3183

FACSIMILE (812) 423-3841

ALAN N. SHOVERS
THOMAS O. MAGAN
LARRY R. DOWNS
WM. MICHAEL SCHIFF
ROBERT H. BROWN
JON D. GOLDMAN
MARILYN R. RATLIFF
BRIAN P. WILLIAMS
G. MICHAEL SCHOPMEYER
DAVID L. CLARK
JEFFREY A. WILHITE
JOHN E. HEGEMAN
JEFFREY K. HELFRICH
JEFFREY W. AHLERS
MARY LEE FRANKE
D. BRYAN WEESE
MARJORIE J. SCHARPF
RICHARD O. HAWLEY, JR.

ISIDOR KAHN

(1867-1963)

ROBERT KAHN

(RETIRED FROM

PRACTICE 1965)

OF COUNSEL

HARRY P. DEES

ARTHUR R. DONOVAN

DIANE L. BENDER

GAYLON L. CLARK

February 18, 1992

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

Re: County Attorney Report

Dear Ms. McClintock:

Please let me report on the status of the various legal matters as County Attorney:

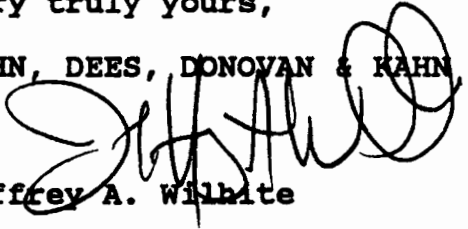
1. I have been forwarded IDEM's new Municipal Waste Vehicle Registration requirements and am assisting David Franklin in complying for County Garage vehicles.
2. I reviewed the contract with Digitech Systems for legal form.
3. I reviewed the Supplemental Agreement with Veach, Nicholson, Griggs and Assoc. re: Orchard Road bridge for legal form.
4. At the Commissioners' request, I have prepared an Ordinance Establishing County Park Rules, Regulations and Penalties. It is attached for your review.
5. We continue to provide assistance on the Lynch Road and Green River Road projects. Some relevant correspondence is attached for your review.
6. I have prepared an Ordinance Establishing County Corrections Fund. The County has been participating in the fund and we must annually signify our intent to continue participating in the fund.

Ms. Carol McClintock
February 18, 1992
Page 2

In addition to the above, I continue to spend the bulk of my time on litigation matters. If you have questions on any specific case, please let me know.

Very truly yours,

KAHN, DEES, DONOVAN & KAHN



Jeffrey A. Wilbrite

JAW/jes

cc: Don Hunter
Richard Borries

LAW OFFICES

KAHN, DEES, DONOVAN & KAHN

305 UNION FEDERAL BUILDING

P. O. BOX 3646

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(RETIRED FROM
PRACTICE 1965)

OF COUNSEL
HARRY P. DEES
ARTHUR R. DONOVAN
DIANE L. BENDER
GAYLON L. CLARK

February 18, 1992

Greg Curtis
Vanderburgh County Engineer
715 Locust Street
Evansville, IN 47708

Re: Green River Road Project

Dear Greg:

Following up on our meeting with the Kochs, I wanted to remind you that we need to do a pre-construction survey of the Koch's home. Since they are raising the possibility of structural damage during construction, it's important that we have a thorough visual record of the condition of their home before construction begins.

Very truly yours,

KAHN, DEES, DONOVAN & KAHN


Jeffrey A. Wilhite

JAW/jes

cc: Carol McClintock
Don Hunter
Richard J. Borries

KAHN, DEES, DONOVAN & KAHN

305 UNION FEDERAL BUILDING

P. O. BOX 3646

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 G. MICHAEL SCHOPMEYER
 DAVID L. CLARK
 JEFFREY A. WILHITE
 JOHN E. HEGEMAN
 JEFFREY K. HELFRICH
 JEFFREY W. AHLERS
 MARY LEE FRANKE
 D. BRYAN WEESE
 MARJORIE J. SCHARPF
 RICHARD O. HAWLEY, JR.

February 14, 1992

Rick Bennett
 Bernardin, Lochmueller & Associates, Inc.
 20-24 NW Fourth Street, Suite 606
 Evansville, Indiana 47708

RE: Lynch Road Project - Parcel 25; Dillman & Wegel Real Estate

Dear Rick:

Enclosed please find a copy of a final order issued by the Vanderburgh Superior Court Probate Division in 1983 with regard to the above-referenced parcel. From our examination, it appears that Arthur Wegel, Jeannette Dillman, and Leona Wegel took equal one-third (1/3) interests in Mr. Jay Victor Wegel's partial interest in this real estate.

Frances Miller has prepared a list of individuals whom he believes possess an interest in the real estate, which list is attached for your review. It is our opinion that title work is required to determine who must sign the warranty deed to insure that Vanderburgh County gets unimpaired title to this parcel. There is also a temporary take which will thereafter serve as the driveway easement, and this section needs to be temporarily transferred as well by all parties holding an interest therein.

Please obtain all necessary approvals and take all necessary action to provide the information necessary to prepare the deed and easement. If we can of further assistance, please call.

Respectfully yours,

KAHN, DEES, DONOVAN & KAHN


 Jeffrey A. Wilhite

JAW/ds

CC: Board of County Commissioners

REQUEST FOR APPROPRIATION

DEPARTMENT: County Commission 130

DATE: 2/14/92

ACCOUNT	LINE ITEM	AMOUNT
<u>130-3530</u>	<u>Contractual Services</u>	<u>450,000.00</u>
<u>130-3530</u>	<u>"</u>	<u>486,450.00</u>
<u>249</u>	<u>Comm Assessment</u>	<u>486,450.00</u>

EXPLANATION OF NEED FOR REQUEST

Diesel Fuel problem at County Garage - Alternate Remediation

GIS Contractual Services

VANDERBURGH COUNTY

REC'D

FEB 18 1992

Sam Thompson
AUDITOR

CMC

BALANCE OF ACCOUNTS:

ACCOUNT NO.	BUDGET	DISBURSEMENTS	BALANCE	BALANCE AFTER APPROP

VCC-2

DEPARTMENT HEAD:

Carolyn McClintock
PM

REQUEST FOR TRANSFER OF FUNDS

DEPARTMENT: Local Roads & Streets

DATE: Feb. 5, 1992

	ACCOUNT	LINE ITEM	AMOUNT
FROM:	216-4910	Green River Road North	10,541.00

TO:	216-4837	Boonville New Harmony Rd.	10,541.00

BALANCE OF ACCOUNTS:

ACCOUNT NO.	BUDGET	DISBURSEMENTS	BALANCE	BALANCE AFTER TRANS.

VCC-3

DEPARTMENT HEAD:

CME

[Signature]

REQUEST FOR APPROPRIATION

DEPARTMENT: Local Roads & Streets 216.0 DATE: 2/14/92

ACCOUNT	LINE ITEM	AMOUNT
216 - 4310	Belt Loader	94,000.00
216 - 4300	Trucks/Spreaders/Plows	290,000.00
216 - 4320	Mulcher	16,000.00

EXPLANATION OF NEED FOR REQUEST

BALANCE OF ACCOUNTS:

ACCOUNT NO.	BUDGET	DISBURSEMENTS	BALANCE	BALANCE AFTER APPROP

VCC-2

DEPARTMENT HEAD:

CM
Gregory W. Linder
5

REQUEST FOR APPROPRIATION

DEPARTMENT: Local Roads & Streets 216.0 DATE: 2/14/92

ACCOUNT	LINE ITEM	AMOUNT
216 - 4310	Belt Loader	94,000.00
216 - 4300	Trucks/Spreaders/Plows	290,000.00
216 - 4320	Mulcher	16,000.00

EXPLANATION OF NEED FOR REQUEST

CM

BALANCE OF ACCOUNTS:

ACCOUNT NO.	BUDGET	DISBURSEMENTS	BALANCE	BALANCE AFTER APPROP

VCC-2

DEPARTMENT HEAD: *[Signature]*

REQUEST FOR APPROPRIATION

DEPARTMENT: Local Roads & Streets 216.0 DATE: 2/14/92

ACCOUNT	LINE ITEM	AMOUNT
216 - 4310	Belt Loader	94,000.00
216 - 4300	Trucks/Spreaders/Plows	290,000.00
216 - 4320	Mulcher	16,000.00

EXPLANATION OF NEED FOR REQUEST

BALANCE OF ACCOUNTS:

ACCOUNT NO.	BUDGET	DISBURSEMENTS	BALANCE	BALANCE AFTER APPROP

VCC-2

DEPARTMENT HEAD:

[Signature]

REQUEST FOR TRANSFER OF FUNDS

DEPARTMENT: Local Roads & Streets **DATE:** Feb. 5, 1992

	<u>ACCOUNT</u>	<u>LINE ITEM</u>	<u>AMOUNT</u>
FROM:	216-4910	Green River Road North	10,541.00
TO:	216-4837	Boonville New Harmony Rd.	10,541.00

BALANCE OF ACCOUNTS:

<u>ACCOUNT NO.</u>	<u>BUDGET</u>	<u>DISBURSEMENTS</u>	<u>BALANCE</u>	<u>BALANCE AFTER TRANS.</u>

VCC-3

DEPARTMENT HEAD: 

REQUEST FOR TRANSFER OF FUNDS

DEPARTMENT: Local Roads & Streets DATE: Feb. 5, 1992

	ACCOUNT	LINE ITEM	AMOUNT
FROM:	216-4910	Green River Road North	10,541.00

TO:	216-4837	Boonville New Harmony Rd.	10,541.00

BALANCE OF ACCOUNTS:

ACCOUNT NO.	BUDGET	DISBURSEMENTS	BALANCE	BALANCE AFTER TRANS.

VCC-3 DEPARTMENT HEAD: 

ORDINANCE #_____

AN ORDINANCE APPROVING AN AMBULANCE SUBSCRIPTION PROGRAM FOR
ALEXANDER AMBULANCE SERVICE, INC.

WHEREAS, I.C. 27-4-5-2(a) (10) exempts ambulance service providers who transact business in the state from obtaining a certificate of authority from the Insurance Commissioner of the State of Indiana if the ambulance service program is approved by the legislative body of the legal entity in which it operates and if the ambulance service provider does not offer any membership program that includes benefits exceeding one year in duration; and

WHEREAS, Alexander Ambulance Service, Inc. requests such approval of its "ALL CARE" Program from the Vanderburgh County Commissioners; and

WHEREAS, Alexander Ambulance Service, Inc. represents that it is duly qualified under the provisions of I.C. 27-4-5-2(a), that its ALL CARE Program is in compliance with all applicable laws and that the program will be of benefit to the citizens of Vanderburgh County;

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

Section 1. Findings.

The Vanderburgh County Commissioners finds that the ALL CARE program of Alexander Ambulance Service, Inc., substantially complies with I.C. 27-4-5-2(a), and approval of the Commissioners are necessary for said Alexander Ambulance Service, Inc. to offer said program to the citizens of Vanderburgh County.

Section 2. Approval of Program.

The Vanderburgh County Commissioners hereby approves the ALL CARE program of Alexander Ambulance Service, Inc., for the purpose of complying with I.C. 27-4-5-2(a) only.

Section 3. Effective Date.

This ordinance shall be in full force and effect from and after its passage by the Vanderburgh County Commissioners and the signing of the Commissioners and attested by the County Clerk.

ALL CARE Ordinance
Page 2

Passed by the Vanderburgh County Commissioners and
attested by the Vanderburgh County Clerk this 18th day of
February, 1992.

Vanderburgh County Commissioners

Caryn McClinton
[Signature]
Richard J. Barnes

Attest:

[Signature]
Vanderburgh County Clerk
Auditor
(11/11)

2/18/92 Jm G. 7

January 18 Sat
~~January 22, 1992~~

100



c. Combined Location - Design Study
& Report

d. Environmental Services

(1) Categorical Exclusion

OR

(2) Environmental Assessment/FONSI

OR

(3) Environmental Impact Statement

(4) Public Hearing Hours

(5) Archaeological reconnaissance

e. Road Design and Plans (including R/W
Plans)

f. Bridge Design and Plans (including approach
R/W Plans)

23,500.00

g. Plat #3

350.00

h. Signs

i. Signals

j. Barrier Rail Revision

1,500.00

k. INDOT Design Memos & Standards Changes

2,162.50

3. Except as herein modified, changed and supplemented, all terms of the original Agreement, dated April 20, 1987, shall continue in full force and effect.

IN TESTIMONY WHEREOF, the parties hereto have executed this Agreement

CONSULTANT
Veach, Nicholson, Griggs Assoc.

By



President, Darrell A. Veach


LOCAL PUBLIC AGENCY
Vanderburgh County Commissioners


By


President - Carolyn McClintock

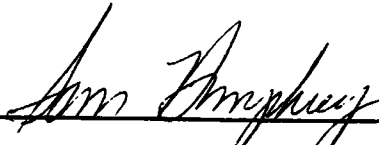
ATTEST

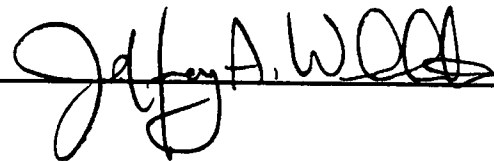

Secretary, Billy T. Nicholson

By 
Member - Don Hunter

By 
Member - Richard J. Barries

ATTEST:


Approved as to Legality and
Form:

 County Attorney

DEBARMENT CERTIFICATION

DARRELL A. VEACH
(PRINTED OR TYPED NAME OF OFFICIAL)

being duly sworn, certifies that except as noted below, the CONSULTANT or any person associated therewith in the capacity of owner, partner, director, officer, principal investor, project director, manager, auditor, or any position involving the administration of federal funds:

- 1) is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency;
- 2) has not been suspended, debarred, voluntarily excluded or determined ineligible by any federal agency within the past 3 years;
- 3) does not have a proposed debarment pending; and
- 4) has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past 3 years.

Exceptions are as follows:

Exceptions will not necessarily result in denial of award, but will be considered in determining the CONSULTANT'S responsibility. For any exception noted, indicate to whom it applies, initiating agency, and dates of action. Providing false information may result in criminal prosecution or administrative sanctions.

BY

(SIGNATURE)

(TITLE)

DARRELL A. VEACH

PRINTED OR TYPED

VEACH, NICHOLSON, GRIFFS ASSOC
COMPANY

Before me, a Notary Public in and for said County and State, personally

appeared Darrell A. Veach, who swore to and acknowledged the truth of the statements in the foregoing certification on this 17th

day of January, 1992.

BY

Barbara A. Runyon

(SIGNATURE)

(NOTARY PUBLIC)

My Commission Expires 3/13/92

Vanderburgh
(COUNTY OF/ RESIDENCE)

BARBARA A. RUNYON
(PRINTED OR TYPED)

(Form approved by the Attorney General)

NON-COLLUSION AFFIDAVIT

STATE OF INDIANA)

COUNTY OF)

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

DARRELL A. VEACH
 (Print or type name)

Subscribed and sworn to before me this 17th day of January, 19 92.

 Notary Public

My Commission Expires

3/13/92

Category Of Work	Manhours By Classification					Total Hours
	Engineer	Technician	Draftsman			
1. Barrier Rail Fence Sheet Added	3.0	1.0	8.5			12.5
2. Design speed changed to match posted speed -						
Change vertical curve data on plans & calc.	4.0	3.0	1.5			8.5
3. Add underdrain caps, paved shoulders over						
underdrain, delete Sealcoat 5, revise Sealcoat						
2, revised Typical Cross-sections, Bridge						
Summary and Quantities	2.0	6.0	7.0			15.0
4. Guard Rail revisions - changes to Typical Cross-						
Sections, Plan & Profile, Bridge Summary, Cross-						
Sections, Quantities & Geometric Calculations	5.0	5.0	6.5			16.5
5. Revise Approach Slab Extension - Approach Slab						
Sheet, Superstructure Details, General Plan &						
Quantities	0.0	2.0	1.5			3.5
6. Revise Title Sheet, due to Standard Changes	0.0	1.0	3.5			4.5

Category Of Work	Manhours By Classification					Total Hours
	Engineer	Technician	Draftsman			
7. Misc. Revision (INDOT) - Traffic Control, General Plan, Bridge Summary & Quantities	0.0	3.0	2.0 ¹			5.0
8. Misc. Items - Run 3 sets of prints & revised Quantity & Geometric Sheets	0.0	0.0	3.0			3.0
Total Hours	14.0	21.0	33.5			68.5
Hourly Rates	25.00	9.50	8.00			
Man Hour Costs	350.00	199.50	268.00			817.50
Overhead @ 1.2367						1,011.00
Sub-total						1,828.50
Profit @ 15%						274.00
TOTAL						2,102.50
Indirect Cost - 3 set of prints (80 sheets) @ \$.75 sheet						60.00
						2,162.50

INDIANA DEPARTMENT OF TRANSPORTATION


INDIANAPOLIS, INDIANA 46204-2248
INTER-DEPARTMENT COMMUNICATION

October 1, 1991


DESIGN MEMORANDUM #1

TO: All Design, Operations, and District Personnel, and Consultants

THRU:


James M. Johnson
Design Services Manager
Division of Design

FROM:


John R. Szabo
Design Standards Engineer,
Design Services Section,
Division of Design

SUBJECT: Bituminous Materials Policy

EFFECTIVE: Immediately on all projects

SUPERSEDES: Section 7-620 (Bituminous Materials) of the Road Design Manual as well as the following Road and Bridge Memorandums:

Road Memo #24 (4/5/68)	Road Memo #99 (Rev. 5/15/85)
Road Memo #34 (Rev. 5/5/81)	Road Memo #105 (4/22/85)
Road Memo #65 (10/13/72)	Road Memo #109 (Rev. 6/13/86)
Road Memo #75 (1/12/76)	Road Memo #127 (5/23/90)
Road Memo #84 (Rev. 5/15/85)	Bridge Memo #36 (11/2/56)
Road Memo #90 (Rev. 9/23/82)	Bridge Memo #53 (10/28/59)
Road Memo #94 (1/14/83)	Bridge Memo #168 (8/11/75)
Road Memo #98 (Rev. 3/14/84)	Bridge Memo #182 (3/14/78)

Road Memo #72 (previous revision 5-15-85) has been revised, in conjunction with this memorandum, to delete many items that are already on the Standard Sheets and/or in the Standard Specifications. Also, several items have been transferred from Road Memo #72 to this memorandum. This memorandum is a compilation of information from Section 7-620 of the Road Design Manual and previously issued road and bridge memorandums to provide the designer with all the necessary bituminous pavement materials information for all common applications. Items currently covered in the Standard Specifications and/or on the Standard Sheets are not repeated in this memorandum.

The pavement design committee develops the policy for determining bituminous and concrete pavement sections. The terms "approved" or "approval", as they appear herein, indicate the contact person who has the pavement approval authority for specific types of projects as follows:

- 1) Materials Engineer of the Division of Materials and Tests, for District developed resurface projects with ADT's < 5000;
- 2) Pavement Design Engineer of the Division of Design, for all other projects.



INDIANA HI-RAIL CORPORATION

Rural Route 1, St. Rd. 11 North
Connersville, Indiana 47331

Phone (317) 825-0340

Fax (317) 825-0453

October 3, 1991

Indiana Department of Transportation
100 North Senate Avenue
Room 1101
Indianapolis, IN 46204-2249
ATTN: Fred Hohl, Professional Engineer
Highway/Railroad Manager

RECEIVED

OCT-07 1991

UTILITIES SECTION

Dear Mr. Hohl:

* Enclosed are the two original agreements governing the replacement of the existing Orchard Road bridge over IHRM with a new structure in Vanderburgh County identified as Project BRZ-9982(); CN. Upon execution by other parties please return one copy to us for our file and then notify John E. Porter, Chief Engineer, Indiana Hi-Rail at Connersville, Indiana, when work will commence.

We have had a request from our operating group that the bridge be examined to have fencing added to both sides which would prohibit the tossing of debris down on the railroad tracks or on the operations of trains in the vicinity. We are requesting that your engineers examine their plans to add this request. Should there be further information or discussion with regards to this matter please have those people contact John E. Porter at the above address.

Should you have any questions regarding the contracts please address those to the undersigned at the above address.

Respectfully,

David L. Smoot
Executive Vice President

enclosures

cc: John E. Porter

DLS/arn

Shippers & Service are "Hi" priority with us

INDIANA DEPARTMENT OF TRANSPORTATION

INDIANAPOLIS, INDIANA 46204-2249
INTER-DEPARTMENT COMMUNICATION

November 21, 1991

MEMORANDUM

TO: INDOT Design Staff, Design Consultant, FHWA, and Local Public Agencies.

THRU: Michael R. Sudberry, *MS*
Chief-Div. of Local AssistanceTHRU: Gregory L. Henneke, *YLB*
Chief-Div. of DesignTHRU: Hasmukh R. Patel, *HRS*
Bridge Replacement Eng.FROM: John E. Wright, *JW*
Bridge Eng./LPA SquadSUBJECT: FHWA and INDOT Policy on Design Speed of Rural Roads

EFFECTIVE: PS&E APPROVAL as of October 2, 1991

All projects, whether "RRR" or "NEW & RECONSTRUCTION STANDARDS" shall be designed using a 55 mph design speed unless a speed limit was previously established & posted or an engineering traffic study is accomplished to justify a lower than 55 mph speed limit per Indiana Code 9-21-5-2, 9-21-5-3 and 9-21-5-6. Specific geometric features of a project may be designed for less than 55 MPH operating speed if a design exception is approved for that feature!

Design exceptions for design speed normally will not be considered since design speed affects all critical design elements. The intent is to design the project for the legal speed limit or "Green Book" minimum design speed (when applicable), whichever is greatest. Design exceptions are to be submitted for only those specific critical design features which an engineering study shows cannot be justifiably constructed to appropriate standards. The study must cover all of the items listed in INDOT Road Memorandum No. 118 dated October 21, 1987 on "Design Exception Requests."

INDIANA DEPARTMENT OF TRANSPORTATION

INDIANAPOLIS, INDIANA 46204-2249
INTER-DEPARTMENT COMMUNICATION

December 2, 1991

DESIGN MEMORANDUM #2

TO: All Design, Operations, and District Personnel, and Consultants

THRU: *James M. Johnson*
James M. Johnson
Design Services Manager
Division of Design

FROM: *John R. Szabo*
John R. Szabo
Design Standards Engineer,
Design Services Section,
Division Of Design

SUBJECT: New Guardrail System to replace Guardrail Classes B₂, D₂, E₂,
and H₂, and resulting revisions to guardrail transitions, and
guardrail end treatments

EFFECTIVE: All projects let in and subsequent to March, 1992

SUPERSEDES: Road Memorandum #132, September 3, 1991; Road Memorandum
#110, October 14, 1986; Road Memorandum #107, Revised
October 1, 1991; Bridge Memorandum #241; Those portions of
Road Design Manual Section 7-601 regarding the types and
classes of guardrail and the guardrail-to-hazard offsets at
minimum installations at fixed objects.

The new G4(1S) type guardrail system discussed in the September 3, 1991 issuance of Road Memorandum #132 shall be put into effect in accordance with the criteria contained herein. The economy and simplicity of this new railing has elevated the need to implement its use as soon as feasible. This new railing system will begin to appear as a contractor option on the November 1991 letting, via a special provision, and will allow the Contractor to substitute this new railing system for Guardrail Classes B₂, D₂, E₂, and H₂. This substitution does not apply to Guardrail Transitions type GB and GP, which will become separate pay items.

INDIANA DEPARTMENT OF TRANSPORTATION

INDIANAPOLIS, INDIANA 46204-2248

INTER-DEPARTMENT COMMUNICATION

December 13, 1991

STANDARD SHEET MEMORANDUM

TO: All Design, Operations, and District Personnel,
and Consultants

THRU:

James M. Johnson
James M. Johnson
Design Services Manager,
Division of Design

FROM:

John R. Szabo
John R. Szabo
Design Standards Engineer,
Design Services Section,
Division of Design

SUBJECT: Newly Adopted Guardrail Standards Sheets; Deleted Guardrail,
Bridge, and Traffic Standards Sheets; Retained Guardrail
Standards Sheets; Special Provisions; New Standards Sheet
Index.

EFFECTIVE: All projects let in and subsequent to March 1992.

Attached hereto are prints of new *Guardrail Standards Sheets*, adopted December, 1991, and were transmitted to the Federal Highway Administration on December 13, 1991 for their approval. These sheets are the first of two groups of standards for the Department's version of the G4(1S) guardrail system, and are being issued in conjunction with Design Memorandum #2, dated December 2, 1991. These standards replace the deleted standards sheets listed herein. They also replace the special provision details included in contracts let in November and December 1991, and January and February 1992, allowing the contractors to substitute this new guardrail system for the old "rub-rail" type rail.

The new sheets are designated and grouped by application, i.e., G = Guardrail components and assemblies, T = Transitions, E = End Treatments, B = Bridge approach guardrail. The second group will detail typical layout applications for pier protection, and hazard protection, and will be designated in a similar manner to this first group.

A) New Guardrail Standards Sheets - The following attached sheets contain all of the details needed by the contractors to fabricate, assemble, and install the new system.

1) Guardrail Sheet G-1: W-Beam Guardrail Components - This sheet details the W-Beam Guardrail components used in the new rail system, and any other system which utilizes W-Beam components.

12/19/21

INDIANA DEPARTMENT OF TRANSPORTATION

BRIDGE DESIGN COMPUTATIONS

If on March letting return to John Wright by 1-6-78

- 1107-1 B't S.F. 11.4.4

33072nd Bt Bn - 5D

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Do not place any seal ^{on} ^{the} ^{Control} ^{Box} ^{or} ^{on} ^{any} ^{part} ^{of} ^{the} ^{Aggregate}

- 4) Item 36 Nursery Sodding → delete and add quantity to same as Sodding.
- 5) Item 55 Delete Barr, → The district says we don't need it.
- 6) Revise Project For Design Memo: 2 (Guard Rail).

**MINUTES
COUNTY COMMISSIONERS MEETING
FEBRUARY 24, 1992**

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Lou Wittmer to draw up list for Commissioners, so we can determine if the City owes the County rent monies	
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**MINUTES
COUNTY COMMISSIONERS MEETING
FEBRUARY 24, 1992**

The Vanderburgh County Board of Commissioners met in session at 5:30 p.m. on Monday, February 24, 1992 in the Commissioners Hearing Room with President Carolyn McClintock presiding.

RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

President McClintock called the meeting to order, welcomed the attendees, introduced members of the County Staff, and asked the meeting participants to stand for the Pledge of Allegiance.

Ms. McClintock then asked if there are any individuals or groups present who do not find their particular item of interest on today's agenda. There were none.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

Bids were entertained on the County-Owned Surplus Real Estate advertised for sale. There were no bids.

RE: AUTHORIZATION TO OPEN BIDS ON FURNITURE FOR SUPERIOR COURT

Ms. McClintock then entertained motion to authorize Attorney Price to open bids on furniture for Superior Court.

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

RE: AGREEMENT WITH SZABO FOR FOOD SERVICE AT THE COUNTY JAIL

Commissioner McClintock said this item was brought to the Board back in January. However, Szabo had just presented us with an Addendum. The Board had asked to review the entire agreement. They have now submitted the subject agreement, which has been approved by the Sheriff and reviewed by the County Attorneys. Therefore, the Board now needs to approve and execute the agreement.

Attorney Price asked if the Board isn't executing just the Addendum tonight?

Ms. McClintock said she believes the Board is actually approving the Agreement.

Attorney Price said the agreement was actually entered into back in the 70's and the Addendum is merely to change the term of the agreement from a year to year basis.

Ms. McClintock said perhaps it was Jeff Wilhite's office that the Commissioners asked to obtain a whole new deal, because he was afraid the Commission would lose track of what the whole agreement was, because we just continued to sign the year to year addendum.

RE: AUDITORIUM PARKING LOT - MARSHA ABELL

City Clerk Marshal Abell said she believes the Commissioners have information in their meeting packets concerning the proposal to change the 25 meters with a three (3) hour limit to a ten (10) hour limit.

Ms. McClintock said it is her understanding they only have three hour and ten hour meters available at this point. Therefore, they can install the ten hour meters at no additional cost.

Ms. Abell confirmed this is correct and stated they have the manpower to do the changeover.

Mr. Borries asked how much is charged for three hours?

Ms. Abell said it is 25 cents per two hours, so she assumes it is 25 cents plus 10 cents for the additional hour. The three hour meters take both coins. The ten hours do not take both coins. The ten hour meters take four (4) quarters -- \$1.00, which gives those parking 2-1/2 hours for twenty-five (25) cents. In response to query concerning nine (9) hour meters, Ms. Abell said these are not available.

Ms. Abell said the reason they're bringing this up -- some of the employees would use the three hour meters, but since they come to work at 8:00 a.m., they can't get back out there at 11:00 a.m. to feed the meter. If the meter went four (4) hours, they could get back out at 12:00 noon and put more money in it for the afternoon. So even a four hour meter would be better to meet their needs, but the ten hour meter would keep them from having to go out there at all. The three hour meters are ridiculous and don't make any sense -- and we do not have the parts for four hour meters.

Ms. McClintock said we're averaging \$1.08 per week per meters. In comparing that to the merchant's lot which has 94 meters with a ten hour limit and eight with a three hour limit, they're averaging \$4.65 per week per meter on that lot. Therefore, Ms. Abell is proposing the change all 25 meters to 10 hour meters on the Auditorium parking lot. Two of those 25 meters are reserved for handicapped parking. The individuals still pay, but they are designated as handicap parking.

Mr. Borries said some people are going to end up paying more than they would have to -- and every amount is scarce for people in these days. He is just wondering if we have a mechanism that goes 35 cents for three hours that uses a dime, why...

Ms. Abell said we don't have one mechanism that goes for three hours -- that is a two-coin slot. The ten hour meters are a one-coin slot.

Mr. Borries said we can try the ten hour meters, he guesses.

Ms. McClintock said then right now it costs \$1.15 for those people to park there for nine (9) hours and it will be \$1.00 with the ten hour meters -- so it is a little bit less expensive for the employees, but generate a little more revenue for the County.

Ms. Abell said the lot on Locust Street is always full. That is because there are people who work downtown two or three days a week and they do not want to rent space on a monthly basis, so they can use that lot and save money. In looking at the City budget, some \$96,000 was paid to temporary employees last year in salaries. Those people probably aren't working five days a week and wouldn't want to pay for a full permit. Those are the people she was hoping we could accommodate. We could try it. If it doesn't work, it could be changed back.

There being no further comments, a motion was entertained.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the 25 parking meters at the Auditorium Parking Lot will be changed to 20 hour limit meters as opposed to a three hour limit. The charge is to be 25 cents per 2-1/2 hours for a total of \$1.00 per ten hour period. So ordered.

Ms. Abell will make a report back to the Commission within a month or so with regard to the use of the ten hour meters.

RE: E-911 DELINQUENCY SURCHARGE REPORT

It was noted by Commissioner McClintock that the Commissioners have a copy of the report from GTE concerning the E-911 surcharge payment listing -- payments refused. According to Public Law 91, GTE is responsible for informing us of customers who have refused to pay the emergency service during the months listed. According to Indiana Bell, they cannot go after these subscribers -- but the County can, if there is any interest in doing so. In reviewing the list, it was noted the majority of the charges are minor (35 cents, 70 cents). Ms. McClintock noted she was surprised to note a number of instances where the same people over and over and over again -- and there seems to be some pattern. There are a number of government agencies listed (FAA, U. S. Marine Corps, etc., Dan Coates and all kinds of people.)

Ms. McClintock asked if the Commissioners want some kind of letter prepared to send to these groups?

It was the consensus of the Board that a letter should go out over the Commissioners' signatures to these agencies and individuals.

RE: READING OF BIDS - OFFICE FURNITURE

The meeting continued with Attorney Price reading the following bids into the record with regard to the office furniture for Superior Court:

Corporate Design - \$9,465.00
Business Interiors - \$13,900.00
Smith & Butterfield - \$11,894.00
ID&A, Inc. - \$11,177.89
Atlas Office Supplies - \$20,794.80

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the bids are to be referred to the Purchasing Department for their expertise and a recommendation to the Board on March 2nd. So ordered.

RE: COUNTY ATTORNEY - GARY PRICE

Weekly Report: Attorney Price said the Board already has copies of his weekly report.

Parking Lot/Coliseum: Attorney Price said Item #4 on his report is probably the only item requiring action and it concerns the parking lot behind the Coliseum. The report indicates what actions must be taken and he guesses it's a matter of determining whether or not we want to proceed with said actions. We first need to set a public hearing. Once we have that public hearing, make a determination to go forward from there; and, if we do, then hire two appraisers and then request bids for the management of the property.

Ms. McClintock entertained questions concerning the procedure outlined.

Commissioner Borries asked Mr. Price why this would not have had to be done with the lot adjacent to the Auditorium, since it is also County property?

Ms. McClintock interrupted, "Because we want somebody to manage it."

Mr. Borries asked, "Have we ever discussed that we want someone else to manage it? Why can't the County manage that and enter into the same kind of situation that we have at the Auditorium? Is that an option that has or has not been explored or discussed?"

Ms. McClintock responded that it is her understanding that the Veteran's Council had an interest in operating that for the County. She would assume that is the type of discussion we would have in a public hearing. But if Mr. Borries wants to discuss that now and make that decision -- that would be fine.

Commissioner Borries said he is not saying he is for or against it, but he is not sure that the matter has been discussed adequately. He would like to see some kind of commitment by this Board to either enter into an agreement with the Veteran's Council (who have expressed interest to pave that lot) or have the County do it itself. He thinks it very important that if this lot is going to be fully utilized that it be paved, marked off, striped, etc., the way any lot should be. It was his understanding when the County purchased the property to enhance the use of the Coliseum and enhance the use of the Courthouse for daily events and business, that this was all part of what the plan would be -- and this has not happened. He would like to see some planning take place to pave that lot.

Ms. McClintock said, "First of all, this has been brought to Commission meeting before and we asked Gary (Price) to research what we needed to do to lease that lot to the Veteran's Council. That has been done and it was done in a public meeting. We have taken in a public meeting information from the County Engineer's office on the cost to the County to pave that lot. That's gone to Redevelopment Commission and I went to all of those meetings and that has been approved. We are now to the point where we either need to say we want to look leasing this to the Veteran's Council or another qualified lessor or the County wants to move forward and operate that lot and pave it. I agree that in either case it needs to be paved. The issue before us this evening is whether we want to proceed with potential lessor for that lot or do we want to drop that and have the County do it."

Commissioner Borries said he doesn't think there is any question in his mind but that he'd prefer to see the Veteran's use this and be able to enter into an agreement (he hasn't seen an agreement). Has Attorney Price had any kind of proposed contract that he's discussed with the Veteran's Council?

Attorney Price said he did discuss this with Mr. Jones, their attorney. But it stopped short because of the procedures the County needed to follow first. They did not discuss any kinds of terms or anything like that, just the general language of the contract, etc -- but nothing regarding the term of the contract or the amount.

Mr. Borries noted it says that the parking lot has to be appraised by two appraisers. Does this mean that this parking lot has to be appraised in its current condition?

Attorney Price responded, "Yes."

Mr. Borries asked, "Not being paved, right?"

Attorney Price responded, "Sure. And then, in turn, the conditions could reflect that future pavement -- but you have to appraise it as it is right now."

Commissioner Borries said, "Well that is one of the questions I had in raising this whole issue -- as to whether or not it is going to be paved -- because we aren't even going to be able to get an accurate appraisal here to get the right kind of information to ask the right kind of questions for any potential bidder, be it the Veterans or anybody else if it is not even paved at this point."

Ms. McClintock interrupted, "Excuse me. This is the procedure that we need to follow to follow the law, is that not correct?"

Attorney Price responded, "That is right, whether it is a non-governmental entity being

the lessor."

Mr. Hunter asked, "And the Veteran's Council would fit that?"

Mr. Price responded, "Yes."

Ms. McClintock continued, "And the parking lot could be appraised the way it is. When we write a lease agreement, if it is our intention in the bid process to have the lessor pave that and have it reflected in the lease, we can still do that -- whether or not the property is appraised the way it is now or not? Because the only way we could have the property appraised paved is if we went ahead and paved it."

Mr. Borries said, "Well, we sure want to follow the law, so I will move that we go ahead and follow what the County Attorney has outlined."

Second to the motion was made by Commissioner Hunter. So ordered.

Ms. McClintock said we need to schedule a public hearing regarding the leasing of the Parking Lot located adjacent to the rear of the Coliseum. It was determined that the hearing will be scheduled at 5:30 p.m. on March 23, 1992. (Subsequent to the meeting, the hearing was scheduled at 5:30 p.m. on March 16, 1992 at which time Attorney Price will be in attendance.)

RE: COUNTY ENGINEER'S OFFICE

Commissioner McClintock recognized Scott Davis of the County Engineer's Office.

Relinquishment from the State/S.R. 66 (Lloyd Expressway Improvements): Mr. Davis said the State wants us to take these areas over after they perform some reconstruction. The County Engineer's office has reviewed these items over a period of time and there have been some minor changes made by the State to these items and it would be his recommendation that we execute what is basically an INDOT road transfer memorandum of agreement and have this body make a motion to accept these roads for maintenance upon receipt of the actual legal transfer documentation back from the State. The total mileage is about 22.7 miles located on two different roads.

Relinquishment/I-164: There are basically 30 different items on this one. There were quite a few problems and the State had to perform quite a bit of work to bring them up to our standards before the Engineer's office would even agree to bring it to this body. The total mileage on this is approximately 9 miles. This has come up before, but the decision was made to hold off on it until the State performed work on these roads. About sixty days ago Greg Curtis and Gary Kercher finished the last of the reviews and submitted the last of the documentation to the State (recommendations for work to be performed). They were relatively minor and have all been taken care of.

There are two items on the copy that have basically been voided, pending the State's determination as to whether to keep possession of those at our request. We should have further documentation on that at a future date. It would also be his recommendation on the packet dealing with I-164 to accept these roads for maintenance once we receive the formal transfer documentation. The documents submitted to the Commissioners today merely states that we are in agreement to accepting these roads for maintenance once we receive the executed documentation from the State. In most cases these are roads the County already owned and they were either split in half by I-164 and we required new pavement, cul-de-sac reconstruction, etc., or they were roads which a lot of the equipment used in the construction of I-164 traveled and there was severe deterioration to the pavement, side

ditches, etc., and we asked for reconstruction.

Following further brief discussion, upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the aforementioned roads were approved for acceptance subject to receipt of properly executed final documentation from the State. So ordered.

Loose Materials Ordinance/Section 92.03 & 92.99 Penalty Clause: Mr. Davis said we have an individual near the Union Township Access Project -- we're receiving a lot of complaints from people out there, as well as from the Contractor, on the project re violation of the Ordinance. They are hauling coal and the trucks are leaving the facility uncovered and coal dust is going everywhere (it's Mulzer facility down off Old Henderson Rd.). They've been pretty good about cleaning the street. But what they've been doing basically is taking a water truck down there and washing it into the ditches and into the yards of the homes out there, which is unacceptable. It poses a health hazard. It is causing a problem for the residents; some days it blows all over the road. The question is, what is our next step? The County Engineer's office has been dealing with them quite a bit and they're beginning to encounter quite a bit of resistance from this individual.

Commissioner Hunter asked if these are Mulzer's trucks or trucks hauling contract coal?

Mr. Davis responded, "Both. The way I understand it, if they are under contract they are under contract to Mulzer's. So Mulzer's would, he assumes, be ultimately responsible for those whom they hire to haul and those trucks which they own."

Ms. McClintock asked Attorney Price for his opinion on this matter.

Attorney Price asked if they've been in contact?

Mr. Davis said personnel from the Engineer's office have contacted Mulzer on numerous occasions. He, personally, has talked to individuals at Mulzer's twice and Mr. Kercher has talked to them more than that.

Ms. McClintock asked if there is anything in writing?

Mr. Davis responded, "No; that is why I want to know what we need to do. This is similar to a question they'd brought up before concerning other violations of other portions of the Ordinance and the determination at that time was that they would let the County Attorney know; the Attorney would draft a letter; we would then send that letter to them spelling out what the next step would be."

Ms. McClintock entertained a motion.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, Attorney Price will draft a letter to be forwarded to Mulzer's.

Acceptance of Performance Bond/Certificate of Insurance/Southwest Engineering (Kleitzi Rd. Bridge Project - VC-12-02-91): Mr. Davis submitted the subject documents for transmittal to Joanne Matthews for inclusion with the contract on this project.

Claims: Mr. Davis said he submitted four claims to Mr. Hunter, three of which are the monthly payments for the truck for the Union Township Access Project (January, February, and March). The fourth claim is for engineering services provided by Bernardin, Lochmueller for S. R. 62 and USI Interchange.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries

the claims were approved for payment. So ordered.

Notice to Proceed/Green River Rd. North/Construction Engineering Services/United Consulting Engineers: Mr. Davis said this document needs to be executed. Mr. Hall has indicated we can expect at anytime the billing for the 25% share that we are required to pay for the construction costs which, based on the bid price, would be approximately \$757,000. We should receive that claim within the next week or so and we'll need to expedite the payment of that claim to the State so they, in turn, can give Notice to Proceed to the construction company on that project. We do have ample money in the account to cover the claim.

Motion to approve the Notice to Proceed to United Consulting Engineers was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

RE: VANDEBURGH AUDITORIUM - JACK KIRWER

Request for Refund/C.K. Newsome Advisory Committee: Mr. Kirwer said he is here because the C. K. Newsome Advisory Committee has requested a refund on their recent dance. Quite a bit of trouble was encountered at the Auditorium. He has given the Commissioners a letter which pretty well outlines the problems encountered as a result of the delay in setting up their sound system. There were about 2,000 people crowded in the lobby area and immediately outside the lobby area and there were a lot of fights. Finally, there was a shot fired and he canceled the dance. It was 1:48 a.m. by the time he could get everybody out in an orderly fashion and get out himself. He had to call the City Police for help the second time to get everyone moved out and not encounter further problems. Since they asked for a refund, he didn't feel he could do this on his own but rather needed the Commission's approval. This also involves \$208.00 for security charges that C. K. Newsome Center would be charged. We can charge them for that without charging them for the dance. Part of the problem was with their system and set-up of the sound system.

To clarify, Ms. McClintock said the delay in setting up the sound system was their sound system. The people who were having the dance had mistakenly hired the same people who were doing the show in the Auditorium to do the dance. This meant they had to take their system from the show to the dance, unbeknownst to the management of the Auditorium. So the delay was caused by the renter of the facility.

Mr. Kirwer interjected that he claims he didn't know they were using the same sound system.

Continuing, Ms. McClintock said the refund claimed is \$764.75 and the security charges were \$208.00 over and above the \$764.75. She then entertained questions or comments from the Commissioners.

In response to query from Commissioner Hunter, Mr. Kirwer said the event was a Black History Talent Show. It was a School Corporation sponsored event. The dance, however, was sponsored by the C. K. Newsome Advisory Committee.

Mr. Borries asked if they prepaid any fee?

Mr. Kirwer said they paid the entire \$764.75 initially. He has not yet billed them for the security.

Mr. Hunter asked that in addition to the security personnel, how much were we out for other County employees?

Mr. Kirwer said there was no cost for County personnel -- none of the custodial staff or anything. The only problem he had was with security; he requested five (5) and they only sent him four (4) security people from the Sheriff's Department -- they said they couldn't find anybody else to work. There was a fifth man coming about 11:30 p.m. and he did show up -- but by that time it was too late for him to go to work. Under the new procedure, we provide the security personnel, but the customer is charged for these people.

In response to query from Attorney Price as to whether we entered into a normal agreement on this, Mr. Kirwer said we did enter into a normal agreement. However, he was the one who canceled the dance -- because of safety problems -- especially after the gun shot rang out. Since they didn't know who had the gun or where he was going to be next, it was decided it was in the best of interest of all concern that the dance be canceled.

In response to query from Commissioner Hunter as to other costs, Mr. Kirwer said there was also air conditioning and heating time; that is pre set and it is nothing he could go back and cancel. It would not been feasible to do that anyway, because there were people still in the building. Ira Neal stayed over there with him a long time. They had a lot of people who would normally have called their parents at 2:00 a.m. when the dance was scheduled to end. They had to call them early -- so the younger children were still their waiting for their ride and they had to stick with them until the whole thing was over.

Commissioner Hunter said to get things rolling, he would suggest we retain the \$108.00 security costs and return the remainder. The Board may find that unacceptable; but since the dance was not held and Mr. Kirwer is saying that other than his time and the air conditioning we were not out anything -- was there any damage?

Mr. Kirwer responded there was damage and he feels he will probably charge it back to the talent show or the School Corporation -- because it happened earlier (it is hard to determine the exact time). They tore one of the lavatories off the wall and there were other things wrong. It took numerous parts and about four hours labor to repair the damage.

Ms. McClintock asked if Mr. Hunter would like to revise his motion to include one half the repair costs.

Mr. Hunter amended his motion to reflect that from the \$764.75 will be deducted the \$208.00 for security and 50% of the repair cost.

Mr. Kirwer said he figures this at about \$100.00.

Mr. Hunter asked if this completely repairs it? Do we need to patch up walls or anything?

Mr. Kirwer responded, "No, that takes care of everything.

Motion was seconded by Commissioner Borries. So ordered.

RE: HIRING OF CONTRACTUAL INTERIM COUNTY ENGINEER

Mr. Wittmer said that since we can't hire a replacement for Greg Curtis until around the middle of April, he obtained a couple of bids from two engineers (Dave Savage and Tom Williams of Hafer Associates) to do work for the engineering department on an as-needed basis if we should happen to need it. Dave Savage quotes \$60.00 per hour and Tom Williams quoted \$75.00 to \$85.00, depending on who was doing the

work.

Commissioner McClintock said, "I need to indicate that I had calls from these two particular firms expressing a willingness to help the Commission and an availability on an as-needed basis and I asked Lou to follow up and get this information. If there are other engineers who we'd like to get this same information from, I am sure we can do that this week. It appears that we are going to need to have someone on about a ten hour per week basis to assist the County Engineer's Department, checking and seeing how projects are moving along. We've got three fairly major projects going now and we're going to be up and running on a couple of other ones in less than a couple of weeks. In addition to that, we have a couple of key people out sick right now. Mr. Pinkston is just getting out of the hospital today or tomorrow and he's in that office. And we have someone else in the Public Works Department (a highway foreman) who is also off. So we're pretty short handed. I wanted to get you these applications and this information. If there is anyone else either of the Commissioners is interested in receiving information from, we'd be more than happy to do that this week. We'd like to try to get somebody in place on Monday, if possible."

Commissioner Borries countered, "Well, I think you should. Again, it just doesn't seem like we get it here. If you were going to take these bids you should have, in my opinion, entered that in or asked to do that before we already got them. I mean, it's after the fact here. There may be others interested. There could be some conflicts here, couldn't there? Has Mr. Savage done work for the County?"

Ms. McClintock responded, "Yeah."

Mr. Borries asked, "Would he be reviewing his own work at some point?"

Ms. McClintock responded, "No."

Mr. Borries asked, "He would not?"

Ms. McClintock responded, "Rick, this is simply a matter of people called, I said go ahead and send the information and I'll bring it up at the Commission meeting on Monday. I'm not asking for any kind of action tonight."

Mr. Borries said, "Well, I'm not going to take any kind of action tonight. You don't have to ask. So I would like to see if there are others, now that we've entered this into the record, perhaps other firms. I would think that we do have at least one engineer over there, Ms. Valerie Harry. I have quite a lot of confidence in Scot Davis' ability to work through things. And although he doesn't have the P.E. logo behind his name, he is more than capable of moving that office along in a very efficient fashion. I've not heard him indicate this evening that he is, at this point, in any kind of desperation move -- so I would want to be very careful that I understand what the conditions of this contract would be before I would approve it. But I would also ask that if we're going to ask some firms, let's ask maybe now that it's been discussed in a public meeting -- there might be others interested."

Commissioner Hunter asked, "Scot, when is Valerie going to go on maternity leave?"

Mr. Davis responded, "Probably around mid-July. And she did ask for the full amount of leave."

Ms. McClintock said, "Okay. Let's put that on the agenda for next week then."

RE: COUNTY SURPLUS SALE

In continuing, Mr. Wittmer said the County held a surplus sale a year ago in April or

May -- he's not sure about the time frame. We're getting a lot of surplus merchandise. Hillcrest Home has a lot of surplus furniture, etc., and we have lots of things (some stored in the basement and some at the County Garage) and it seems to be time to move it out. Since he knows that the auctioneers are quite busy this time of year, he has a tentative date for May 16th (Saturday) with Curran Miller. They're open for that date for the auction at the County Garage, with the Commission's approval.

Ms. McClintock entertained questions of Mr. Wittmer. There being none, a motion was entertained to conduct the auction on May 16, 1992 at 10:00 a.m. at the County Highway Garage.

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

Ms. McClintock asked Joanne Matthews if this needs to be advertised, and she responded affirmatively. Ms. McClintock asked what kind of information she needs from Mr. Wittmer, a list of items? Ms. Matthews again responded affirmatively.

RE: CONSENT AGENDA

The meeting continued with Ms. McClintock entertaining questions concerning the Consent Agenda.

Mr. Borries asked if the Financial Report from Burdette Park (part of the Haralson report) be made part of this public record?

Ms. McClintock said it is becoming part of the record this evening.

Mr. Borries asked, "What about the Haralson report?"

Ms. McClintock replied, "Yes, that will become a part of the record after the Advisory Committee has had an opportunity to review it and they come to discuss it with the Commissioners. Any other questions on the Consent Agenda?"

There being none, a motion was entertained.

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

RE: OLD BUSINESS

Tri-State Minority Committee: President McClintock entertained matters of Old Business to come before the Board. There was no response, and Ms. McClintock said the only item she has under Old Business is that we did receive (each Commissioner should have received in his box) a copy of the brochure regarding the Tri-State Supplier Business Directory -- information that we had requested from the Tri-State Minority Suppliers. We indicated last week that we would send for this additional information. B.J. didn't remember it was scheduled for tonight's agenda. Would the Commissioners like to schedule this on next week's agenda?

Mr. Hunter said that is fine with him -- he went through it yesterday.

Ms. McClintock said she will put it on next week's agenda.

RE: NEW BUSINESS

Addendum to Szabo Contract: Commissioner Hunter said County Council would like

to place the Addendum to the Szabo contract placed on next week's agenda. He wants an opportunity to do a little more homework on that.

County Board of Review: Commissioner Borries said that last week there was also some discussion concerning the County Board of Review by Ms. Cheryl Musgrave. Is that on today's agenda -- or will any action be taken on that tonight -- or will that be something that will be on next week's agenda?

Ms. McClintock said it was an issue referred to Jeff Wilhite. He will be here next week. B. J. needs to make certain he is ready to bring that and, if he is, please inform Mr. Angermeier. If he is not, also let Mr. Angermeier know.

One Stop Permitting Process: Ms. McClintock said she met this afternoon with Ms. Barbara Cunningham of the Area Plan Commission and Building Commissioner Roger Lehman regarding the One Stop Permitting Process. It has been proposed by the City and they have asked that we cooperate in this effort to make a Joint City-County Department. We had talked about this a couple of weeks. In those minutes the original plan was that we would try to loan someone from Barbara's office on a as-needed basis to the Building Commission office. She met with the Mayor about a week and a half ago and that system simply was not workable, because the whole idea was to go in, stop at the desk, get your paper work filled out, and be able to leave and not have to go to various offices. Roger Lehman had proposed that we cut a door between the APC office and this one stop office where the APC person who would be working in one stop would be located now, and the Building Commission person who was working in one stop would be located in the Building Commission office -- so that they each could continue their normal work responsibilities and then the few times that a commercial customer comes in, they can then help them in the one stop permitting process. Since January 1 of this year, only thirteen (13) commercial permits have been processed by the City and County (six for the City and seven for the County). Obviously, it is not a rush deal and we don't need full time people sitting there; but it does make it more convenient for the developers and the business people coming in to have this one area they know they go to get their permit issued. The Building Commission is willing to do this; they have the money in their budget to do it. They want permission from the Commission to allow them to make that alteration of the office. We hope to have the agreement between the City and the County back to be signed next week, as to how this is going to operate. Ms. McClintock then entertained questions. There being none, a motion was entertained.

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

Rent Payments/Joint Departments: President McClintock said she has just discovered that because of the way the County does its rent and the way the City does its rent for this building, that there are instances where we're in like 50-50 departments and 60-40 and 85-15 where the County is paying all the rent and they are not being reimbursed by the City for their percentage. She requested that Mr. Wittmer make a list of those joint departments for the Commission and find out who is paying the rent and whether it is being divided between the City and the County on the same basis as the fiscal division of everything else. The County may be owed some money.

Change in Telephone Privileges: Commissioner Borries said he received a letter from Mr. Angermeier with regard to a change in his telephone calling privileges or opportunities. As an elected officeholder, Mr. Borries said he was unaware of these. What is the problem? He'd like to know what is going on. He then asked Mr. Wittmer if he is aware of any change here?

Mr. Wittmer said he has a letter responding to Mr. Angermeier's letter.

Mr. Borries asked if Mr. Angermeier has received the response letter today?

Mr. Wittmer responded negatively.

Mr. Borries asked, "Why not?"

Mr. Wittmer said, "I just wrote it. I didn't know it was coming up today."

Mr. Borries said, "It doesn't make any difference whether you knew or not. I think Mr. Angermeier deserves at least some reply. Are there other offices that are having any difficulties at this point that you're aware of?"

Mr. Wittmer responded, "Maybe a minor difficulty with the change in the tone before you press your code in. I think most people have gotten used to that by now. But that was a change that was made that took a little getting used to."

County Auditor Humphrey said, "I can no longer direct dial a credit card call on my phone."

Mr. Wittmer said, "They couldn't the other day in the Board of Review office. But I went and punched the numbers in and I got it."

Mr. Humphrey said, "Well, I haven't been able to do it on mine."

Mr. Borries asked, "If there are some changes which have taken place, have you informed all the offices that these changes have taken place?"

Mr. Wittmer responded, "Yes."

Mr. Humphrey said, "The only change I've been informed of is the difference in the sound. But there are more changes than that have occurred."

Ms. McClintock said, "Okay. Let's review this information. On Friday, January 31st, Lou personally took around to all the offices a memo from LDS explaining the new procedures that were to go into effect that day. They actually went into effect on February 3rd. And outlined in this memo is how to make a credit card call and how to make a collect call, and it discusses the switchboard operators' involvement in that."

Mr. Humphrey asked, "You delivered that to my office? I've never seen anything like that."

Ms. McClintock asked, "Do you remember who you gave it to, Lou?"

Mr. Wittmer said, "Either Bettye Miles or Cindy."

Ms. McClintock asked, "Can you give Sam a copy of that? Jim, did you ever have that?"

Mr. Angermeier said, "I'm being informed that maybe we possibly didn't look at it until February 4th. My principal objection to that is that I call collect businesses on business schedules and review business schedules with them -- and that is confidential."

Ms. McClintock said, "Jim, the switchboard operator is not the operator downstairs. This person could be anywhere in the United States of America."

Mr. Angermeier countered, "Frankly, I've had the system for 21 years and I've never

encountered any difficulty. Why all of a sudden am I encountering difficulty in calling collect and letting the party on the other end pay the bill? At no time in 21 years has the County ever paid a dime on a phone call from my office. And now all of a sudden it is being changed."

Ms. McClintock said, "What I am going to suggest, Jim, is that Lou call the LDS representative and ask him to come back over and meet with you and review the procedures and with anyone else in the Civic Center who is having difficulty using this system."

Mr. Angermeier said, "That's fine with me. But I don't think it is the Commissioners' business or the County's business. If I make calls on business to someplace else, I don't think you're privileged to record who I'm talking to."

Ms. McClintock countered, "We're not recording who you're talking to."

President McClintock then entertained other matters of business to come before the Commission.

Pigeon Creek/U.S. Army Corps of Engineers: Ms. McClintock said she would note that we did get a copy of a letter written by Mr. Brenner to the U. S. Army Corps of Engineers, per the Commission's request at their last meeting.

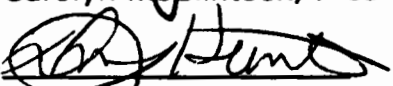
There being no further business to come before the Board, President McClintock declared the meeting adjourned at 6:35 p.m.


PRESENT:


Carolyn McClintock, President
Don Hunter, V. President
Richard J. Borries, Member
Gary Price, County Attorney
Sam Humphrey, County Auditor
Marsha Abell, City Clerk
Scott Davis/County Engineer's Office
Jack Kirwer/Vanderburgh Auditorium
Taylor Payne
Susan Jeffries, Purchasing
Ben Sheperd, Ad-Craft
Bob Brenner, Surveyor
Dan Hartman/Surveyor's Office
Keith Poff/Morley & Associates
Lou Wittmer, Commission Office
B. J. Farrell, Commission Office
James Angermeier, County Assessor
Evelyn Lannert, Chief Deputy Assessor
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Carolyn McClintock, President


Don Hunter, Vice President


Richard J. Borries, Member


CAROLYN MCCLINTOCK
DON L. HUNTER
RICHARD J. "RICK" BORIES

Board of Commissioners

of the
County of Vanderburgh
305 ADMINISTRATION BUILDING
CMC CENTER COMPLEX
EVANSVILLE, INDIANA 47708



TEL. (812) 426-8241

AGENDA

VANDERBURGH COUNTY COMMISSIONERS

FEBRUARY 24, 1992

5:30 P.M.

FINAL

1. CALL TO ORDER
2. INTRODUCTION
3. PLEDGE OF ALLEGIANCE
4. ANY GROUP/INDIVIDUAL WISHING TO ADDRESS THE COMMISSION
5. ACTION ITEMS
 - a. Sale of County Owned Surplus
 - b. Bid Openings:
Superior Court Furniture
 - c. Szabo Correctional Services Contract:
Renewal with all addendum included ready for signatures
 - d. Marsha Abell, City Clerk:
Vand-Aud Parking Meters
 - e. 9 1 1 Delinquency Surcharge Report

6. DEPARTMENT HEADS

- a. Ted Ziemer ----- County Attorney
- b. Scott Davis ----- County Engineer Representative
- c. Jack Kirwer ----- Vanderburgh Auditorium
- d. Lou Wittmer ----- Superintendent of Buildings

7. CONSENT ITEMS

- a. Consent to Travel/Education:

Area Plan (1)

Health Department (2)

- b. Employment Changes:

County Commissioners/Release:

Nancy Corey/Joint Secretary.....7,782.00/YR
2/21/92

County Council/Release:

Nancy Corey/Joint Secretary.....7,782.00/YR
2/21/92

V/W Program-Prosecutor/Release:

Teresa K. Felsher/Clerical.....7.00/HR
2/14/92

County Commissioners/Appointment:

Nancy Corey/Joint Secretary.....8,158.00/YR
2/21/92 (Six Month Step Increase)

County Council/Appointment:

Nancy Corey/Joint Secretary.....8,158.00/YR
2/21/92 (Six Month Step Increase)

V/W Program-Prosecutor/Appointment:

Gayle E. Ross/Clerical.....6.00/HR
2/18/92

Emergency Management Agency/Appointment:

Janice F. Shah/Part Time Data Mgmt.....5.00/HR
2/6/92

Superior Court/Appointment:

Sharon Boardman/Court Reporter.....11.00/HR
2/10/92

- c. Clerk of the Circuit Court/monthly report for January
- d. Burdette Park/Year End Financial Report
- e. Scheduled Meetings

Mon	Feb 24	Alcohol Beverage Commission	6:30 PM	RM 303
Wed	Feb 26	County Council Personnel/Finance	3:30 PM	RM 301
Mon	March 2	County Commissioners	5:30 PM	RM 307
Wed	March 4	County Council	3:30 PM	RM 301

8. OLD BUSINESS

9. NEW BUSINESS

10. MEETING RECESSED

*****DRAINAGE BOARD IMMEDIATELY FOLLOWING*****

BURDETTE PARK
** 1991 STARTING BUDGET **

1991 BUDGETED	\$ 943,973.00
1990 ENCUMBERED BY P.O.	\$ 18,801.30
1990 ENCUMBERED BY CONTRACT	\$ 10,128.18
1991 ADDITIONAL APPROPRIATION	\$ 248,204.14
TOTAL 1991 BUDGET	\$1,221,106.62

EXPENDITURES AND BALANCE 01/01/90 TO 12/31/91

TOTAL EXPENDITURES	\$1,164,643.67
TOTAL RETURNED TO GENERAL FUND	\$ 23,023.52
ENCUMBRANCES BY LETTER	\$ 3,198.54
ENCUMBRANCES BY P.O.	\$ 30,240.89

INCOME 01/01/91 TO 12/31/91

POOL	\$ 436,508.06
RINK	\$ 68,046.95
RENTALS*	\$ 118,067.75
MISC.	\$ 44,309.44
DAY CAMP	\$ 72,040.50
FLOAT STAND	\$ 39,789.69
TOTALS**	\$ 778,762.39

12/31/91

SUB-TOTAL EXPENDITURES	\$1,164,643.67
ADDITIONAL FLOAT STAND EXPENSES	\$ 10,151.59
TOTAL EXPENDITURES	\$1,174,795.26
TOTAL INCOME	-\$ 778,762.39
DEFICIT SUB-TOTAL	\$ 396,032.87
LESS CAPITAL IMPROVEMENTS	-\$ 257,909.90
TOTAL DEFICIT	\$ 138,122.97

*INCLUDES CAMPGROUND RENTAL OF \$23,401.50

**SEE ATTACHED PAGE FOR TOTAL BREAKDOWN

Campground

Burdette Park's campground consists of 24 improved sites, of which 18 have sewer connections. In addition, primitive camping is also available in the adjacent woodland.

Other Recreation Facilities

Recreation facilities, in addition to those discussed above, include, an 18-hole miniature golf course, batting cages, tennis, basketball, softball, fishing, playground equipment, and a BMX course.

OVERVIEW OF OPERATIONS AT BURDETTE PARK

The best indicator of the trends in activity at Burdette Park is the financial summary shown in Table 1. As shown, Table 1 provides a 10 year summary of park operations at Burdette Park, with revenue line items for the aquatic center, the skating rink, facility rentals, the day camp, and miscellaneous activities. It is of interest to note the growth and changes in revenue that have occurred over the past 10 years at Burdette Park. In 1982, revenue at Burdette Park totaled only \$153 thousand, with the aquatic center and skating rink contributing 32 and 31 percent, respectively, and rentals accounting for 26 percent. By contrast, for 1991 -- 9 years later -- Burdette Park generated revenue of \$778.8 thousand, with the aquatic center accounting for 65 percent, rentals 15 percent, and the skating rink, only 9 percent.

The expressed goal of the County Commission and the management of Burdette Park is the reduction of the park's operating deficit. Over the past 10 years, that goal has been largely realized. In 1982, the park's operating deficit was \$343 thousand; by 1990, it had been reduced to only \$52 thousand. In fact, between 1982 and 1990, the deficit was reduced seven out of eight years. However, in 1991, the park's operating deficit increased to \$138 thousand. And, while this was the

Table 1

FINANCIAL SUMMARY FOR BURDETTE PARK: 1982-1991
(000)

<u>Revenue</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>
Aquatic Center	\$ 49.1	\$ 89.5	\$ 70.2	\$115.8	\$156.5	\$198.4	\$215.0	\$221.7	\$392.8	\$506.7
Rink	47.3	38.8	38.7	37.6	33.2	29.2	33.4	53.0	79.4	68.1
Rentals	39.6	56.8	62.9	65.4	69.8	72.0	82.1	106.6	108.1	118.1
Day Camp	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	56.6	72.0
Miscellaneous	<u>17.4</u>	<u>16.2</u>	<u>10.1</u>	<u>23.6</u>	<u>14.9</u>	<u>18.0</u>	<u>19.6</u>	<u>47.8</u>	<u>38.4</u>	<u>13.9</u>
Total	\$153.4	\$201.3	\$181.9	\$242.4	\$274.4	\$317.6	\$350.1	\$429.1	\$675.3	\$778.8
Operating Expenses	<u>496.7</u>	<u>500.7</u>	<u>425.2</u>	<u>500.8</u>	<u>526.9</u>	<u>563.6</u>	<u>579.2</u>	<u>617.0</u>	<u>727.0</u>	<u>916.9</u>
Gross Operating Income (Loss)	(\$343.3)	(\$299.4)	(\$243.3)	(\$258.4)	(\$252.5)	(\$246.0)	(\$229.1)	(\$187.9)	(\$ 51.7)	(\$138.1)

Source: Burdette Park; and William L. Haralson & Associates, Inc.

second lowest deficit in the history of Burdette Park, the increase over 1990 represents a disturbing trend in the wrong direction.

To ascertain the factors that led to the substantial increase in the park's operating deficit in 1991, WLHA requested that the Burdette Park staff compile a summary of operating expenses for 1990 and 1991. This summary is shown in Table 2. As shown, operating expenses increased from \$727 thousand in 1990 to \$916.9 thousand in 1991, an increase of nearly \$190 thousand, or 26 percent. By comparison, park revenues for the same time period increased by some 15 percent. An examination of Table 2 provides a clear indication of the sources of the deficit problem. Three line items emerge as the primary sources of the problem. These are seasonal labor, security, and utilities. Moreover, since seasonal labor and security costs affect payments for social security, retirement and insurance, their overall effect is even greater than is apparent in Table 2. These three line items account for approximately \$115 thousand -- or 60 percent -- of the increase in operating expenses between 1990 and 1991; consequently, an analysis as to the cause of these increases is appropriate.

The largest increase in Table 2 relates to seasonal labor. Two factors appear to be responsible for the 28 percent increase in labor costs. The first of these is the increase in minimum wages from \$3.85 to \$4.25 per hour in 1991. This increase resulted in a 10 percent increase in the level of wages paid to entry level seasonal employees.

The second factor affecting seasonal wage expenses was the County Commission's policy of hiring seasonal employees at the top of the wage schedule, rather than at the minimum, which had been the park's policy in previous years. This policy is estimated to have cost the park an additional \$25 to \$30 thousand over and above the impact of the increase in the minimum wage.

Table 2

COMPARISON OF OPERATING EXPENSES AT BURDETTE PARK: 1990-1991

	<u>1990</u>	<u>1991</u>	<u>Change</u>	
			<u>Number</u>	<u>Percent</u>
<u>Personnel</u>				
Park Management	\$ 51,377	\$ 58,517	\$ 7,140	13.9%
Pool Management	15,022	14,712	(310)	(2.1)
Union	102,822	112,584	9,762	9.5
Union Overtime*	10,481	12,998	2,516	24.0
Seasonal	227,092	291,121	64,029	28.2
Security	17,900	26,444	8,544	47.7
Social Security	32,658	39,415	6,756	20.7
Retirement	10,069	12,576	2,507	24.9
Insurance	25,735	27,242	1,507	5.9
Clothing	3,540	3,540	0	0.0
Subtotal - Personnel	<u>\$496,696</u>	<u>\$599,149</u>	<u>\$102,451</u>	<u>20.6%</u>
<u>Other Expenses</u>				
Fuel	\$ 1,587	\$ 2,785	\$ 1,198	75.5%
Gas	6,000	7,194	1,194	19.9
Tires	1,167	1,483	316	27.1
Garage	1,035	1,055	20	1.9
Uniforms	1,286	2,937	1,651	128.4
Light Bulbs	203	999	796	392.1
Aggregates*	2,568	2,978	410	16.0
Office Supplies	907	1,232	325	35.8
Day Camp	3,499	7,000	3,501	100.1
Chemicals	9,074	8,981	(93)	(1.0)
Sanitary	7,971	11,398	3,427	43.0
Postage	1,000	1,496	496	49.6
Telephone	9,432	10,437	1,005	10.7
Utilities	60,063	96,429	36,366	60.5
Dumpster	5,297	6,230	933	17.6
Advertising	74,217	76,041	1,824	2.5
Equipment*	15,037	20,534	5,497	36.6
Pool*	19,226	25,985	6,759	35.2
Buildings*	37,210	35,730	(1,480)	(4.0)
Laundry	2,687	3,506	819	30.5
Park Planning	4,649	4,200	(449)	(9.7)
Dues	553	360	(193)	(34.9)
Construction	1,874	1,647	(227)	(12.1)
Subtotal - Other	<u>\$266,542</u>	<u>\$330,637</u>	<u>\$64,095</u>	<u>24.0%</u>
Less: Capital Items	<u>36,136</u>	<u>12,900</u>	N.A.	N.A.
Total Operating Expenses	<u>\$727,102</u>	<u>\$916,886</u>	<u>\$189,784</u>	<u>26.1%</u>

* Categories contain some capital expenditures.

Source: Burdette Park.

The second area of personnel expenses that experienced a dramatic gain between 1990 and 1991 was security. This dramatic increase was the result of a change in the County Sheriff's policy of providing late night security for the park. Beginning with 1991, the responsibility and the cost of providing that service was shifted from the Sheriff's office to Burdette Park, resulting in an increase of \$8,544 - or 47.7 percent -- in the cost of security for the park.

The third area of greatly increased operating expenses at Burdette Park in 1991 was utilities, which rose from \$60 thousand in 1990 to \$96.4 thousand in 1991. This increase was due to expanded activity at Burdette Park, coupled with an unusually hot summer. In addition, some \$10 thousand of the utility costs in 1991 was due to deferred payments of utility bills held over from 1990. Thus, 1991 utility bills were not as high as reported, while 1990 bills were somewhat higher.

The explanations for Burdette Park's higher utility bills notwithstanding, WLHA is of the opinion that an in-depth analysis of the park's electricity consumption is warranted. At present, there are a number of meters in Burdette Park, representing individual accounts, with the cost of the bill for each of these based on peak period usage. WLHA recommends that a study be conducted to determine whether the park could save money by combining a number of its meters. Further, it is recommended that electricity usage be evaluated to determine if there is any feasible means of reducing consumption, either by modifying operating schedules or switching to a cheaper source of energy.

The Aquatic Center

The primary attraction at Burdette Park is the aquatic center. As noted above, during the past 10 years, the aquatic center has, by far, outpaced other revenue generators at Burdette Park. Table 3 presents an eight year summary of revenues, operating expenses, and gross operating income at the aquatic center.

Table 3

REVENUE, EXPENSES, AND OPERATING INCOME AT THE BURDETTE PARK AQUATIC CENTER

	<u>1984</u>		<u>1985</u>		<u>1986</u>		<u>1987</u>		<u>1988</u>		<u>1989</u>		<u>1990</u>		<u>1991</u>	
Attendance	<u>46,806</u>		<u>47,068</u>		<u>57,959</u>		<u>77,642</u>		<u>93,009</u>		<u>80,260</u>		<u>102,316</u>		<u>105,000</u>	
	<u>Total</u>	<u>Per</u>	<u>Total</u>	<u>Per</u>	<u>Total</u>	<u>Per</u>	<u>Total</u>	<u>Per</u>	<u>Total</u>	<u>Per</u>	<u>Total</u>	<u>Per</u>	<u>Total</u>	<u>Per</u>	<u>Total</u>	<u>Per</u>
	<u>(000)</u>	<u>Capita</u>	<u>(000)</u>	<u>Capita</u>	<u>(000)</u>	<u>Capita</u>	<u>(000)</u>	<u>Capita</u>	<u>(000)</u>	<u>Capita</u>	<u>(000)</u>	<u>Capita</u>	<u>(000)</u>	<u>Capita</u>	<u>(000)</u>	<u>Capita</u>
<u>Revenue</u>																
Admissions	\$ 70.2	\$1.50	\$ 70.6	\$1.50	\$ 86.9	\$1.50	\$116.5	\$1.50	\$139.6	\$1.50	\$142.4	\$1.77	\$255.4	\$2.50	\$298.6	\$2.84
Slide Users (1)	--	--	36.2	.77	59.4	1.02	70.2	.90	59.7	.64	65.2	.81	87.5	.85	138.0	1.31
Food/Beverage	31.3	.67	59.6	1.27	60.9	1.05	58.1	.75	74.2	.80	63.3	.79	101.1	.99	122.3	1.16
Rentals	--	--	--	--	5.3	.10	15.0	.20	23.2	.25	22.9	.28	29.5	.29	45.9	.44
Total Revenue	\$101.5	\$2.17	\$166.5	\$3.54	\$212.5	\$3.67	\$259.8	\$3.35	\$296.6	\$3.19	\$293.8	\$3.65	\$473.5	\$4.63	\$604.8	\$5.76
<u>Expenses</u>																
Salaries & Wages	\$ 41.0	\$.88	\$ 52.7	\$1.12	\$ 61.6	\$1.06	\$ 74.4	\$.96	\$73.2	\$.79	\$ 79.6	\$.99	\$144.4	\$1.41	\$169.8	\$1.62
Repairs	51.2	1.09	22.3	.47	27.1	.47	24.8	.32	24.0	.26	17.0	.21	19.9	.19	26.0	.25
Chemicals	5.4	.12	7.3	.15	6.0	.10	8.7	.11	8.9	.10	7.1	.09	8.5	.08	10.5	.10
Utilities	3.9	.08	4.2	.09	4.6	.08	5.5	.07	8.8	.09	10.2	.13	11.2	.11	2.4	.02
Insurance/Other	--	--	18.0	.38	16.5	.29	12.0	.15	.2	--	--	--	30.0	.29	50.0	.48
Total Expenses	\$101.5	\$2.17	\$104.5	\$2.21	\$115.8	\$2.00	\$125.4	\$1.61	\$115.1	\$1.24	\$113.9	\$1.42	\$214.0	\$2.08	\$258.7	\$2.46
Concessionaire's Share (2)	\$ 26.6	\$.57	\$ 50.7	\$1.07	\$ 56.0	\$.97	\$ 61.4	\$.79	\$ 81.6	\$.88	\$ 72.0	\$.90	\$ 80.9(4)	\$.79	\$ 97.9(4)	\$.93
OPERATING INCOME	\$(26.6)	\$(.57)	\$ 11.3	\$.26	\$ 40.7	\$.70	\$ 73.0	\$.94	\$ 99.9	\$1.07	\$107.9	\$1.33	\$178.6	\$1.76	\$248.2	\$2.37

(1) The slide was open for only six weeks in 1985.

(2) At 85 percent of food and beverage sales and 80 percent of rental revenue through 1989.

(3) At 20 percent of rental revenue.

(4) At 80 percent of food and beverage sales.

Source Burdette Park.

This eight year summary accurately mirrors the evolution of the aquatic center from the lackluster facility that it was in 1984 to the major regional attraction that it has become in recent years. As shown in the table, between 1984 and 1991, attendance at the aquatic center increased from 46.8 thousand to 105 thousand, a gain of 124 percent. During that same period, revenue increased from \$101.5 thousand to \$604.8 thousand, an increase of 496 percent. By contrast, operating expenses increased from \$101.5 thousand to \$258.7 thousand, an increase of 155 percent. Thus, deducting for inflation, it would appear that, on a per capita basis, operating expenses at the aquatic center have actually decreased since 1984. Finally, gross operating income for the aquatic center is shown at the bottom of Table 3. As shown, in 1984, the aquatic center incurred an operating loss of \$26.6 thousand. However, in 1985, the facility posted an operating profit of \$11.3 thousand – a net gain of \$37.9 thousand over the 1984 figure. Since 1984, the aquatic center has recorded an operating profit for seven straight seasons, with each successive season representing an all-time record for profitability at the facility. As shown, for the 1991 season, the aquatic center recorded an operating profit of \$248.2 thousand, an increase of \$69.7 thousand over 1990 and \$274.8 thousand over 1984.

The reasons for the dramatic increase in attendance and income at Burdette are clear. Following the 1984 season, the Vanderburgh County Commission and the management of Burdette Park jointly committed to improving the quality of the recreational experience offered at Burdette Park. Consequently, a series of improvements were implemented over the next several years. The first of these was the installation of two water slides during the summer of 1985. Although the installation of these slides was not completed until mid-July, their impact was nevertheless significant, resulting in an operating profit for the first time at the aquatic center. In subsequent years, a number of additional improvements were made including the construction of a new entry complex, new concessions, the

introduction of creative set pieces in the children's pool and, in 1990, the installation of two new water slides.

While the performance of the aquatic center at Burdette Park is regarded as an unprecedented success story for public recreation, WLHA is of the opinion that the facility's performance could have been improved even more in recent years, were certain factors mitigated.

Perhaps the most significant of these is the lack of adequate support facilities -- primarily parking. In the study prepared for the Commission in 1987, WLHA pointed out that if the aquatic center were to achieve its attendance potential, it would need additional parking. During the past two years, attendance at the aquatic center has exceeded 100 thousand and parking has been inadequate. As a consequence, it is likely that some persons, upon arriving at the Burdette Park, encounter a full parking lot and decide against attending the aquatic center. In addition to a parking deficiency, the aquatic center is lacking in certain support facilities inside the enclosure, including passive areas, deck furniture, and shade.

A second factor that has had a negative impact on revenue and income generation at the aquatic center is pricing. When the improvement program for the facility began in 1985, the admission price for what was then Burdette Pool was \$1.50. That admission price remained in effect until 1989, when it was increased to \$1.75. However, during the period from 1985 through 1989, a number of improvements were implemented at the aquatic center, including the construction of a new entry complex, concessions, and a number of entertainment elements other than the aforementioned water slides. However, no measures were taken to adjust the admissions price to reflect the enhanced entertainment value at the aquatic center. Rather, a separate user fee was imposed on those attendees wishing to use the water slides. Originally, this fee was \$2.50, but in 1990, it was increased to \$3.50

before being reduced to \$3.25 in 1991. In the meantime, the general admission rate was increased to \$2.50 in 1990 and \$2.75 in 1991.

In WLHA's view, the admission policy at the aquatic center has been ill-advised. Although the entire facility has undergone significant improvements, its admission policy, including the rather significant surcharge for the use of the slides, would suggest that the slide users are the primary beneficiaries of those improvements. This policy seems to ignore the rather sizeable investment that has been made in the children's area, the entry complex (which includes new changing rooms, a first-aid station, party rooms, and concession facilities) and other additions to the overall complex. As a consequence, the slide users, which are estimated to account for 40 percent of total attendance, generate an estimated 54 percent of total revenue. The rationale for the current admission policy is based on the claim by a very small number of citizens that they are either unwilling or unable to pay a pay-one-price admission rate that includes the use of the slides.

A third factor that has had the effect of limiting the aquatic center's ability to maximize income is the policy regarding food service. At present, Burdette Park is not permitted to operate its own food service, either in the aquatic center or elsewhere in the park. It has been WLHA's position since our report dated March of 1985 that Burdette Park should self-operate its food concession at the aquatic center. We are still of that opinion.

Day Camp

A new entry among Burdette Park's revenue generators is the day camp, which opened in 1989. During its first year, the camp proved popular; although, it incurred an operating loss of just over \$6 thousand. However, during the past two years, the program has continued to expand, posting an operating profit in the process. Table 4 presents a summary of the day camps' financial performance for

1990 and 1991. As shown, in 1990, the program generated \$59 thousand, incurred operating expenses of \$39.6 thousand, and posted an operating income of \$19.3 thousand. During 1991, the program again expanded with revenue of \$73.7 thousand. However, user fees were not raised sufficiently to offset higher operating expenses; thus, operating income decreased to \$13.1 thousand for the year.

Other Revenue Generators

In addition to the aquatic center and day camp, other revenue generators at Burdette Park include the skating rink, facility rentals, the campground, and facilities owned and operated by private concessionaires. An in-depth analysis of each of these revenue generators is not possible within the scope of this study, given the County's current accounting system. While revenues for each element are available (as shown in Table 1), operating expenses are not. Therefore, it is not possible to determine whether these elements are operating at a profit or a loss. The current accounting system was developed more than 10 years ago, when less attention was focused on revenues and expenses at Burdette Park. Given the current emphasis on financial self-sufficiency, a more responsive accounting system is required for Burdette Park.



CITY OF EVANSVILLE
OFFICE of CITY CLERK
314 CIVIC CENTER COMPLEX
EVANSVILLE, INDIANA 47708
(812) 426-5486

FRANK F. McDONALD II
MAYOR

MARSHA AB
CITY CLERK

PROPOSAL TO VANDERBURGH COUNTY COMMISSIONERS

Vanderburgh Auditorium Lot

Currently

25 meters available - 2 are handicap
25 meters with 3 hour limit
25¢ for 2 hours

132 spaces available for monthly rent
96 permits currently issued

Meters average less than \$25.00 per week which works out to be an average of \$1.08 per week per meter

Proposal

Utilize the 25 meters now available but change them from 3 hour limit to 10 hour limit. 3 hours is a bad time limit for working people. Even a 4 hour meter would allow the person to put money in the meter prior to starting work and then again at noon and probably not receive a citation at the end of the day since no citations are issued after 4:30 PM.

COMPARISON - Merchant's Lot at 3rd & Locust

102 meters available - 4 are handicap
8 meters with 3 hour limit
94 meters with 10 hour limit
25¢ for two hours on 8 meters and 25¢ for 2 1/2 hours on 94 meters

Meters average \$475.00 per week which works out to be an average of \$4.65 per week per meter

The change-over would cost nothing. We have the parts available for 10 hour meters and the meter personnel can make the change in between their route runs. There are no parts available for 9 hour meters. Meters cannot be adapted for any other money/time exchange without incurring the cost of purchasing additional parts



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OFFICE of CITY COUNCIL
314 CIVIC CENTER COMPLEX
EVANSVILLE, INDIANA 47708



FRANK F. McDONALD II
MAYOR

MARSHA AB
CITY CLERK

This proposal is made in an effort to increase use of this lot. We also hope to publicize it more to the public for metered parking and permit parking. If we see a decrease in use of these meters, we can always return them to their current state as we would not utilize the parts in other meters.

CIVIC CENTER PARKING LOT

9TH STREET

METERED PARKING
(PRESENTLY - 3 HOUR METERS)

RATE:
12 MIN - NICKEL
24 " - DIME
1 HOUR - QUARTER

25

(2)
APT

3

← 2

5 ↑

ENTRANCE
EXIT
WALNUT STREET

8 ↑

→ ←
21

42

21 → ←

→ ←
20

40

20 → ←

5 ↓

TOTAL METERS — 25
PERMIT SLOTS — 132
TOTAL 157

LOCUST STREET

TOTAL PERMITS ISSUED 90
(AS OF 2-20-92)
12th Tnd - 2-20-92

**MINUTES
COUNTY COMMISSION MEETING
MARCH 2, 1992**

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MINUTES
COMMISSION MEETING
MARCH 2, 1992

The Vanderburgh County Board of Commissioners met in session at 5:30 p.m. on Monday, March 2, 1992 in the Commissioners Hearing Room with President Carolyn McClintock presiding.

RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

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

Ms. McClintock then asked if there are any groups/individuals who wish to address the Commission who do not find their particular item of interest on the agenda. There was no response.

RE: PUBLIC HEARING - SHERIFF SUBSTATION

It was noted by President McClintock that the Board is required to hold a Public Hearing with regard to the 15 year lease for the Sheriff Substation. She asked if there is anyone present who wishes to speak concerning the substation to be located on Airport property? There was no response.

Ms. McClintock then sought guidance from Attorney Wilhite as to the next step to be taken. In response to query from Mr. Wilhite, Ms. McClintock said the Board of Commissioners executed the contract in December.

Mr. Wilhite asked, "It just hasn't been approved by the State Tax Commission?"

Attorney David Bunner said that is correct.

Attorney Wilhite said the next order of business would be to send the contract to the County Council.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

The meeting continued with Commissioner McClintock entertaining bids on County-owned surplus real estate which has been advertised for sale.

Mr. Steven Stocker said he would like to enter a bid on a piece of property on North Woods Avenue. The Tax Code is 5-88-7-192-11. He would bid \$5.00.

Ms. McClintock asked if there is anyone else who wishes to bid on this parcel? There were no further bids and a motion was entertained to sell the parcel to Mr. Stocker for the amount of \$5.00.

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

Ms. McClintock asked Mr. Stocker if he has spoken with Joanne Matthews and knows what procedure to follow to conclude the sale?

Mr. Stocker confirmed that he has spoken with Ms. Matthews and does understand what he needs to do.

Ms. McClintock then entertained bids on the remaining parcels. There were no further bids.

RE: ACCEPTANCE OF BIDS/FURNITURE FOR SUPERIOR COURT

It was noted by President McClintock it has been requested that this matter be deferred until the March 16, 1992 meeting.

RE: ONE STOP PERMIT PROCESS

Ms. McClintock said this was discussed briefly at last week's meeting. They subsequently have met with Roger Lehman, the Building Commissioner, and Attorneys at Kahn, Dees, Donovan & Kahn and the latter have drawn up an agreement with the City of Evansville regarding this one stop process. Basically, what the agreement outlines is as stated at last week's meeting -- a portion of the wall will be taken down between the Area Plan Commission and the Building Commission offices at the Building Commission's expense to provide for the operation of the one stop permitting office. We will utilize current staff; no additional staff will be required in either office. Any future expenditures for the one stop permit process shall be made to the Building Commissioner's budgetary process as provided for in the Inter-Local Governmental Agreement. Ms. McClintock then entertained questions. There being none, a motion was entertained.

Motion to approve was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered. (Ms. McClintock gave Ms. Farrell the agreement, requesting that she make sure Joanne Matthews receives a copy. The original goes to R. Lehman, with a copy to Barbara Cunningham and the Mayor's Office.)

RE: TRI STATE MINORITY DEVELOPMENT COMMITTEE

Ms. McClintock said the subject organization has asked the Commissioners to join the group. Annual dues are \$750.00. They requested this two weeks ago and at last week's meeting the Commissioners were provided with additional information. She then entertained questions or comments concerning the information provided on this group.

Mr. Hunter asked, "This is a private organization, is it not?"

Ms. McClintock confirmed that it is. To her knowledge, the Commissioners are not a member of any other organization of this type. In their letter, this committee indicated the City of Evansville had become a member and paid their annual dues.

Mr. Borries said he has no objections. We have given a variety of grants to several groups which are not governmental related -- Center City, etc., so he will move that the Commission join.

Commissioner Hunter stated that he has some real reservations about this, but he will second the motion.

Ms. McClintock asked if Mr. Hunter would like a roll call vote, and he responded affirmatively.

Mr. Borries, yes; Commissioner Hunter, no; and Commissioner McClintock, yes. Motion approved by 2 to 1 roll call vote. So ordered.

RE: ADDENDUM TO SZABO CONTRACT

The next order of business was the Addendum to the Szabo contract for food service at the Vanderburgh County Jail. The attorneys have reviewed the Addendum and it is ready for approval.

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

RE: COUNTY BOARD OF REVIEW - CHERYL MUSGRAVE

Ms. Cheryl Musgrave was recognized and stated she is here tonight to ask the Commissioners to change the meeting location of the Board of Review. Currently it is located in a room on the Third Floor of the Civic Center. The room itself consists of an outer office and a very small conference room at the rear of the space. The conference room probably measures 12 ft. x 10 ft. It is only large enough for the members of the Board of Review and maybe two to four other people. It is not accessible to the public or the press. The very location of the room and its extremely small size encourages secrecy and lack of accountability. The office itself is only barely identified by a small hand-lettered piece of paper stuck on the window beside the office door. It is her strong feeling that the placement of this room way back in the corner of the Civic Center and the placement of the conference room way in the back of a long office, behind the desks of several staff people prohibits the public from observing the proceedings. She believes the public is intimidated and discouraged from attending meetings of the Board of Review which are, by law, supposed to be open to the public. She then proceeded to cite the following from the State Statute (Section 6-1.1-28-4). "The County Board of Review shall meet either in the room of the Board of Commissioners in the County Courthouse or in some other room provided by the County Board of Commissioners." Ms. Musgrave said she would also cite a portion of Indiana's Open Door Law: "It is the intent of this Chapter (5-14-1.5-1) that the official action of public agencies be conducted and taken openly in order that the people may be fully informed." Ms. Musgrave continued, "I am asking you, the County Commissioners, to reconsider the room assigned to the Board of Review. I ask that you change the meeting location of the Board to this room -- the Commissioner's chambers -- and to reassign the space now being used by the Board of Review. This will allow for more professional functioning of the Board and a lot more accessibility to the public and to the press. Thank you. Do you have any questions?"

Mr. Borries asked, "Cheryl, are you saying here -- do you have any specific instances when that Board violated any statutes of the Open Door Law -- any instances?"

Ms. Musgrave responded, "Yes, I can point to one specifically -- and I believe I called the County Attorney on that occasion."

Mr. Borries asked, "Do you understand though -- in what capacity would you call the County Attorney? On what authority?"

Ms. Musgrave said, "Let me answer your question first. In mid-October the Board was meeting and was trying to encourage the members of the public to at least even stay for their own hearing; for their own votes, on their own matters -- and the Board made sure that all the public was out of the room at this time and then they put a motion on the floor (I believe it was Mr. Batts, who was the Democrat member at that time) to prohibit the public from attending the Board of Review meetings -- and it passed. I was the only negative vote. I feel that that is a specific incident; one of many, but one that I would like to point out here tonight."

Mr. Borries asked, "And then what did you do?"

Ms. Musgrave, "I called my attorney and I called the County Attorney. I wanted him to be informed."

Mr. Borries asked, "You called the County Attorney and what did the County Attorney -- you see, what you should have done..."

Ms. Musgrave interrupted, "He just wrote it down."

Mr. Borries continued, "Well, what you should have done, in my

opinion, is to let this office know; let the President of this Board know -- she could have called the County Attorney. It really is not within your responsibility nor your authority as a citizen board member to do that. There is a proper channel. So, in effect, two wrongs don't make a right, in my opinion."

Ms. Musgrave said, "Thank you."

County Auditor Sam Humphrey said he is a Board member and he would say the times he has gone to the Board (and there was a time that he attended almost all of the meetings, but he hasn't been able to do that this past year -- be he has had a representative there) 95% of the work that comes before that Board is **confidential**. It is not, by law, permitted to be public. So a public meeting is not germane to it. And, in no case, at any meetings he has ever attended where the person was called in or who had their assessment questioned was the person not allowed to stay. Not at any time. But others are not permitted, because that is private information and it says so in the law and on the forms they have in the Auditor's office. If it was moved out of the building, for example, it would be almost totally inaccessible to the Treasurer's Office (who is also a member of the Board) as well as his office. And all the information is on the 2nd Floor that they need to work with.

Ms. McClintock said she will defer to the County Attorney for his opinion on this issue.

Attorney Wilhite said, "I researched the issue of who decides where they meet, because I think at the last meeting when this came up there was a question as to whether this Board provides space or if that is up to the County Board of Review. I came across the same statute that I think Ms. Musgrave just read -- and that is I.C. 6-1.1-28-4 -- that mandates that the County Board of Review shall meet in the room of the Board of Commissioners, which is **this** room. That statute gives the County Commissioners the option, not the County Board of Review, to designate or to provide some other space. So in terms of who has to provide the space, the statute makes it very clear that it is this Board of Commissioners -- and that space either has to be in this room or some other place that this Board provides. So it is pretty clear in the statute -- and if this Board wants to provide this room, that's fine. If this Board wants to provide some other room, that's fine also. But it is clear in the statute that it is the Board of County Commissioners that provides the meeting space. If there are any scheduling questions, Ms. Musgrave or somebody needs to call Lou and see when this room is available -- as a practical matter."

Ms. McClintock interrupted, "Well, the County Assessor is with us this evening. Jim, did you want to say anything to the Commissioners?"

Mr. James Angermeier, County Assessor, approached the podium and said, "Thank you very much, Madam President. This room was assigned to the Board of Review by the County Commissioners in light of the removal from the Election Room. A few years ago we met in the Election Room and in a Court Decision in 1983 they met in my office, which was normally the Board of Review, which was set aside by the people who built the building. In 1983, there was a Court decision given to you at which time the Judge ruled --and indeed it is the privilege and the responsibility of the County Commissioners to decide on the room. We moved to the Election Room and it was found to be very objectionable, because it lacked light, air conditioning, and all the other amenities that went with the room, at which time the County Commissioners assigned us to that room up there. We've been up there for five or six years now -- and every time there have been numerous people we've met in the outer office. In the hearing of business schedules, indeed it is confidential and it is not open to the public. It is not open to

the media. There is a clear violation of the law on that -- and it is not to be revealed in the presence of anybody other than the preparer of that schedule -- and that is pure and simple. On real property, it is open to the public and, indeed, it has been. A few years ago we attempted to move it next door to us in some dead space in the Recorder's office and that is where we belong."

Speaking to Attorney Wilhite Ms. McClintock asked, "Are you familiar with this 1983 Court decision?"

Attorney Wilhite responded, "It sounds like it is quite consistent. I think you're agreeing, Jim, I don't think that's the issue. I mean I...."

Mr. Angermeier interrupted, "I think the Commissioners have the obligation and the responsibility to designate the space for anybody in this Civic Center."

Mr. Wilhite interjected, "You see, he's agreeing."

Ms. McClintock apologized to Mr. Angermeier, saying, "I'm sorry, I misunderstood you. Okay?"

Continuing, Attorney Wilhite said, "As a practical matter, if this were the room provided, would that be a problem?"

Mr. Angermeier asked, "What room are you talking about?"

Attorney Wilhite responded, "You can provide this -- it doesn't make any difference. Tell us when it is available -- that's fine with me. You understand the Board of Review meets all day and meets well in advance. We meet the first week of June and frequently we've met clear into October. Sure, I have no objections as to where they meet."

Commissioner Hunter asked, "Jim, is the room you're meeting in now -- is it large, medium, small, or....?"

Mr. Angermeier responded, "A large room. In the back is a small room that satisfies the number of members of the Board of Review and four other people. You can look at it. I'll take you down and show it to you any time."

Ms. McClintock asked, "But the Board of Review doesn't start meeting until the first of June?"

Mr. Angermeier responded, "When the reassessment takes place, we've met 19 consecutive months."

Ms. McClintock asked, "But this year you won't start meeting until the first of June?"

Mr. Angermeier said, "This year we won't meet until the first of June. It houses now the girl who takes care of the Board of Review and the computer is up there. So it is filled. You can check it. Where would you put the computer -- in this room?"

Mr. Hunter said, "Can it be done?"

Mr. Angermeier continued, "The housing of the computer is all in that room up there -- the "A" Frame and everything."

Nodding to Roger Elliott Mr. Hunter said, "There's a computer specialist -- can it be done?"

Mr. Elliott said, "I don't know."

Mr. Humphrey said, "Anything can be done if you have enough money."

Ms. Musgrave approached the podium and stated, "The computer really isn't necessary to the meeting itself of the Board of Review. It's nice to have -- to be able to walk in maybe once every fifteen meetings and look something up. But the computer itself, why is it in that room when all the rest of the computer equipment for the County is in a single room somewhere else? Why is it singled out? They had a major problem with the computer this fall when somebody erased the entire Perry Township records from it. It caused a lot of problems for Perry Township. That computer should be with all the other computers. And as to the business schedules that Mr. Angermeier said are not open to the public, he is right about that. But the Board reviews the business schedules in such a manner that the only comparison I can bring for you would be is if the Board of Zoning Appeals decided on an annual basis to review the zoning of every single piece of property in the entire County. This work isn't necessary by the Board. And even if we met in here while those schedules were being gone over, you just put a little sign in the window that says 'Executive Session' -- and that's not a problem. The next reassessment won't be until 1994, I think, and then the Board of Review hearings on those reassessments wouldn't occur until like two years later. So there is not going to be a time soon where we're going to be meeting 18 months -- every day, day after day. Those issues can all be addressed."

Mr. Angermeier stated, "There was a Court decision that was rendered over here in the Court -- that ruled that the Vanderburgh County Assessor controls the computer and the computer main frame is under his jurisdiction at all times -- very clear. Is that not right, Counselor?"

Attorney Wilhite responded, "I don't know."

Mr. Angermeier said, "I'll give you a copy of that Court decision. And, as a consequence, we monitor, we control the "A" Frame for all the townships -- just like the Judge ruled. And it is our responsibility. And if you're going to provide equalization and uniformity, the County Assessor is the guy who, by law, is responsible for that."

Mr. Hunter asked, "But we're not debating the computer, are we? I thought we were debating the room problem."

Mr. Angermeier said, "No, no, no. The computer is in the room."

Commissioner Borries interrupted, "Jim, you wrote a letter and maybe you'd want to comment on that -- because I believe it does have some merit to end this situation, to provide what you describe as a one stop aspect here to try to provide some sensible space immediately close to your records. Would you want to comment on your letter and what you see as a viable alternative here?"

Mr. Angermeier responded, "The viable alternative here is to put the Third Floor office down in the dead file space in the Recorder's office and bring the two offices together -- and then we'll maintain the operation down there for the convenience of all the Township people -- and bring my people back down where they belong. The loss of time is unbelievable."

Ms. McClintock interjected, "I was just going to mention we had another space question."

Mr. Angermeier said, "It's a strange irony. It's being told to me that Pat Tuley is going to relinquish space in his office for the Election office to move into right now."

Ms. McClintock said, "I haven't heard that."

Mr. Borries said, "Yes, that is true."

Ms. McClintock asked, "What?"

Mr. Angermeier continued, "Pat Tuley has agreed to give up two offices to help the Election office expand -- right now."

Ms. McClintock said, "That is the first I've heard of that. But you don't have a problem meeting in this room?"

Mr. Angermeier replied, "No, I have no objections -- except notices have to go out ten (10) days in advance for a meeting. I don't want to come down here for a meeting and have somebody else meeting in the room."

Mr. Hunter said, "All you have to do is call Lou and, as far as I am concerned, this room will be made available to this Board."

Mr. Angermeier said, "Except the room won't accommodate everything we have on the Third Floor -- this room won't accommodate it. What are you going to do with the rest of the equipment? What are you going to do with the computer that we have up there?"

Ms. McClintock said, "Okay, right now, Jim, we're just talking about the meeting room. I think your computer and your other equipment is a whole separate issue; and what I was going to suggest on that is you've invited each of the Commissioners to sit down and meet with you to look at the space you have and to look at, I'm assuming, the equipment and what you want moved down and also look at the Recorder's office. And I was going to suggest that within the next week or so -- we don't have a meeting until the 16th -- that each of us take the time to come down and look at that space and look once again at solving that problem we talked about a couple of years ago, I believe."

Mr. Humphrey said, "As long as I've been here (almost six years) there has never been a time that the Board of Review hasn't had five or six requests per day for information out of our office. And that's a lot of leg work, you know, to run it up and down those stairs. And I don't know what they have to communicate with the Treasurer's office -- I don't know that. But it is just constant communication there -- and the closer we can get them, the better, in my opinion."

Mr. Hunter said, "I sure don't want to dictate where you meet, Jim, because I just read the rules here and it says we're supposed to provide you with a room. And if there is some concern about the room you're currently using not being large enough -- I got your letter and I read through it -- and I'd like to sit down and go over this. In the interim period, can't we just go ahead and use this room -- at whatever time you need to use it -- and the Executive Session, we can lock the door and put a sign in the window?"

Mr. Angermeier said, "I won't need the meeting room until June."

Commissioner Borries said, "That was my point. And I would say that if you want to meet with these people -- here it is March -- and the other Board members and go through this, there is still time to make those kinds of changes you've outlined here before June. I mean, we're not talking about tomorrow."

Mr. Angermeier commented, "That's right."

Mr. Borries continued, "And I think this is the first time that I've ever had a request outside of you -- but I think it was for different reasons, quite honestly, to move the Board of Review. I know you have been dissatisfied with the space; but I don't think in view of the permanent files and the equipment that you have that you've ever suggested that this room be used here. And we'd probably have to set up some kind of file or cabinet space for you

and that type of thing. Do you think it would work for you if plans could be made maybe to use a portion of the Recorder's office? I think you feel it could, don't you?"

Mr. Angermeier replied, "We've already measured the space. And another point of view, we're going to get a terminal now to bring in all the data, that is going to be placed in the middle of the office and now my desk that I have in the office will be moved back to where we'll all have to walk sideways in order to get around the desks."

Mr. Hunter said, "We seem to be at an impasse."

Mr. Angermeier reiterated, "I'll be glad to meet with you and show you."

Ms. McClintock said, "Okay. It's my understanding..."

Commissioner Hunter said, "I guess one of the concerns here is, and Jim you can answer this -- or Jeff -- is there a violation of the Open Door Law?"

Mr. Angermeier responded, "No. The media is informed and they are well aware of the meetings from the beginning to the end. There is an agenda sent out and given to them. We have a ten day notice that we mail out. And I don't believe that's there been a single case of violation of the Open Door Law."

Ms. Musgrave said, "I'd like to respond to that. I think you ought to ask the press if they've ever been informed. I've never gotten an agenda in advance. I have arrived at my desk and had them put it in front of me. And we're talking about me having to decide the conditions of somebody's property; to decide whether huge factories that pay thousands and thousands of dollars worth of taxes should be adjusted; and I won't even know until I walk in and sit down which factory we're talking about. I'm supposed to make firm, good decisions about this sort of thing? It's not possible. I've never gotten an agenda in advance. I believe I gave you copies of the letters when I got notices of meetings of the Board. They weren't published in the newspaper two weeks in advance as they are supposed to be, by law. And I would get in the mail -- sometimes one day in advance -- telling me that I was supposed to clear my calendar for a month. Things need to be improved."

Commissioner Hunter said, "Well, we've got the media sitting here. Alan, have you dealt with this at all? Or, have any of you other gentlemen?"

Mr. Julian responded, "I don't know whether we get agendas or not. I don't recall ever seeing one -- but it could be we get one."

Mr. Angermeier said, "I'll be glad to discuss that room with you, the space, or whatever the Commissioners want to do. I can tell you now that there is more paper up there than you would believe. I showed you, Commissioner, the involvement we have coming up on the Land Commission, which is a start this year. It goes on the records; in 1993 is the work; and 1994 is when the reassessment takes place, payable in 1995. Now, again, the Commissioners have the authority to put us wherever they want to put us. No one has ever challenged that."

Commissioner Hunter said, "I guess my way of thinking on this is that if there is some way of making this easier for everyone concerned, including the media, to have accessibility, then if we need to use this room on a temporary basis let's use it."

Commissioner Borries said, "Well, it would certainly seem to me to be easier -- I mean it makes common sense that if you have a room here and you can make an extra 25 ft. or so of that existing room

for that, that is easier. You still are walking up another flight of stairs here; you still have other information. I mean all we've done is just move on the Third Floor."

Commissioner Hunter countered, "Well, Commissioner Borries, from what I've seen in the last fourteen months, common sense doesn't play a very big role in decisions in this building. I'm very willing to look at what the gentleman has. But right now I would like to try to resolve this issue and get on to something else."

Mr. Borries said, "Well, I don't know if you have to resolve it tonight..."

Mr. Hunter interrupted, "If you have a problem with using this room, please tell me what it is."

Commissioner Borries continued, "We don't have to use the room until the first of June. The alternatives are, Don, that we can look at exactly what space has been talked about down there and that is what the common sense is. If you have any problems with common sense in this building, you've been in the majority for the last two years -- so let's hear about it. What are the problems with your common sense?"

Mr. Hunter replied, "I haven't seen what he is talking about."

Mr. Borries countered, "Then go down there and see it."

Mr. Hunter continued, "In the meantime, let's go ahead and...."

Mr. Borries interrupted, "We don't have to do anything tonight. We don't have to do a thing. He doesn't meet until the first of June. Go down there and study it."

Mr. Hunter said, "Put it off."

Mr. Borries said, "Put it off."

Mr. Hunter said, "Put it off -- that seems to be the way you do it. Put it off."

Mr. Borries said, "Well, it sure doesn't make any sense to me to make a decision in March, when he won't meet until June. It seems to me that we're going to have plenty of time to..."

Mr. Angermeier said, "The Land Commission is going to meet March 9th -- next Monday -- a week from today. And they will be meeting periodically until we get the land valuation."

Mr. Borries said, "But, Jim, we're talking about the Board of Review."

Mr. Angermeier, "But the Land Commission is going to be meeting up there and they have nine (9) members."

Ms. McClintock asked, "And they operate under the same statute?"

Mr. Angermeier said, "Yes, yes."

Ms. McClintock: "And there are nine members on the Land Commission?"

Mr. Angermeier responded affirmatively, saying the Commissioners appointed eight of them.

Ms. McClintock asked, "And you've already advertised that meeting for that room?"

Mr. Angermeier responded affirmatively, saying the notices went out

last week. They will be meeting at least every month and more often than that. In 1989, they met fifty-three (53) times -- and they will be doing that again this time in conjunction with the Board of Review.

Ms. McClintock asked, "You've advertised this first meeting for the 9th? And you have not advertised anything beyond that?"

Mr. Angermeier said, "Nothing else, because I have to get the materials together."

Ms. McClintock said, "Now, I don't want to make an assumption. Does the Land Valuation Committee ever meet at the same time as the Board of Review?"

Mr. Angermeier said, "They will meet the days I have the material, yes."

Ms. McClintock asked, "They will meet the same day?"

Mr. Angermeier replied, "No, they can't meet the same day, because I am Chairman of both and I have the responsibility of both."

Ms. McClintock asked, "So that would never conflict?"

Mr. Angermeier said that is correct.

Auditor Humphrey said, "Only the first meeting of the Land Commission has to be advertised. It is considered in continuous session after that."

Ms. McClintock continued, "Well, I'll say it again. I think we have two problems here. Where we meet and how public those meetings are is somewhat of a separate issue from where the equipment is and how accessible your people are to each other on a seven day a week basis when they are in that room working and needing information from the second and third floors -- and clearly that is a problem that I think we need to address. Hopefully, we can address that at the meeting on the 16th of March. You know, Jim, if you don't have a problem...."

Mr. Angermeier interrupted, "Can you possibly move it up sooner than the 16th?"

Ms. McClintock responded, "We don't have a meeting until the 16th -- unless we call a special meeting. I have on my old business agenda to talk later about hiring someone for the County Garage. If we do and the other Commissioners have a chance to look at both of your rooms and the Recorder's space, we can consider taking it up at that special meeting -- if the Commission approves a special meeting. But right now we don't have a meeting set up until the 16th. But I would simply say that if you don't have a problem meeting in this room, which clearly is more public than the room that you're meeting in..."

Mr. Angermeier interrupted, "Which requires the moving of the records from the second to the third floor, the people walking to and from -- the inconvenience all of a sudden. Why is it so necessary to vacate the room?"

Mr. Hunter asked, "I thought you said you met on the 3rd floor now, Jim."

Mr. Angermeier said, "That's what I'm saying -- down at the further end. We'd walk up the fire escape and carry them..."

Mr. Hunter said, "Well, let me suggest this since we seem to have an impasse here. What Mr. Humphrey said -- 95% of your work is confidential and in Executive Session? Is that correct?"

Mr. Angermeier responded, "Yes, in the Board of Review on business schedules. That's right."

Ms. McClintock said, "That's on business schedules, not on real property."

Mr. Humphrey interjected, "One hundred percent on personal property."

Ms. Musgrave again approached the podium and stated, "The personal schedules took the time in October for about three weeks. As I said before, it wasn't necessary for us to do that work. Do any of you own businesses? They reviewed every single personal property filing that was filed period. What should be done is that the Assessors themselves pick out the ones and say, 'We think these need to be looked at' -- you know, you get a small stack. But 95% of the business property? Yes. But that comprised one month of the last 24 -- and that was unnecessary, too."

Mr. Hunter asked, "So you're saying that 95% of it is not confidential, is that right?"

Ms. Musgrave responded, "No. The one month was. (That one month was make work.)"

Mr. Hunter said, "Jim, let me ask you a question. On this March 9th meeting you have, is that a meeting that is open to the public?"

Mr. Angermeier said, "Sure."

Mr. Hunter continued, "So the public would be there, the media would be there, and everyone else? Is there any reason we..."

Mr. Angermeier said, "March 9th is the beginning of the Land Valuation Committee, which should have started November of last year. It took us 18 months the last time for the reassessment and I have until December 31st to finish it. The money was approved by the Council the day it was approved by the State Board of Accounts -- so now I can begin."

Mr. Hunter said, "Okay. Now what I was going to suggest --would you have any problem with having your March 9th meeting in this room? In the meantime, I would like to meet with you and look at the suggested space that you indicate is down there. If that would make it easier, I sure would like to work with you on that. But what I am saying is, can we provide you with a room that might be a little more convenient to the public and to the media? On March 9th we could give it a trial run and see if it will work."

Mr. Angermeier responded, "I have no objections to wherever you want to put me. You have that responsibility. I'm just saying to you that it involves a ton of paper, a ton of work -- and this is a preliminary time in which the members of the Land Commission will be brought in, given the memos and a training film and everything else -- if you want to throw it open to the public except one thing -- the Board of Review is the responsibility of the County Assessor and he is Chairman of both. Now, are you telling me that you want to run the County Assessor's office?"

Mr. Hunter responded, "I'm just trying to find a place for you to meet, Jim."

Mr. Angermeier said, "I'm just telling you that the law says that the County Assessor is the Chairman of the Board of Review and the Land Commission. Now, if you want to put me wherever, that's your responsibility."

Ms. McClintock said, "Okay. What I was going to suggest -- this meeting has already been advertised -- this organizational meeting

has already been advertised for March 9th for the room on the 3rd floor that you're currently occupying. And since that is going to be a monthly meeting and you don't know when the next meeting is going to be...."

Mr. Angermeier said, "It could be within a week or two weeks..."

Ms. McClintock continued, "Two weeks, a month, a week -- you don't know that yet. Is that correct?"

Mr. Angermeier replied, "Yes."

Ms. McClintock continued, "And the Board of Review is not going to be meeting until June 1st. Within the next two weeks all of the Commissioners, if so desired, can go down and look at the current space, look at the space in the Recorder's office, look at the space on the 3rd floor, and compare it to this space -- and come back on the 16th prepared to make a decision on what we can do to make the Assessor's office more workable for the Assessor and his staff and also more accessible to the public and the media."

Ms. Musgrave said, "I really don't care where the typewriters and the filing cabinets and the desks and the employees are. Move them wherever you all decide. But don't make the Board of Review meet there. It's really, really important that the Board be open, accessible to everyone, the press -- it's very important. People have not been allowed to sit through their own hearings. It would be as if you would listen to all of us right now and told us to leave and then voted here and then sent us a notice telling us what happened. And then never tell us how you, you, or you voted. No one never knows that sort of thing. They were kicked out of the room! That has to stop. And I hope that you'll see my point."

Mr. Angermeier said, "There was a response to that question she raised to the Chairman of the State Tax Board. He directed the people who wrote the letter to go back to the minutes of the Board of Review in which all the votes were recorded. There is a copy of it. If you want it, I'll give it to you tomorrow."

In continuing, Mr. Angermeier said he would like verbal approval to attend a so-called Data Seminar in Bloomington on Thursday, at which time there will be further training on the computer with Manatron. He and Evelyn just learned of it. In response to query from Commissioner McClintock as to the cost, Mr. Angermeier said it will be mileage only for he and Evelyn.

Ms. McClintock said she will put this on the Consent Agenda. She then asked Mr. Borries if her suggestion was agreeable to him? To go down and meet with Mr. Angermeier, etc.?

Mr. Borries said that it is.

Ms. McClintock thanked Mr. Angermeier and said she will put this on her list of things to do.

RE: HIRING OF CONTRACTUAL PART TIME COUNTY ENGINEER

McClintock: In proceeding with the agenda, Commissioner McClintock said, "Well, that's not worded exactly correctly. We discussed at our meeting last week the potential need for hiring someone contractually to serve as an Interim Director of the Public Works Department. Since that time I have had an opportunity to speak

with the supervisory individuals in that department and it has become increasingly apparent to me that someone needs to have ultimate -- not ultimate, because the Commission has ultimate authority -- but have some authority. We currently have four public works managers who are all on equal footing in that department. And although they are performing their areas admirably, there have been several occasions in the past several weeks when it would have been very nice to have someone with an engineering background who could work with those individuals to maintain the workload and the integrity of that office. Following my discussion I had drawn up -- and each Commissioner should have in their packet -- an outline of the duties and responsibilities that I see (and you may see other things) that are needed over there on a not-to-exceed 10 hrs. per week basis. What I am proposing is that the Commission would have to approve anything beyond 10 hrs. per week. But, basically, what I am suggesting is that this individual would monitor the regular assignments and duties of the four public works managers by meeting with them on a weekly basis to review work and discuss the projects and goals of the particular week. We've had some difficulty with the signing of some requisitions and claims. This individual would sign those, once initialed and approved by the area managers; assist the managers in the interpretation of ordinances and procedures; present the information for action at our regular meeting; act as an on-call contact person when these managers have questions; and I think, very importantly, assist us in the selection of a new Director of Public Works by attending those interviews and helping us screen individuals; checking professional references (because, obviously, I am not an engineer and we don't have one on the Commission -- and it is a very highly specialized field and expertise is going to be very important in screening those individuals. So I would like to propose that we go ahead and instruct our County Attorney to make a Letter of Agreement with these and other items that you may or may not want to include. I don't want to include too much, because I don't want them working more than 10 hours per week. So in reviewing the information that was provided to us by those firms interested in participating (we provided that at last week's meeting), there were two firms interested. I see one at \$60.00 per hour and one at a minimum of \$75.00 per hour. I would recommend that we would go with the \$60.00 per hour firm, which would be Dave Savage's firm. They have been doing some work for the public works department and are familiar with the staff over there, as well as the current work load and what we are doing.

Hunter: And these were the two? We got no more responses?

McClintock: Ummmmhmmmmmmmm.

Hunter: Okay.

McClintock: We got a couple of calls and inquiries, but no real interest.

Hunter: So we've got two people -- with a difference of \$15.00 per hour.

McClintock: \$15.00 per hour; \$150.00 per week, if it's ten (10) hours per week.

Borries: Well, I just am always mystified. I am just intrigued. Ms. Musgrave here was defending the Open Door Policy; and I've never figured out how we got these two proposals last week -- when we never advertised or never even solicited those in an open meeting. All of a sudden they just appeared -- like a miracle. And then last week we asked that there be more -- and we didn't get anymore. I've asked a couple of times on the rather suspicious timing of this department of public works -- I'm not even sure it is in the budget book -- whether or not it is a County Engineer or a Department of Public Works. I am aware of at least one Professional Engineer who has a degree on the staff. I think she could be designated as the person who could certainly coordinate that kind of a situation. I think that this particular office -- whatever we want to call it at this point (be it in the budget book as the County Highway Department or Department of Public Works or Department of Defense or whatever) can function in that fashion with the current staff. If we decide to hire a new County Engineer or Assistant Engineer or whatever we interviewed for in that particular position, then you might free an individual who is currently out there and doing a fine job, as I understand, to come back to this department of highway or public works. That person could then be put in there and continue to work with this department. Frankly, I just don't see the need to do it at this point.

McClintock: Well, Rick, as we said at last week's meeting, the earliest we can hire a County Engineer -- if we would get more than the one application we have right now -- he goes off the payroll April 9th -- would be April 20th. That is the earliest we could hire a County Engineer. Right now, as you know, we do not have -- we have a temporary operating the garage from the public works department (Dave Franklin) and I think he is doing a fine job. I don't have any problems with his job. Unfortunately, he has another job that needs to be done for the Board of Works and the County -- and it's 76 degrees in Evansville today on March 2nd -- and clearly our construction season is going to move more quickly than we thought it was, and we're going to need everybody in that engineer's department to be working on their assigned projects. Anyone in management knows that you cannot for any length of time -- and in some cases a week is a long time -- leave an organization without someone at the helm who can take day-to-day responsibility for that. It is my understanding from talking to Greg that Valerie is not interested in that day-to-day responsibility. As we all know, she is going on maternity leave in July and at this point she is not interested in any additional responsibility. I don't have time to be an interim Director of the Public Works Department and there is money in the budget. We are saving some money with positions that we currently have open. So we're not going to be spending any additional money.

To insure the quality and the continuation of the very important projects that we have going at the University of Southern Indiana, Union Township, Green River Road, the bridges we have under way -- and we've got public hearings on roads coming up. We've got a lot of important projects coming up and I, as one Commissioner, just want to assure that we continue to move these projects in this county forward. I would love to save that money, but I don't really practically see any other way that we can provide for that supervision without having someone ultimately -- not ultimately -- but in charge of that department and one person reporting to the Commission.

Borries: Well, I'm very familiar with every project you outlined. In fact, so familiar with them that many of them I had a direct involvement in starting. And I certainly share your concerns in moving all those projects forward. And that is why I am very regretful of what I see as a fiasco of the gap of leadership that has taken place here -- because of the confusion in all of this so-called reorganization that, frankly, has left our county behind.....

McClintock: Wait a minute! Wait a minute!

Borries: So I am saying again that we had a point here that we had....

McClintock: We fired somebody because they were not competent and we had a Public Works Director leave to take another job...and that's our fault and lack of leadership?

Borries: That's right. You have your opinion and I have mine.

Hunter: Excuse me, Madam President, may I address this Commission?

McClintock: Yes. .

Hunter: I've, uh, remained relatively silent for the past fourteen months and during that time, Commissioner Borries, you have belittled and berated anything that has been done since I got on the Commission. It's been kind of interesting that I've done a little homework. It seems as though the County Garage was run by a gentleman by the name of, I believe, Bethel (who passed away) and then Cletus Muensterman moved into that position. Now, during the 1980's (about 1987 or thereabouts) the County Garage and this body were so tardy when the Indiana Department of Environmental Management went after them about diesel problems and underground tanks, that it finally resulted in a lawsuit against the County Commission to correct that. There was no corrective action taken. A few weeks ago I was very embarrassed by the fact that the snow removal simply didn't work out. The reason? There was nothing in writing. You showed up several days later with a list of roads that didn't seem to be available and I sincerely hope you are not using that to play political games.

Borries: Oh.....

Hunter: Let me go ahead, Commissioner, please. I've listened for fourteen months.

Borries: You have done more than listen. But you sure have the wrong information on that one, I can tell you that.

Hunter: Well, maybe I do - but I'd like to finish. I don't know where this came from and I'm sure all three of us got this -- that says, "Wish List" -- and I assume this was Greg Curtis' last movement before he went on his way. He indicates that the county equipment is deplorable. As a matter of fact, some of the trucks qualify for antique license plates -- they are 25 years old. He talks about we need a salt storage building. Up until this last summer the salt has laid out in the County Garage lot being washed away, wasted -- the taxpayers' money - and I could go on. He talks about the roof of the County Garage is rotten in areas (to quote him) -- the sub-roof needs to be replaced. He indicates among other things that radios apparently are not even found in all the county public works vehicles. And I guess my concern is this -- I don't want to particularly make this a political issue -- but you indicate to the media -- or you have -- that all the problems at the County Garage started January 1, 1991 -- and that's not right. It's not true. And I guess the second thing that bothers me, there was an old saying that I kind of grew up on saying that that people who live in glass houses shouldn't be out pitching rocks. And I've been on this Commission for 14 months. President McClintock has been on it -- I guess she's starting her third year; and you're starting your twelfth year. And during most of that 12 years your party has been in control. So, you know, I don't think these are new problems. I think these are problems that we, as a Commission, need to be sitting down and working as a team to try to solve. Instead of spending time pointing fingers at each other, I think that is what we were asked to do by the taxpayers -- each of us, when we were elected -- and I'm not sure that we're doing that. I'd like to try if you would be willing to.

Borries: Don, I've always stood willing to do that. In face of what you say and sometimes as a classic political charade from time to time. We've been acutely aware of those problems. They did not come about as of January 1st, as you pointed out. And you've never said that they did. But I certainly never took care of nor attended any kind of a dialogue on any kind of reorganization that was designed to save one dime or address any of those problems that you pointed out. As a matter of fact, you point out in a political issue the whole aspect of the so-called ground contamination as if people were going to die out there. In fact, that was something we had already addressed. So I think, you know, your willingness to work to solve problems is always welcome and well taken. That is not the issue. The issue is how we go about reforming something that will work. And there is also another adage that I remember --

that if something ain't broke, we don't fix it.
We've now structured something that is seriously
....

Hunter: It's obviously broken.

Borries: Well.....

McClintock: Wait...wait...wait. Time out. We have...

Borries: Back to the issue, right?

McClintock: Back to the issue -- okay. We had discussed the County restructuring in a County Commission meeting. Now, we are going to have to call an Executive Session to interview the final -- I believe there are three -- candidates that we pretty much all agree that we like for the County Garage.

Borries: And who will these people be? I mean, what will be the title of these people for the County Garage?

McClintock: The Assistant Superintendent of the County Garage.

Borries: Why would they be the Assistant?

• McClintock: Greg Curtis, as you know Commissioner Borries, because you were in the meeting and it was presented to you that those job responsibilities and titles were to be taken by Greg Curtis to the Job Study and they were to make those changes. Greg Curtis did not have an opportunity to do that. Priority-wise, job titles I do not believe are as important as getting projects done -- and if it was a choice between the job titles and the snow routes, I'd say hold the job titles until we get a new Public Works Director. But in that meeting, if you wish to reopen the discussion on how the County Garage should be restructured -- or following that meeting you would like that to be an agenda item, I'd be happy to put it on the agenda and we can have another discussion about the reorganization of the public works department prior to hiring a Director of Public Works or County Engineer, or whatever you want to call this particular individual. But at this point I think it is important to move forward County government and I will entertain a motion to instruct the County Engineer (Secretary's note: I believe Ms. McClintock meant to say "County Attorney") to draw up a simple agreement for a Contractual Interim Director of the Public Works Department at \$60.00 per hour not to exceed ten (10) hours per week.

Hunter: I will so move.

Borries: I will second. And one final point, Don. There was a snow route list in every truck. Your statement is wrong, and I can show it to you and I entered it into the record. There were snow routes there.

Hunter: Then why weren't they run?

Borries: That's a good question.

Hunter: Because nothing was in writing as to who was in charge.

Borries: Well, I'll guarantee you there are some problems as to who is in charge, but as to whether or not there were snow routes or not, Don, you're wrong. They were there.

McClintock: Would you like a roll call on that?

Borries: I certainly would.

McClintock: Commissioner Borries?

Borries: No.

McClintock: Commissioner Hunter?

Hunter: Yes.

McClintock: And I vote yes.

* * * * *

RE: DRUG & ALCOHOL DEFERRAL SERVICE

The meeting continued with Commissioner McClintock saying Bill Campbell had requested permission to be on the agenda with regard to Certificate of Insurance to be forwarded to Riverside Oil Co., Inc., so they have a copy. Ms. McClintock advised Lou Wittmer that the Commission Office needs to instruct Norris Robinson to obtain a copy of the Certificate of Insurance to be sent to Riverside Oil Co., Inc.

RE: UNIVERSITY OF SOUTHERN INDIANA/CITIZENS-USI 15K run

Commissioner McClintock said USI is requesting permission to use County roads on March 15, 1992 for the subject event. She then entertained questions. There being none, a motion was entertained.

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

RE: DATA PROCESSING - ROGER ELLIOTT & LARRY SPRADLIN

Request from Prosecutor's Office to Proceed with Development of Computer Application to Automate the Prosecutor's Check Deception Program: Mr. Elliott acknowledged receipt of this request and said that what has been accomplished to this point is an analysis and design of the operation of the system. That design was provided to two firms, requesting that they give us a figure to count on for the completion of the project. The completion of the project would be the actual coding of the computer application and the utilization of it on the system. We're looking at an April 1 date for beginning of testing and a May 1 date for beginning of actual implementation of the project full scale. The cost of this (\$9,200) will be paid for by the Prosecutor's Office from his user fee account. No additional monies would be required from the County whatsoever on this project. It is the recommendation of the Data Board that the Commission approve the project.

Commissioner McClintock entertained questions concerning this project. There being none, a motion was entertained.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the request to proceed with this project was approved.

In response to query from Commissioner Hunter as to whether he has any written contract as yet, Mr. Elliott said he does not, but he is supposed to have a draft or something on his desk tomorrow morning.

Ms. McClintock asked if the Commission needs to go ahead and approve the agreement, subject to the approval of the County Attorney -- since the Commissioners will not be meeting again until March 16th.

Mr. Elliott said he will need a signature in order to proceed.

Commissioner Hunter amended his motion to include "subject to the approval of the agreement by the County Attorney", and same was seconded by Commissioner Borries. So ordered.

Percentage Allocation/City-County/Computer Services: Mr. Elliott submitted a proposed Agreement between the City (by and through its Board of Public Works) and the Board of Commissioners concerning the Computer Services percentage utilization for 1991 (25.25% for the City and 74.75% for the County) and for 1992, 21.70% by the City and 78.30% by the County. (The prepared Agreement incorrectly showed same figures for 1991 as for 1992, and the agreement was revised by hand to reflect the correct figures 1992).

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

In response to query from County Auditor Sam Humphrey, Mr. Elliott said the 21.70% for the City and 78.30% for the County in 1992 was effective January 1, 1992 and the percentages will be figured again in April, 1992, effective January 1, 1993.

RE: ORDINANCE RE TRAVEL

It was noted by Commissioner McClintock that we need to set a Hearing date and advertise. Sam (Humphrey) has informed her that this is covered in our Travel Ordinance.

Auditor Humphrey said there are a couple of items the Commissioners need to look at. First, in our current ordinance we have two stages of travel -- one in state and one out of state. Out of state it is 25 cents for the first 500 miles; 12 cents between 500 and 2,500 miles; and 7 cents for all miles in excess of 2,500 miles. To his knowledge we've only had two (2) out-of-state travel. But the Commissioners might want to consider also changing that as well as the in-state. And they might want to think about the per diem. The rest of the Ordinance seems pretty clear. He did check the motel rates for the two out of state travels and found both to be correct. In both cases they got a County rate.

In response to query from Attorney Wilhite, Mr. Humphrey said it would be 28 cents within the state and 28 cents for the first 500 miles out of state; then possibly 14 cents up to 2,500 miles; and 8 cents for anything in excess of 2,500 miles.

It was the consensus of the Board that this sounds reasonable.

With regard to the per diem, it was the consensus of the Board to leave the per diem at \$24.00 per day, although anyplace a meeting is called it is in excess of that.

There being no further discussion, Ms. McClintock asked Joanne Matthews when the Hearing Dates can be scheduled and when this can be advertised?

Ms. Matthews said she can advertise on March 6th, with the First

Reading on March 16th, and Second, Third and Final Readings on March 23rd.

Commissioner McClintock said this reminds her that she is going on vacation and will not be at the March 23rd meeting. Will both Messrs. Hunter and Borries be present on March 23rd?

Commissioners Hunter and Borries responded affirmatively.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, Joanne Matthews was instructed to advertise the Travel Ordinance for hearings on the aforementioned dates. So ordered.

RE: COUNTY ATTORNEY - JEFF WILHITE

Attorney Wilhite said he believes he has covered everything heretofore tonight and has nothing further for the Commissioners' attention.

RE: BURDETTE PARK - TOM GOODMAN

Video Concessions: Mr. Goodman said the first item he handed to the Commissioners concerns the video concessions at Burdette Park. The people who previously handled the concessions sold out to another company and they were in operation half of last year and up to this point in time this year. Experience shows that 75% of the machines at the skating rink were not in operation. At one point in time it took four (4) months to empty the coins out of the machine, which was a substantial amount of money. They were called several times on repairs and we're just not receiving the satisfaction we used to. There are two (2) local companies in the amusement business and both have submitted information for the Commissioners' review. One is "Two Bit Bandit Arcade" (they operate the business at the airport and have been there for 13 years). The other is "B&S Amusement Company".

In response to query from Commissioner McClintock, Mr. Goodman said he does know that one of the people who will be doing the maintenance work on their machines used to be with the former company at the park. That is how he knew this company was in business. Two Bit Bandit has a substantial background.

In response to query from Commissioner Hunter as to where B&S does business, Mr. Goodman said he actually does not know, but can find out -- a decision doesn't have to be made tonight.

Ms. McClintock requested that Mr. Goodman find out and also obtain a couple of references.

Mr. Hunter asked that he also determine where Two Bit Bandit has equipment other than the airport. The reason he questions this is because the one at the airport doesn't do that much for him -- because traffic will not be that heavy at the airport. Mr. Goodman said they have an Arcade at North Park.

Take Home Vehicles: Mr. Goodman said they are requesting two (2) take home vehicles. One is for Joyce Moers, who operates the Day Camp. Last year she used her personal van (which was a really nice van) to purchase supplies, move things back and forth between buildings, etc., and she has put a lot of mileage and a lot of wear and tear on her own personal vehicle. During Day Camp operation (as well as a month in advance for picking up supplies all across town) she will be using the van presently used by Mark Tuley. It is just during certain times of the year that this would be used for take home purposes. The other vehicle will be for a maintenance man at the park, since they will be going to a seven (7) day operation. There will be two people who will operate alternate weekends and one of those people are on call; but to come

in they use their personal vehicles. This will be just a back-and-forth to the park on weekends when they're operating at full staff, which would be for six or seven months. The two individuals alternating weekends will be Steve Craig and Bill Murphy; they will be on 24 hour call.

Commissioner McClintock entertained questions. There being none, a motion was entertained.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the take home vehicles were approved, as requested. So ordered.

RE: COUNTY ENGINEER'S OFFICE - SCOT DAVIS

Utility Agreements: Mr. Davis said he has two Standard Utility Agreements required by the Federal Highway authorities and the State. Basically, whenever you change right-of-way along the road or a project, the agreement states that we, in conformance with the use of right-of-ways act of 1971, that we are conforming by allowing the use of different utilities to occupy our right-of-ways subject to existing statutory requirements. The second agreement concerns Indiana Bell. There will be no disruptions involved, this is just a standard requirement.

Green River Rd. Project/Section A: We've received the claims from the Indiana Department of Transportation for 25% participation share, based on the bids. Basically they cannot issue a Notice to Proceed to the contractors (which is a joint award to Koester Equipment, Inc. and Deig Bros. Lumber & Construction) until they receive a check from us for our participation share. In trying to get us the best price possible on this large project, they did break it down into two different biddable sections. The first claim is in the amount of \$333,294.58 and the second claim -- our share comes to \$424,177.36. It is his recommendation that the claims be allowed.

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

The next claim -- there has been an inquiry by Koester Contracting (the major contractor) and United Consulting Engineers (who will be providing Consulting Engineering Services on this) to possibly use the Risley property that we purchased as an early acquisition on the Lynch Rd. Project as a Field Office. They have stated the location is very good for this project, particularly considering we're looking at a long term project -- anywhere from 12 to 15 months construction time. This also should allow us to take care of some liability problem that we're having with the property still standing. He believes that we can, if the Commission so desired to go further with this -- we could execute some sort of equitable rental agreement for the property for them to use that as the Field Office, in which they would assume certain liabilities that are currently falling on the County during the course of this project. And, in actuality, the amounts that we're going to be paying out in the contract (both us and the Feds) the items we're going to be paying in the contract covers field offices, etc. If we were able to do something of this nature, the County would be taking money out of one hand and putting it back with the other. That is the way it was explained to him -- instead of an independent supplier of the trailer receiving monies for the rental, we would be receiving monies in return, which are actually included in what we are going to pay.

Mr. Hunter said he assumes the Risley home is now vacant.

Mr. Davis confirmed that it is vacant at this time.

Mr. Hunter asked when we need to take it over.

Mr. Davis said we already have possession of the Risley property.

Mr. Hunter said, "I mean, when do you want to move in?"

Mr. Davis said if the Commission could take action (by this, he means actually execute an agreement based on recommendations and documents prepared by the County Attorney at the meeting two weeks from today, that should be soon enough. There will be some basic gearing up for the projects and minor field work. But he thinks that will fall in line with the time that both United Consulting and the contractor have indicated.

Ms. McClintock entertained a motion to ask the County Attorney to prepare the subject agreement for approval by the Board on March 16th.

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

Claim/Blankenberger Bros.: Mr. Davis submitted a claim for a portion of the bond issue on the Union Township Access project in the amount of \$132,942.80, with the recommendation that same be approved.

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

Claim/Phoenix Construction Co.: A claim re the replacement of Bridge #34 on Outer Darmstadt Rd. in the amount of \$83,767.42 was submitted with the recommendation that same be approved.

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

County Garage/Cellular Telephone: Commissioner McClintock said she was out at the County Garage today, and we have a portable Cellular telephone which Greg Curtis was using. It was requested that we make that telephone available to the on-call foreman at the garage -- so when they're called out in the middle of the night and working with a crew removing a tree limb, snow or whatever they are doing, that they have telephone access for emergency purposes.

Mr. Davis said the alternative would be to pick one vehicle for on-call and put an 800 Central Dispatch police radio in it for them to use.

Ms. McClintock countered, "But we have the phone, it is there, and we can do this tomorrow."

Mr. Hunter interjected, "And this would be a lot less hassle."

Mr. Davis said he is not sure whether the funding is still in place for it. He knows they did have an account under County Highway (Communications) they did incorporate specifically for the Cellular phone. He said he believes Mr. Curtis turned the phone over to Mr. Wittmer when he left -- or returned it to the Commission office.

Mr. Hunter asked, "You're talking about the phone?"

Mr. Davis responded, "Yes. I will contact Mr. Curtis and find out where it is. I know that was the intention.":

Ms. McClintock said she is sure he gave it to someone and it is in a safe place.

Pager for On-Call Person/County Highway: Mr. Davis said he knows

we've experienced problems in the past with the pager for the on-call person, as well, which they tested again today. There are problems. It does not cover the entire County -- some places are dead. His question would be -- the Central Dispatch is changing all the emergency service pagers into one integrated system with authorization codes such that currently you dial up there, they punch in the code, and it activates the beeper. That would allow the Commission or people from the County Engineer's office to dial from a touch tone phone and Central Dispatch and it would all be on one system. He has received preliminary information from the people in Central Dispatch, which he will bring back to the Commission. However, he believes we need to go to the same system as the others. The estimate was around \$170.00.

Ms. McClintock said when Mr. Davis has the information so the Board can vote, bring it back. However, at this time the Board will vote on the telephone pending the funding being available.

Mr. Davis said he would like to bring the information back to the next meeting. He is not sure there is an agreement in effect which we can re-activate or what. He would like to bring this information back, as well.

Ms. McClintock indicated this will be satisfactory and thanked him for his report.

RE: CONSENT AGENDA

Scheduled Meetings: Commissioner McClintock said she does have a correction on today's meeting agenda under Scheduled Meetings. The County Council meeting is on Wednesday, March 4th -- not Monday, March 4th. This was a typo. She then entertained questions concerning the Consent agenda.

Weather Computer: Auditor Humphrey asked what a weather computer is.

Mr. Hunter responded that it is a digital weather system. He sat in on a workshop at the A.I.C. meeting in December where it was presented and it looked like it had tremendous potential -- if not for us, for any agency or entity in this community that has any dealings with weather. It simply gives you at a very, very minimal rate (probably less than \$1,000 per year for the whole system usage). It would permit us to access weather stations in Wichita (probably linked up with Kansas City) and let's say you're paving sometime during the day. This item is kind of like Doppler radar, has different colors. This thing shows you the cloud height and with minor training you can interpret and even determine the severity of a thunderstorm that is coming at you -- how quickly and how severe it will be. Maybe you don't want to pave. The School Corporation is very interested in hearing more about it, because they have 200 plus buses on the roads. He recalls the June storm of a few years ago. They had buses out -- and anybody in emergency medical has been invited to sit in on the demonstration. The man is willing to come to us free of charge and make a presentation -- and he couldn't turn it down. He thinks it will be interesting and suggested Auditor Humphrey might like to attend if he has time.

Mr. Humphrey said he noted it is on March 10th -- and he will be at the Purdue Road School.

There being no further questions concerning the Consent agenda, a motion was entertained.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the Consent agenda was approved as amended. So ordered.

RE: EXECUTIVE SESSION - INTERVIEWS FOR COUNTY GARAGE ASSISTANT

President McClintock said she would like to schedule the final interviews for the position at the County Garage. There were three or four (the only reason she says this is because everybody's three choices are on the list). There was one individual who is currently living in a different county and before we'd interview him again, we'd want to be assured that if offered the job he would move to Vanderburgh County. She doesn't want to waste the Commissioners' time in interviewing someone who wants to live somewhere else. She had Sandi Deig call Joanne Matthews today. The Board can have an Executive Session for purposes of conducting the interviews as early as Friday -- if the Commissioners are available. She can do that at Friday beginning at 4:00 p.m.

Mr. Hunter said he could be here as early as 3:15 p.m.

Ms. McClintock said she has a meeting at Channel 9 at 3:00 p.m.

Mr. Hunter said 4:00 p.m. is fine.

Continuing, Ms. McClintock said the Commissioners have talked to these people previously. They are going to check references and will have that information for each of the Commissioners -- so she doesn't see the Executive Session as being a lengthy process.

Ms. McClintock entertained a motion to conduct an Executive Session at 4:00 p.m. on Friday, March 6, 1992 for purposes of interviewing prospective candidates for the position of Assistant Superintendent of the County Garage.

Motion to this effect was made by Commissioner Hunter with a second from Commissioner Borries. So ordered. (Commissioner Borries did note that he has a 4:30 p.m. engagement, but he will be here at 4:00 p.m.)

Ms. McClintock said she will get the interviews set up. She then asked, "Would you, if we made a decision, if we're all individually ready to hire someone -- is there any interest in setting a special meeting on Monday immediately following the Solid Waste meeting for the purpose of hiring an Assistant Superintendent for the Garage? Or, would the Commissioners just want to wait until the March 16th meeting?"

Mr. Hunter said that if possible he would prefer to wait until March 16th.

Ms. McClintock said that is fine. If the Board has further questions, this will give them an opportunity to check those out. She then entertained further matters of Old Business to come before the Board.

RE: AUDITORIUM LEASE (LESSOR TO LESSEE)

It was noted by County Auditor Sam Humphrey that the Auditorium Lease forms contain an Attest by the County Auditor. He never sees these forms. That is not a big deal, except that a question came from one of the Lessees this past week as to whether the lease was legal because the Auditor had not signed it. Can the Attest by the Auditor be deleted from the form?

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the Attest by the County Auditor on the Auditorium lease forms is to be deleted from the form. So ordered.

RE: NEW BUSINESS

Commissioner McClintock entertained matters of New Business to come

COMMISSION MEETING
March 2, 1992

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before the Board.

There being none, Commissioner McClintock declared the meeting recessed at 7:15 p.m.

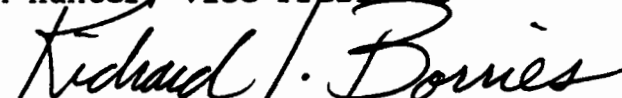
PRESENT:

Carolyn McClintock
Don Hunter
Richard J. Borries
Jeff Wilhite
Sam Humphrey
Jim Angermeier, County Assessor
Evelyn Lannert/Chief Deputy/County Assessor
Pam Martin/Chamber of Commerce
Roger Elliott/Computer Services
Larry Spradlin, Prosecutor's Office
Ray Hamner, Sheriff
Bob Working/Airport Manager
Ed Hafer, Architect
David Bunner, Attorney/Airport Authority
Cheryl Musgrave/Board of Review
Steve Stocker
Phil Lieberman
Lou Wittmer, Commission Office
B. J. Farrell, Commission Office
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Carolyn McClintock, President


Don Hunter, Vice President


Richard J. Borries, Member

**MINUTES
COUNTY COMMISSIONERS MEETING
MARCH 16, 1992**

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MINUTES
COUNTY COMMISSIONERS MEETING
MARCH 16, 1992

The Vanderburgh County Board of Commissioners met in session at 5:30 p.m. on Monday, March 16, 1992 in the Commissioners Hearing Room, with President Carolyn McClintock presiding.

RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

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

She subsequently asked if there are any individuals or groups present who do not find their particular item of interest on tonight's agenda. She does know that C.O.L.E. (Citizens Opposed to Landfill Expansion) is present. Cedric Hustace, Attorney for the Area Plan Commission and the Board of Zoning Appeals, is also present this evening. She then recognized Ms. Dixie Wagner of C.O.L.E.

Dixie Wagner: I'll try to be quick. I know you have a full agenda. My name is Dixie Wagner and I live at 309 Colonial Avenue. I'm here representing C.O.L.E. to speak to you in regard to Area Plan Commission's acceptance of BFI's application for Special Use, which was filed February 18th of this year. Area Plan is not requiring BFI to meet the conditions as outlined in the instructions for filing for Special Use. They have accepted BFI's application and placed it on the Docket to be heard by the BZA even though BFI has clearly not met the requirements by which an application can be accepted and given a Docket Number. On the page titled Site Plan Requirements, (and that's in that packet of information) at the bottom it reads, "Effective immediately, no Site Plans will be accepted without all the above information clearly indicated". Then it has eleven (11) conditions that an applicant must meet. On BFI's application itself, they state the proposed use of the property is sanitary landfill, solid waste landfill, and accessory uses such as offices, scales, maintenance, composting, recycling, and waste processing facilities. Yet, if you look at the Site Plan it shows nothing in regard to size, location, etc., of any of these proposed uses. This information is clearly a requirement for acceptance as shown on the page titled "Site Plan Requirements". Also, at the top of that same page it states again "All Site Plans Must". BFI has failed to adhere to at least four of the eleven requirements outlined. The statement at the top of the page is very clear. All site plans for rezonings, variances, special uses and permits must include the following data. It seems very discriminatory for Area Plan to not require a detailed Site Plan from BFI when it is required for others wishing to file an application. Because of these factors C.O.L.E. has requested that Area Plan have this application for Special Use withdrawn until such time as it meets the requirements as outlined in the instructions for filing for a Special Use. The reason we are here before you today is because we have tried to work this out with Area Plan and we are now totally baffled by both their actions and their explanations. By going over the sequence of events, I hope you will understand why we feel your intervention in this matter is needed at this time. On Wednesday morning last week, Vicki McBride took the instruction packet to the Area Plan Commission to explain our objections to the acceptance of BFI's application. While Vicki is discussing matters with Barbara Cunningham, Ms. Behme tells Vicki that those instructions are not current and, therefore, not applicable. Vicki then contacted me about this. I was very confused, because I had picked up this instruction packet just a couple of weeks earlier. Rose Parks then

went to Area Plan and asked for instructions for filing for a Special Use and was given the same packet of instructions Vicki had just been told are not current. Rose also, at that time, specifically asked if all the requirements listed must be met Before she could file -- and was told yes. Vicki and I then returned to Area Plan. At this time we were told that the instruction section of the packet was current, but the rules of procedure section was not. They stated that **only** the pages with the 10-04-91 code are presently in force. So, we asked for a copy of the current rules of procedure and were told that they were in the process of amending them but they were not finalized. We then asked if that were the case, wouldn't these rules still be in force. Ms. Behme replied, "No, that they then revert to the Code". So now we're at the point where half of what Area Plan is handing out is current and half isn't. So we got back to the instruction portion of the packet, which they agreed isn't that current and asked why they accepted BFI's application and placed it on the Docket, when it obviously did not meet the requirements. Ms. Cunningham indicated that we should speak to their Attorney. A call was placed to Cedric Hustace and Ms. Behme, Vicki, and I were all on phones with Mr. Hustace. Vicki asked him which portion of the packet was presently in force and he said all instructions in rules in the packet were current. He said you could tell because they have the new BZA meeting time on them. Vicki made sure that Ms. Behme took note of this, because she had just told us the opposite was true. I then asked Mr. Hustace how this application could have been accepted without meeting the requirements. He indicated that if we had a problem with the completeness of the application our recourse would be to remonstrate at the BZA hearing. I told him that our point was that Area Plan should not have accepted it, given it a Docket Number, and, according to the rules, it should not go to hearing until the requirements are met. He said that as far as a detailed site plan, the location of the proposed buildings were not included because they plan to use it as a buffer. But I told him that is not what is listed for proposed use on their application -- and if was, indeed, going to serve as a buffer no special use would be required at all. I then asked why the application was accepted without the location of the existing cemetery shown on the Site Plan. His answer was that maybe they don't know the exact boundaries. I then asked if they don't know the exact boundaries, how can they agree not to dump within 50 ft. of it -- and shouldn't they determine that before they even apply for permit? He stated that he did not want to argue about this application and if we don't like it, go to the BZA meeting and remonstrate.

On Thursday, Vicki and I returned to Area Plan and are once again told by Ms. Behme that **only** the instruction portion of the packet is applicable and not the rules of procedure portion. So now we are back to half of what is being handed out is current and half isn't. Vicki and I looked through meeting minutes to find mention of new rules or instructions, but found only information about the Duty to Disclose section that has been added to the current instructions. After leaving, Vicki contacted Mr. Ed Johnson, an Attorney who is very knowledgeable and experienced in matters of Special Use applications and hearings. Mr. Johnson indicated that a detailed Site Plan is most definitely a requirement in these matters and, in his experience, applications were not placed on the Docket without one. This requirement is noted in the rules of procedure under "Docket", where it says, "Each case to be publicly heard before the Board shall be filed in proper form with the required data. The case will then be serial numbered and placed on the Docket. We also reviewed information being provided to the BZA members by BFI. It was just as vague and contradictory as the application itself. For example, at one point they state the primary use of the property would be as a buffer; but in the same sentence they say the buffer would contain provisions for drainage,systems and other accessory uses, as well as use as a Sanitary Landfill. If it contained all this on 3.88 acres, how could it

still be a buffer? They also give information that contradicts what they presented in seeking the vacation of Laubscher Rd. before this Board. On July 8, 1991, Jerry Evans told you that their expansion area is properly permitted for accessory use. Now he states the location of the accessory uses cannot be completed until approval is obtained from the Corps of Engineers, DNR, and the Vanderburgh County Drainage Board. This implies that none of the property could be used until further permits are issued. Either they misled you back in July to obtain Laubscher Rd., or they are attempting to mislead the BZA now. Or, maybe Jerry finally realized that the local permit is conditional. I hope you understand why we feel you must intervene in this matter. We have tried to work this out with Area Plan and have been led in circles regarding Special Use instructions and the application of the rules. The requirements for filing and acceptance of applications for Special Use are very clearly indicated and BFI's application does not meet these requirements. The failure by Area Plan to apply these requirements equally is discriminatory and severely limits the public's ability to protect their interests in situations of this type. And I'm pretty sure Vicki wants to talk about how we would be limited -- if this was accepted in this form.

Vicki McBride: My name is Vicki McBride and I live at 8215 Kneer Rd. As Dixie said, I briefly want to point out some of the problems that we have with the application that was accepted. I'm going to read this so I can go a little bit faster. (Copy attached hereto as part of the formal minutes.)

Ms. McClintock thanked Ms. McBride for her comments and recognized Attorney Cedric Hustace.

Cedric Hustace: I am the Attorney for the Area Plan Commission and also the Board of Zoning Appeals. I will not attempt to argue the merits of BFI's petition, because that is not the purpose of this hearing. Certainly, that is why the Board of Zoning Appeals is going to hold a public hearing on BFI's application. The only matter that I would address at this hearing is whether or not BFI is entitled to go to a public hearing before the Board of Zoning Appeals. I have read BFI's application. I have checked it with the rules and procedures, the Statutes of the State of Indiana, the Ordinances of this Commission -- and also the procedures that have been adopted by the Board of Zoning Appeals most recently. And, in my opinion, BFI's application is sufficient -- at least for the purpose of going to public hearing before the Board of Zoning Appeals this Thursday. Now that is not to say that BFI's petition will prevail or if it prevails, under what conditions it will prevail. But that is something that has to be determined by the Board of Zoning Appeals. And I would respectfully submit to the Commissioners that the Commissioners really lack jurisdiction to consider the remarks of the members of C.O.L.E. The Board of Zoning Appeals is a separate statutory entity and it is their prerogative to consider the application that has been considered by BFI. Therefore, I would request the Commissioners take no action on the matters raised by C.O.L.E. at this time. And I would add further that while the representatives of C.O.L.E. speak about due process -- yes, we want to give the representatives of C.O.L.E. due process in the BZA hearings. We also want to give the petitioner, BFI, due process. As far as suits being filed against BZA, not only remonstrators can file suits -- petitioners can file suits as well -- and we want to be sure that everyone, petitioners and remonstrators alike get a fair shake and that due process is served. And I thank you very much.

Ms. McClintock thanked Attorney Hustace and asked, "What about this question about the instructions? "

Attorney Hustace replied, "BZA adopted rules and procedures a number of years ago and, certainly, we are in the process of updating those rules. In the interim, so that petitioners and

applicants wouldn't be prejudiced by outdated rules and perhaps unclear procedures, the Board of Zoning Appeals adopted new procedures, if you will, or instructions for handling of applications -- such as the one here. And those are handed out to every applicant -- including we attach copies of the existing rules of procedure, as such, but I would submit that since the BZA has acted most recently on the instructions that accompany an application, if anything the rules and procedures have, in effect, been amended by the later action of the Board of Zoning Appeals in adopting the instructions. So the instructions as submitted with the application forms are really the current ones as far as deadlines for filing notices and anything inconsistent I would submit the instructions would govern. But we are going to formally adopt new rules of procedure in the very near future.

Commissioner Hunter asked, "May I ask one question? Under your current rules, is BFI required to submit a Site Plan at the time of their filing?"

Attorney Hustace replied, "That is correct. And they have submitted a Site Plan. Now, it is not as detailed as C.O.L.E. would like it to be. However, in my opinion, there is no requirement that it be like a survey -- showing everything that BFI (or any other applicant) would possibly want to do on the premises. In fact, there is another matter that is coming up for hearing at the same meeting this Thursday -- an application by Westwood Corporation, which is an application for a mobile home park. And their Site Plan is as general as BFI's. And because we are just looking at the Special Use of the land, as such, and at the time the application is going to develop the land -- then he has to come in with a specific Site Plan and at that time we will have to pass upon it. Also, in the case of BFI, even if the Board of Zoning Appeals grants the application with whatever conditions the Board deems appropriate, by merely granting that application does not mean BFI can use that property -- because there are many other governmental agencies that have to approve of the use BFI intends, including the Indiana Department of Natural Resources, Indiana Department of Environmental Management, and perhaps even the Corps of Engineers. I'm not sure what other ones. So there's a lot of things that have to happen before BFI can use that property."

Ms. McClintock turned to Attorney Price and asked, "Gary, what is your legal opinion?"

Attorney Price responded, "Well, I can appreciate the concerns of C.O.L.E. However, I believe those concerns should be addressed to the Board of Zoning Appeals at this time -- not to this Commission. I don't believe this Commission has jurisdiction over this particular Special Use petition by BFI and I would suggest that this Commission not take any action at this time -- and let C.O.L.E. take their concerns to the Board of Zoning Appeals."

Ms. Dixie Wagner: I need to respond to what Mr. Hustace said. I want to get to what he said last first. He said that basically when they are granted an SU that they cannot utilize that property until they have approval from DNR, the Army Corps, etc., etc. We have proof that -- okay, they are either breaking that law or we have proof they can do it -- because they are presently doing it on their....

Ms. McClintock interrupted, "Okay, Dixie, we are not here to argue about the petition."

Ms. Wagner countered, "Okay -- but, you know, there has to be a requirement for the truth and we are very careful when we come before anyone to give the truth -- because, as he mentioned, there is always the treat of BFI filing suit against us. Therefore, we are very careful. My question is if, in his opinion, BFI does not have to meet the requirements of these rules that he says are

current -- then what is to determine who else cannot meet these requirements and who exactly has to and who makes that decision? As I said, we had a person go down specifically and ask, 'Do I have to meet these requirements before my application is accepted?' She was told flat out, 'Yes'. Not 'Yes', unless you have this specific case. And as far as waiting and remonstrating against the Board of Appeals, our whole point is that this is the public's protection -- that we can go down and pick up these rules and see what has to be on this Site Plan. We may not have a remonstrance if they plan to leave that property as it is on their Site Plan, which has absolutely nothing on it -- not even the existing cemetery. But, as Vicki said, if they are going to put a methane system next to the railroad, or if they're going to bring in refuse by use of a rail spur, of course, we would have a remonstrance. And our whole point is that the Area Plan Commission says that these rules apply and they apply equally to everyone. , And yet, they are singling people out and not requiring that they put this information on their application. And, to me, the out fall would be if this application is accepted and given a Docket No., what is to keep people from coming down and saying, 'You know, I don't know where I'm going to build my garage yet, but I want to go ahead and get my SU for when I decide.' The point is, you get your SU, you have your proposed use listed of what you plan to do. We have no recourse against them. They can do any one of those things. And if the proposed use was an office and a buffer, maybe we would not have a problem. But it is so broad based that after they have their SU they can basically put anything there.

Ms. McClintock said, "Okay. Dixie, I can appreciate your concern. But we have been told by the Attorney representing the Board of Zoning Appeals that BFI, in his opinion, has followed the same rules and regulations that other businesses and individuals follow. Further, we've been advised by the Attorney for the Board of Zoning Appeals and also by our Attorney that this Board does not have the statutory jurisdiction to tell another separate entity what they can do. It's just like the Board of Zoning Appeals could not rule next Thursday night to tell this Commission what to do. We don't have authority over that Board."

Ms. Wagner asked, "Do you have authority over the Area Plan Commission?"

Ms. McClintock responded, "Yes. We have appointments to the Area Plan Board, yes. But we do not have -- Mr. Hunter is on the APC Board; Mr. Wortman is on the APC Board; and Al Bauer is the appointment of this Commission to that Board. The Mayor also has appointments, as do City Council and County Council."

Ms. Wagner asked, "Would you be willing to submit a statement to the Board of Zoning Appeals in regard to your feelings about the completeness of their application, as you see it?"

Ms. McClintock responded, "We cannot do that as a Board. We can do that as individual members -- as individual citizens."

Ms. Wagner continued, "The point is -- what do we remonstrate against?: We have no idea what they plan to do. We would have to remonstrate against anything that would be considered an accessory use -- and we don't have enough time to dig into everything that can be. And I would like to get cleared up what Mr. Hustace said. He never answered me. He said the requirement before they can utilize their property -- regardless of having that Special Use -- they cannot utilize that property. If that, in fact, is true -- BFI is breaking the law right now. Because they have begun construction of their scale on their extension property. And I would like to know before I leave if what he said is true. Because if it is, BFI is in violation of the permit that was issued to them in 1990."

Ms. McClintock responded, "Okay. I think I'd already made it clear we're here to discuss the issue of whether or not this Commission can tell the Board of Zoning Appeals whether or not to hear this petition on Thursday evening. It is my belief that if we are in the process of re-doing these instructions and that there is some confusion about what needs to be submitted and what not -- that process needs to be completed as quickly as possible and approved by that Board so that everybody is following the same rules -- although I want to reaffirm that Mr. Hustace says that is happening now. And that is what you are saying -- is that correct?"

Mr. Hustace responded, saying that is correct.

Ms. Wagner asked, "May I give you a statement from the lady who came down to the Area Plan Commission? I have her statement -- and can just give it to you."

Ms. McClintock said that was okay.

Attorney Price interjected, "Carol, that statement really should be brought before the BZA though."

Ms. McClintock said, "Can we just make a copy of this and then return it to you?" She then asked Commissioner Hunter if he has comments.

Commissioner Hunter said, "No. We've been told twice to keep our hands off."

Ms. McClintock continued, "We appreciate your bringing your concerns about the Board of Zoning Appeals. I'm sure that your comments will be widely reported in the Evansville Courier and the Evansville Press tomorrow. Mrs. Cunningham, as well as the Attorney, are aware of your concerns and at this point it is really up to the individual members of the Board of Zoning Appeals as to whether they will hear that particular matter."

An unidentified gentleman from the audience asked, "May I ask that you consider that the next time Barbara walks in for a blank check to cover her legal expenses -- which have been escalating, as reported by the local papers." (He then left the meeting room.)

Ms. McClintock said if there are no further comments from the Commissioners the Board will begin the 6:00 p.m. Public Hearing with regard to County Roads.

PUBLIC ROAD HEARING

The hearing opened with President McClintock stating, "As we do each spring, we advertise a public hearing for the improvement of roads in Vanderburgh County. We have advertised that hearing for 6:00 p.m. this evening. We have had submitted by the County Engineer's office a list of roads that either didn't make the list last year or individuals have already called in about. To save ourselves a little bit of time, I'd like to go ahead and read that list to you now -- so if you are here about that particular road you can either stand up and say that yes that needs to be done -- or you will know it will end up on the list. Then we'll hear from anyone who is here to inform us about a problem concerning their particular road. Ms. McClintock then read the list, which was listed in alphabetical order -- not priority order. (Copy of list attached hereto). In conclusion, she said this represents approximately 16 miles of roads. She subsequently asked if there is anyone present who has a problem with a road that would like to bring that problem to the attention of the Commissioners, so they can research same to see if it should be added to the road improvement list.

Mr. Steve Stocker of 3606 Hogue Rd. said this is a request that the alley in Tekoppel Place Subdivision, Block 3, that runs north off the 3600 block of West Franklin and dead ends into a private alley that runs east and west in the same block be rocked so that the owners in that area can use it. (This is a public alley.)

Ms. McClintock then asked if there is anyone else with an alley-road-bridge problem. There was no response. Ms. McClintock said the Board will ask the County Engineer's Office to continue to take comments either in writing or by phone during the next couple of weeks from individuals or members of the public. They will then bring back to the Commission in a full meeting their final prioritized list for road improvements for Summer 1992 and we will proceed from there.

Mr. Scott Davis said the list he submitted contained all the named roads. There are about twelve (12) miles additional already under consideration that belong in subdivisions that need some in depth research, etc. So we actually have about 26 to 28 miles already under consideration. If we do what we've done in the past four or five years, we should hopefully have the money to do about 40 to 45 miles under current budget.

RE: SALE OF COUNTY SURPLUS REAL ESTATE

The meeting proceeded with Commissioner McClintock entertaining bids on the County-Owned Surplus Real Estate which had been advertised for sale.

Mr. Steven Goad approached the podium, introduced himself, and said he resides at 2666 S. Yankeetown Highway, Boonville, IN 47601.

McClintock: And which parcel are you interested in purchasing?

Goad: I am interested in everything that you have left.

McClintock: Oh! Okay. And how much did you want to bid?

Goad: As little as possible. The tax code number is 7-30-9-59-29.

McClintock: \$1.00 a parcel?

Goad: That would be good.

McClintock: Okay. All right. We have another bidder.

Goad: Okay.

Ms. McClintock then recognized another bidder in the audience.

Mr. Steven Stocker said he wishes to bid \$5.00 on 7-30-9-59-29. On 11-60-21-44-8, he wishes to bid \$5.00. And there are two more (11-160-22-78-13 -- \$5.00; and 11-560-28-58-01 -- \$5.00).

McClintock: As far as my record shows, all four of those parcels are available. Did you wish to bid more than \$5.00 on those four parcels, Mr. Goad?

Goad: I'll go \$10.00

Stocker: I'll go \$20.00

Goad: \$25.00

Stocker: \$50.00

Goad: How many pieces?

McClintock: These are four (4) parcels

Goad: I'll bid \$55.00

Stocker: \$100.00

Goad: I think he can have those.

McClintock: Okay. All right. Do we have a motion to sell those four (4) parcels to Mr. Stocker for \$100.00 each?

Borries: Yes. I so move -- quickly.

Hunter: I' second.

McClintock: So ordered. Now, can I have a motion to sell every other parcel of surplus property that we have available to Mr. Goad at \$1.00 per parcel?

Borries: Any legal opinion on that?:

Price: You have seen the list?

Goad: I do want to put that in the Corporation.

McClintock: Go ahead. Well, you can do that when you do the papers.

Price: I don't think he can do that. Are you the officer of the corporation?

Goad: Yes.

Price: You need to represent yourself here today as the corporation -- not as an individual.

McClintock: What is the name of your corporation, Mr. Goad?"

Goad: H. A. Land Company, Inc.

McClintock: Does anyone wish to bid against H. A. Land Company, Inc. for these other pieces of property?

Stocker: I'll bid \$5.00 on all the rest of them. I've already purchased four parcels.

McClintock: Okay, Mr. Stocker will go \$5.00. Mr. Goad?

Price: He bid \$1.00 as an individual and now he is bidding \$5.00 as a corporation?

McClintock: It was my understanding we had to throw that out, because he didn't bid as the entity he wanted the paperwork done in -- that we couldn't sell it to him and then he'd turn around and put it under H. A. Land Company. Is that not correct?

Price: Yes. You need to represent yourself tonight as a corporation -- if you are wanting the property to be owned by the corporation.

Goad: That's what I said.

Price: I think that's what I said -- but now I'm not sure you have to outbid yourself at this point.

McClintock: I'm sorry. I thought since we voted on that for Steven Goad

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Price: Have you already voted on that?

McClintock: Yes, but you were throwing that out because that's not the way...

Price: That's not what Mr. Goad wants...

McClintock: Okay. All right. So we're starting over?
Mr. Stocker has the high bid of \$5.00 per parcel.
Mr. Goad?

Goad \$10.00

Stocker: \$15.00

McClintock: Mr. Goad?

Goad: I don't know, how many are there?

McClintock: I show approximately 10 parcels, after Mr. Stocker's four parcels.

Goad: \$15.00? He can have them.

McClintock: Okay. All right. So who would like to make a motion to sell these other parcels to Mr. Stocker for \$15.00 per parcel?

Borries: So moved.

Hunter: Second.

McClintock: So ordered. B. J., you can take this off the agenda.

Humphrey: We'll have another one coming up soon.

Goad: Okay. Give me notice, would you?

McClintock: Okay. Mr. Goad, if you will give your name and address to B. J. Farrell, she will be happy to let you know when.

McClintock: And we have to execute the Deed for the piece of property on North Woods Avenue that Mr. Stocker bought at our last meeting for the sum of \$5.00.

Hunter: I move we execute the Deed.

Borries: Second.

Mc: So ordered.

(Subsequent to the meeting, the remaining parcels were verified by the County Auditor's Office, and those parcels sold to Mr. Stocker at \$15.00 each include:

11-70-21-58-25	520 E. Gum
11-90-21-76-3	904 S. Governor
11-90-21-76-14	901 S. Elliott
11-100-21-82-18	24 E. Blackford
11-110-22-14-9	1109 S. Judson
11-180-23-14-16	706 Bayard Park Drive
11-190-23-33-3	607 E. Blackford
11-270-24-38-43	523 S. Linwood
11-280-24-42-12	515 S. Evans
11-70-21-57-25	400 E. Gum
11-100-22-2-12	96-98 Adams
11-90-21-74-5	808 Line Street
11-80-21-63-10	633 Line Street

11-70-21-58-26

522 E. Gum

RE: AWARDING OF BID/FURNITURE FOR SUPERIOR COURT

The meeting continued with President McClintock saying that Susan Jeffries of Purchasing could not be with us this evening because she had a scheduling conflict. Bids were opened on February 24th for furniture for Superior Court and referred to Purchasing for their expertise and recommendation. Low bidder was Corporate Design for \$9,465.00. It is the recommendation of the Purchasing Department that we award the bid to the low bidder.

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

RE: BURDETTE PARK/JOYCE MOERS

Contract w/Work Family Directions, Inc.: Ms. McClintock said Ms. Moers, Director of the Day Camp operations at Burdette Park has some special guests with her this evening and asked Ms. Moers to introduce same. Ms. Moers introduced: Pete Peradosi/Bristol-Meyers; Rob Denkhaus/Mesker Zoo; and Mitch Luman/Evansville Museum.

Ms. Moers then gave Ms. McClintock the original contract to be executed. She said she gave a copy to the Commissioners earlier this week for their perusal. Those copies need to be thrown away and the new contract replaces same. There is a minor change. For the past several months they have been working with Bristol-Meyers Squibb and Work/Family Directions for the new co-sponsorship of our Day Camp programs. With the grant from Bristol-Meyers Squibb, we are going to be able to develop a new Day Camp program, which is a Science & Technology Camp, for children ages 10 thru 14. Working with Work Family Directions, they have developed this contract for execution by the Commissioners today which basically outlines our responsibilities and their responsibilities. The only change in the new contract just submitted today is the payment schedule. They are going to pay the Consultants and Community Resources directly, rather than us paying them ourselves. That is the only change. She talked to Attorney Gary Price about this beforehand, so he would be aware of it and have an opportunity to review it. The new program for the Science and Technology is going to incorporate community resources (such as the Zoo, the Museum, Wesselman Nature Center, and Angel Mounds) to develop this program and it is going to be a hands-on program for these kids to learn about science and technology. So they can learn about the science and technology in a really fun, hands-on way. It's not going to be sitting in chairs listening to teachers, etc. They are going to actually be out in the community doing fun things that are going to teach them science and technology. The grant from Bristol-Meyers Squibb through Work/Family Directions will also enhance our summer camp by helping us obtain things we would not normally be able to do yet at this time. They are very pleased with this agreement and hope the Commission will agree to sign it tonight. If they have questions, individuals are here to answer same.

Ms. McClintock said she would like to take this opportunity to commend Ms. Moers. She's worked very, very hard on this program and the Commission appreciates all her hard work and efforts. It certainly is going to be a big plus for Burdette Park and the citizens of Vanderburgh County. Also, thanks to Bristol-Meyers Squibb and the community resources, including the Zoo, the Museum, Angel Mounds and Wesselman Woods, who have worked to put this together.

Commissioner Hunter said that last week he had an opportunity to meet with Joyce and the folks from Boston -- who are sort of putting this together, along with Joyce. This is exciting. From

the viewpoint of an educator, we have taken some of the prime resources that we have in this community and combined a creative program for young people. He is assuming this is going to be available to all young people in the community from the ages of 10 - 14 in the Science portion for the program and the Day Camp will also benefit from some of these new components that have been put together. He thinks this whole program is exciting and it is something the community needs and something the community can support. He then commended Ms. Moers and Burdette Park for putting this together.

Ms. Moers said she, too, is excited -- because through Bristol-Meyers Squibb and Work/Family Directions we are actually able to obtain education for the Burdette staff. They are having training courses that the staff, herself and the directors are going to attend. Also, they are going to be doing the training for the Science & Technology program. They are going to help us with the hiring -- to make sure that we do have adequate staff. They are going to have Bernie Zumbrowski and Libby Palmer from the Boston Children's Museum and from Operation Smart respectively, who are the two the program and curriculum are basically being developed from to come in and actually do the training for us. And that is something we would not be able to obtain without the help of Bristol-Meyers. The training that she, herself, will get -- and her director -- is going to be substantially a lot of help for them -- and they're very excited.

Mr. Hunter said the people just mentioned by Ms. Moers are the top people in this country in terms of training for this kind of program.

Ms. Moers said they have been working with science and technology programs and the programs that they are going to help us develop is a pilot program that can eventually be used by others around the country. We're going to be the first ones to develop something like this and that is also a plus.

Commissioner Borries said, "Joyce has seen this thing from birth -- this summer camp develop -- and I would certainly want to echo those comments. I think anytime that Bristol-Meyers Squibb does things for our community it is indeed a first class operation. So I am sure the children of this community will benefit and every citizen will benefit from the improved services here. It is wonderful. You are to be commended.

"Ms. Moers said, "Thank you. Thank you. Are there any questions on the contract? I did have the insurance certificate obtained. John Hodge did send us the insurance certificate. It is my understanding it meets all the requirements."

Ms. McClintock entertained a motion to approve.

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

Credit Card Usage for Burdette Shops: Ms. Moers said Auditor Sam Humphrey is going to make a recommendation with regard to this. Burdette wants to take credit cards in the new shops they are opening, which are going to be selling various items. We have had an opportunity for a couple of people to come in and talk to us and bid and Auditor Humphrey has had an opportunity to review same and will now make a recommendation.

Auditor Humphrey reported he did review both proposals. He wasn't aware he was reviewing them for the Commission. They came over his desk and he read them. He interviewed some people. There were two offerings: One from the Chicago area and one from a local bank. The Chicago area, as he understood it, offered simply the old type

credit card certification. Citizens Bank offered a swish card complex, which they told us that the minute they run it through the swisher that it records how much that account has in its balance. And if it's honored, it immediately takes it out of the account. So it reduces the loss to almost a negligible amount. So his recommendation would be to have the local bank. He was very impressed with the local operation.

Ms. McClintock entertained questions of Mr. Humphrey. There being none, Ms. McClintock entertained a motion to approve Citizens Bank for the Credit Card program.

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

Request for Waiver of Fee/Shelter House No. 18: Ms. Moers then submitted a request from the Arthritis Foundation to waive the fee for rental of Shelter House #18 for Lunch registration and rest area. The Foundation is scheduling their 8th Annual Spring Bike Tour.

Ms. McClintock entertained a motion to approve.

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

Video Arcade Concessions/Tom Goodman: Mr. Tom Goodman said this is a continuation from two weeks ago. He called both companies involved and received a response from only one of the two. The response received was from Weyher Amusement and they are going to put in brand new machines -- really updated machines. In talking to the other folks from B&S Amusement, they were not going to do that because of the substantial cost in doing so.

Mr. Hunter asked, "What about the Two Bit Bandit people?"

Mr. Goodman responded, "That is Weyher Amusement -- and I do have a letter. They have a new arcade out by Mattingly's Restaurant, in addition to the one that was at North Park."

Ms. McClintock said, "For the record, the letter is addressed to Mark Tuley, as follows:

Dear Mark,

We'll put in the most popular, new and late model games at Burdette Park. Mainly the games are four players -- so more people can play in a smaller amount of space. By putting in newer games we feel we can increase revenue and cut down on the number of machines that are out of order.

We will be happy to have anyone visit the Two Bit Bandit on the east side to check out the machines. We're located at 1605 Morgan Center Drive -- just off Morgan Avenue next to Mattingly's restaurant.

Sincerely,

Tom Weyher"

Ms. McClintock then entertained a motion.

Mr. Hunter moved the approval of Weyher Amusement Center, with a second from Commissioner Borries. So ordered.

Travel Requests: Mr. Goodman said he also has two travel requests. One is OSHA. This is a training for trainers, so you can teach your employees the hazards involved in their work. This goes with

the "Right to Know" laws as far as any training. This is something that can be broken down into categories for your grounds maintenance and pool employees, also. This is to teach people how to train your employees.

Ms. McClintock asked if Mr. Goodman could then train County Garage employees?

Mr. Goodman responded, "That is possible, time allowing."

Ms. McClintock asked, "But if you had a class set up for Burdette Park people, we could share it?"

Mr. Goodman responded affirmatively.

Mr. Goodman said the second request concerns something he came across at the last seminar he attended. It is an Aquatic Facility Certification Course. It is the National Certification Course and delves into a lot of areas for not only pools, but for water treatment, risk management, and various areas. It is a National Certified Course with a Registration Number. This will be held in the St. Louis area. He has cost estimates on hotels now, because the Aquatic Facility Operators' Course is a 22-hour course, which will be 10 and 12 hour days for two days. The hotel room for the Aquatic Facility Certification Course is \$35.95 per night, plus tax. The OSHA course (in Nashville) is 77.11 plus tax.

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

RE: TRAVEL ORDINANCE (FIRST READING)

Ms. McClintock said that the Commissioners asked the Attorney two weeks ago to prepare the Amended Ordinance. Ms. McClintock said there are some changes to be made in the draft provided by Attorney Wilhite. However, the ordinance was advertised correctly. Actually, the only proposed change concerned mileage which was that within Indiana we will pay 28 cents per mile; outside Indiana we will pay 28 cents per mile for the first 500 miles; 14 cents for between 500 and 2,500 miles; and 8 cents for all miles in excess of 2,500 miles. She then asked if anyone present wishes to address this ordinance on First Reading? There being no response a motion was entertained.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the Amended Ordinance was approved on First Reading, with Second, Third and Final Reading to be held on March 23, 1992. So ordered.

RE: ORDINANCE RE COMMUNITY CORRECTIONS FUND (FIRST READING)

Mr. Harris Howerton said that since around 1985, Vanderburgh County has opted to accept \$161,000 from the Indiana Department of Corrections to keep its misdemeanor offenders right here. Some years ago that was a matter of option. Today as we speak, there is no way to get people into the Indiana Department of Corrections anyway -- we might as well accept their money -- it is free and it is to us for housing those people. He has provided the Commission with a copy of the Ordinance that has been approved by the State Attorney General for years now -- and would ask that the Commission approve same.

Ms. McClintock said it has been advertised. First Reading is tonight, with Second, Third and Final Readings scheduled for March 23rd. She then asked if there is anyone present to address said ordinance. There being no proposed amendments or response of any kind from the Board or the audience, a motion was entertained.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the ordinance was approved on First Reading. So ordered.

RE: COMMUNITY CORRECTIONS - INSURANCE

Mr. Howerton said the Community Corrections program has come to the Commissioners and asked that he be granted leave to talk with the County Insurance provider. He has talked with Messrs. John Hodge and Norris Robinson. He would introduce those gentlemen at this time and ask that they give their report to the Commission.

Mr. Hodge said he and Norris Robinson reviewed with Mr. Howerton the proposed and, as he understands it, the County has agreed to accept the responsibility and the jurisdiction of the Work Release Jobs Program for the County. If this, in fact, is cleared and all the ordinances are in place and everything is in line, there is no problem with that operation coming under the Self-Funded Insurance Program of the County -- thus saving the Work Release Jobs Program a substantial amount of premium dollars that they have been paying out for their own insurance for automobile insurance, general liability, property insurance, and some inland marine coverage on some of their equipment. The only thing they asked Harris to verify was that, in fact, his operation is definitely under the jurisdiction of the Board of Commissioners of Vanderburgh. And if it is that way, then they have no problem in adding this on to the County's insurance program. The Administrator, PENCO, has already agreed that there is no problem with that. The only additional cost on our regular program would be the cost of the additional property coverage on the excess property -- which would probably be around \$1,500. They are currently paying about \$16,000 for their coverage. The thing the County will be assuming will be the responsibility of any losses being paid out of the Self-Insurance Fund -- any losses that would occur in regard to the Work Release program.

President McClintock said the Commission has agreed in a previous meeting that this is an operation of Vanderburgh County. She asked, "Correct?"

Mr. Norris Robinson stated, "He showed me the paperwork on that."

Mr. Howerton said, "There was one point of question, and that was whether or not the properties acquired by the Jobs Program, Inc. (that document I just passed around) the proceeds in the event should that component of the Community Correction Program stop otherwise business, would the fixed assets then be the property of Vanderburgh County? By virtue of that resolution, yes they would be."

Mr. Hodge said, "Which allows you to have an insurable interest in the property so you can buy the insurance on the property."

Ms. McClintock said it is her understanding the Board has already approved this happening. She then expressed thanks to Messrs. Hodge and Robinson for their assistance and comments.

Mr. Howerton said he believes we need an effective date on that.

Ms. McClintock said it is too late to make it effective today, and then entertained a motion.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the subject insurance is to become effective tomorrow (March 17, 1992). So ordered.

RE: OLD COURTHOUSE

Ms. McClintock asked if Faye Gibson of the Old Courthouse Preservation Society is present? There was no response. Ms. McClintock then asked B. J. Farrel to call Ms. Gibson to see if...

Mr. Borries interrupted, saying he would like to have this matter postponed until such time as Ms. Gibson is present. He does have a few questions he would like to discuss with her.

Ms. McClintock asked Ms. Farrell to call Ms. Gibson to see when she can come when all three Commissioners are going to be at the meeting.

RE: AGREEMENT WITH DAVE SAVAGE ENGINEERING

President McClintock said she has the agreement with Dave Savage Engineering, which has been prepared by Jeff Wilhite, to be executed. She entertained questions concerning the agreement.

Mr. Borries queried Commissioner McClintock concerning the length of the agreement.

Ms. McClintock said it is open ended. It continues until we terminate, which we can put into the record. It says, "On an interim basis until a replacement County Engineer can be hired by the County". In response to query from Commissioner Borries as to number of hours, Ms. McClintock said it states, "Not to exceed 10 hours per work week. The contractor shall submit monthly a detailed itemization statement of the services provided, along with other forms required by the County Auditor for payment hereunder. If the Contractor deems it necessary to exceed 10 hours in a given work week to provide the above services, the Contractor shall first obtain the written approval of the County Commissioners." She then entertained a motion.

Motion made by Commissioner Hunter and seconded by Commissioner Borries to approve the agreement. However, Commissioner Borries noted he has voiced objections to the agreement and is seconding the motion only for purposes of moving this matter forward.

Ms. McClintock asked Mr. Borries if he would like a roll call vote, and he said that would be fine.

Commissioner Borries, no; Commissioner Hunter, yes; and Commissioner McClintock, yes. Motion passed by 2 to 1 affirmative vote. So ordered.

Ms. McClintock asked Mr. Wittmer to call Mr. Savage and arrange a time for her to meet with him sometime tomorrow.

RE: FIESTA DRIVE - THOMAS SWAIN

President McClintock said Tom Swain is here, along with Don and Georgia Williams (his clients) concerning Fiesta Drive.

Mr. Swain asked if the Commissioners know where Sils Drive is off Peerless Rd. You drive to the end of that and then the concrete ends and there is a road that goes back to the Williams' property - sort of a northerly direction. The easement is dedicated to the County, but not accepted for maintenance purposes. In 1977, the road was built and drainage ditches were placed on both sides of the road. Both sides have now filled in and they are asking permission from the County Commissioners to dig the ditches out and repair the road.

Ms. McClintock asked, "And this would be done at your clients' expense?"

Mr. Swain responded, "Yes, Ma'am. I should have said that first, shouldn't I? I think Mr. Kercher has been out there, looked at it, and said that what they propose to do is just put it back according to the plans as they were in 1977. I believe he said the plan is feasible."

Ms. McClintock recognized Mr. Kercher.

Commissioner Borries said, "My question to him was, Tom, is this an accepted road?"

Mr. Swain responded, "No Sir, it is not. It is dedicated -- but not accepted."

Mr. Kercher commented, "There is a 30 ft. easement along the side. Why it was left there, we don't know. There is a 30 ft. easement here never built on and Mr. Williams was given permission to build a driveway along this easement in 1977. Since then the person who lives on the corner has built a walkout basement and filled in the ditch that he has built to drain this road. What they are asking to do now is to go back and put it in the way it was and then maintain it that way."

Ms. McClintock asked, "If it's not a County road, why do they need our permission?"

Mr. Kercher said, "There is some question. For some reason, back in 1977, the County Surveyor at that time brought it to the Commissioners at that time to request they give him permission."

Commissioner Hunter said, "I've been down this road with Gary before -- last summer for about an hour or an hour and a half. I guess my only question, Gary, to both you and Mr. Swain -- and I know Mr. Williams' frustrations with this thing and the pot holes he has to lose his vehicles in when he goes in there -- by opening this up are we going to create a drainage problem that will bring the neighbor (Mr Witherspoon) into this? And then is the County going to be liable?"

Mr. Swain, "All I can tell you is if it is put in properly, there is sufficient room between the fence and the road that should keep the water out."

Mr. Kercher said, "The problem is, nothing has been designed. What he is asking is to put it back the way the original plan said."

Mr. Hunter said, "I know. That's what worries me, because I've been there and looked at it."

Mr. Kercher said, "Unless I go out there and actually take some cross sections and do some survey work and some engineering work on it, I don't know. It's off County right-of-way, so I hesitate to go on private property and do any work."

Ms. McClintock said, "It sounds like what we need is some engineering work done."

Mr. Kercher said, "Mr. Bill Nicholson of Veach, Nicholson & Griggs did this plan in 1977. Nothing has really changed except that the ditch has filled in since then."

Mr. Hunter asked if the Witherspoon house came before or after the 1977 plans.

Mr. Swain said the house was there, but the patio and all was added later.

Ms. McClintock said, "So we're talking about one patio being added since 1977."

The meeting continued with Mr. Swain showing the Commissioners some photographs of the area -- going back to 1977.

Ms. McClintock asked Attorney Price if he has a legal opinion.

Attorney Price responded, "Well, if the County has never accepted that property, I am not sure why the County needs to be involved in it right now. In fact, I would suggest the County **not** be involved in it right now. And if they start giving permission for someone to start making these repairs and there are problems in the future, then we may be the ones they look to for relief from the problems. So I would suggest the Commission not take any action. If, in fact, the County has never accepted maintenance of that property then the County's permission shouldn't make a difference at this point in time."

Ms. McClintock said, "So basically you are telling these people to go ahead and do whatever they want, but we can't tell them they can do that because it is not our road."

Mr. Swain said, "It is your road -- it's just not an accepted road."

RE: CONTRACT RE MANAGEMENT OF VANDERBURGH AUDITORIUM

It was noted by President McClintock that both Mr. Given and Mr. Spindler are present and said this contract has been in the works since the Commission voted to enter into these negotiations some six weeks ago. Each Commissioner should have received on Friday a copy of the agreement that was negotiated with Vanderburgh County. Some of the highlights in the agreement are that:

- 1) If approved, once GFM Corporation takes over the management of the Auditorium that we will have a marketing plan for our approval within 60 days of the date the agreement is executed.
- 2) That they recognize and will encourage continued involvement by regional promoters -- and shall coordinate with other promoters to book the Auditorium.
- 3) That we will receive a monthly report of all the events held at the Auditorium and the Gold room and the other rooms available for rent there. That each year they will develop an annual operations plan to present to the Commission in September of each year. That they will contract on behalf of the County (it will have to be approved by this Commission) with a professional ticket service company (Ticket Master or a similar company) for ticket sales for events and activities, including computerized ticket sales.
- 4) That they will work with the longstanding community tenants and patrons of the facility to bring about a smooth transition into a new management arrangement.
- 5) That within 60 days following the execution of this agreement we will receive a concise business plan for the term of the agreement.

Ms. McClintock then asked if there is anyone in the audience who is here to speak to the Vanderburgh County Auditorium management agreement? There was no response and she asked if either Mr. Given or Mr. Spindler wished to make comments.

The response was that perhaps they could make comments after the vote.

Ms. McClintock asked if there are comments from the Commissioners.

There being none, a motion to approve was entertained.

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

Attorney Price said, "By law, we should not enter into an agreement without appropriations. However, this agreement expressly states that before this agreement takes effect two things have to happen:

- 1) This Board's approval
- 2) An appropriation by the County Council

Ms. McClintock asked, "So we need to make the date this agreement starts?"

Attorney Price said, "It won't begin until after the money is appropriated."

Ms. McClintock asked, "So we don't need to make another motion or anything?"

Attorney Price responded that this is correct.

Ms. McClintock said the Commissioners will not sign the agreement until the money is appropriated. It can subsequently be brought back for signatures.

Mr. Danny Spindler said, "On behalf of Given, Spindler Management Company in cooperation with Aiken Management Company would like to thank each of the three Commissioners for their cooperation, as well as Gary Price, the County Attorneys. Sam Humphrey has been involved in working through this, as well as Betty Lou Jerrel and the County Council. It has really been a team effort in working through the agreement, itself, and in cooperation with our company -- and we do thank each of those individuals for that. And because it is a team effort in working through this as well as a team effort on the part of our company -- we're very excited about some of the things we have planned for the Auditorium, the first of which is that we will be putting a reservation system over there on computerized equipment -- completely computerizing that system so we no longer have to look for eraser marks in large books anymore, as well as some very exciting ideas in terms of our marketing proposal that we've just about finished to present to you -- and the other items. I'm sure everyone is anxious to hear about more and more events to be scheduled. I would ask for your attention in the next several days to more announcements in regards to new bookings coming into the Vanderburgh County Auditorium. Again, thank you for your faith and confidence and we're very excited about this."

Ms. McClintock said, "Thank you -- and good luck! We're looking forward to announcements about all kinds of bookings."

RE: COLISEUM PARKING LOT - PUBLIC HEARING

The meeting continued with Ms. McClintock saying that as explained by Gary Price two weeks ago, in order to enter into an agreement for the operation of the Coliseum Parking Lot -- we needed to hold a public hearing to determine whether that is in the County's best interest. She will now convene a public hearing with regard to the Coliseum Parking Lot. Is there anyone in the audience who wishes to speak to that issue this evening? There was no response.

Continuing, Ms. McClintock said only one hearing is needed and it was properly advertised for this evening.

Attorney Price interjected, "There may be need for discussion as to whether the County should operate the facility or whether we should advertise for a third party management group. I believe that was

brought up earlier and it might be appropriate to bring that up tonight."

Ms. McClintock asked if Commissioner Borries would like to make a comments re private vs. public operation.

Commissioner Borries said, "As I have said before, I believe, for one thing, the lot should be paved. It was my understanding -- and I have always perceived it with the idea that since this was County property and was going to enhance the use of the Coliseum that it should not have been in a situation where what I would see is any group not directly affiliated with that facility -- would not operate it. I still believe and will continue to support the efforts of the Veterans' Council, who have long since stepped forward to run that facility and turn it into a very nice place for community gatherings to operate it. I believe that those discussions need to be ongoing. I think there are some concerns that there are certain parts of that property that need to be clearly discussed and identified that are related directly to the Coliseum insofar as an easement for equipment, trucks, whatever to be able to park there and to use that Coliseum facility. So I think this Board needs to enter into some dialogue with the Veterans to see exactly what kind of an arrangement can be worked out with them."

Ms. McClintock said, "I thought we made it clear a couple of weeks ago that the process we are going through now is what we need to do legally to get to where the Veterans can operate the Coliseum Parking Lot. Is that not correct?"

Attorney Price said, "That is correct."

Ms. McClintock continued, "We're only following those steps set up by State law that would then enable us to get the Veterans in charge of that parking lot. That is my intention."

Mr. Hunter asked, "This would be considered a Third Party, Rick? The Veterans operating it?"

Ms. McClintock responded, "Right."

Mr. Hunter said he guesses his question would be, "Do we have to go out for bids then -- to see if there is any other group that would be interested."

Ms. McClintock countered, "Our next step, as Mr. Price told us two weeks ago, is that we have to hold a public hearing -- which we have advertised and held. Our next step would be, if we decide that yes we are interested in a private entity running that parking lot -- and do we need to advertise in the paper for operators == for any interested parties to submit a proposal to the Commission?"

Attorney Price commented, "As far as I understand, the Veterans is a not-for-profit corporation; it is not a governmental entity. Therefore, we must follow those procedures -- and one of those procedures is advertising for bids. There is one exception to that -- and that is, by statute, an alternative method of disposal where it is determined that going through that bidding process is not feasible. I've not yet done a lot of research on that; but the fact that we are wanting whomever runs that operation to pave that lot -- there are some other requirements that may be necessary. We may be able to avoid seeking bids that way and then just directly make proposals. That is an option -- but I'm not sure it is an option in this case; I'll have to do more work on it."

Ms. McClintock asked if it is the wish of the Commission that Mr. Price should research that before a date is set to advertise -- because we may not have to do that? If we can get around that, we

could negotiate.

Attorney Price said it is going to be difficult to make specifications for bidding since we are asking for a specialized situation here to pave -- and he is sure there are other items we want taken care of with that facility. So he needs to look at this a little further.

Ms. McClintock asked if he thinks he can have that information back to the Commission in two weeks.

Mr. Price responded affirmatively.

Ms. McClintock said the Commission does not need to take any further action this evening regarding this matter.

RE: ORDINANCE ESTABLISHING COUNTY PARK RULES, REGULATIONS
& PENALTIES

Ms. McClintock said this issue came up in regard to glass containers at the park, etc. Mark Tuley had recommended that we go ahead and pass an ordinance similar to the City ordinance regarding rules, regulations and penalties for Burdette Park. It was advertised correctly. From the copy each Commissioner received the changes, as advertised were: In (12) in the second line, there is a comma after "tables"; In Section 19, that should be the office of the County Auditor (not the County Clerk) and in Section 21 it should be "Park" property (not Party property); and in the enforcement of rules and regulations, instead of the symbol for subsection, we had to write out the word "subsection", because the newspaper doesn't have a type key for subsection. That is how the ordinance was advertised. She then asked if there is anyone in the audience to speak to this ordinance on First Reading. There being no comments or further amendments from the Commissioners, a motion was entertained to approve the ordinance on First Reading, with Second, Third and Final Reading scheduled March 23rd at 5:30 p.m.

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

RE: BOARD OF REVIEW - MEETING SITE

Commissioner McClintock said that at the last Commission meeting two weeks ago, there was quite a discussion about the meeting site for the Board of Review. Each Commissioner was asked to review the current situation at their convenience and the Board indicated they would make a decision regarding the Board of Review meeting site. Is there someone here representing Mr. Angermeier?

Latosha Pitt: My name is Latosha Pitt and I would like to speak for Jim Angermeier and the County Board of Review. Ms. Pitt proceeded to read a prepared statement (copy attached hereto as part of the formal minutes.)

In conclusion, Ms. Pitt said that while she didn't bring all the letters, she did bring a couple concerning the exceptional service rendered by the Board of Review. She then proceeded to read a letter from Mr. Mike Embry.

Before she could proceed to read the second letter, Commissioner McClintock interrupted by saying, "Ms. Pitt, this is not a discussion about the efficiency of the office. Although I think it is wonderful you, personally, and the office have been commended for your work. What we are here to talk about today is open door issues and accessibility to the public. For the record, however, I do want to -- and I assume you have been misinformed or not informed -- I have met with Mr. Angermeier and talked with him on this issue on several different occasions. (Ms. Pitt stated she was not informed.) In regards to your fourth paragraph, what I was

looking at there was not the meeting room, but the area that you were working in -- not that the meeting room is appropriate -- but that there was enough room there for the time being for where you people were working -- not the meeting room.

Ms. Pitt asked, "But you looked at the whole office?"

Ms. McClintock responded affirmatively, saying that was their intention. Continuing, she said, "We heard from Ms. Musgrave last week. Thank you, Ms. Pitt. Is there anyone else here who wishes to speak to this issue?"

Mr. Al Folz, Knight Township Assessor was recognized. He stated, "Madame Commissioner and Commissioners, I've served on the Board of Review in the past years and I was elected by the Township Assessors to serve on the board again this year. I am quite familiar with the meeting room -- and, believe me, it is no auditorium. People are very, very uptight on taxes, as you well know. We just came through reassessment and we're getting ready to go into another reassessment. We have over 73,000 parcels of real estate in Vanderburgh County. The room is quite small and I'm not saying it hasn't served its purpose in the past. What I am saying is that it doesn't fit the needs of the taxpayers now. When you get the members in the room and also when you get some of the employees of the County Assessor -- the room is full. The taxpayers need a place where they can come; where they are not feeling cramped, crowded, or intimidated because of the small space -- not the people, but the small space. I feel that it is in the taxpayers' benefit to be able to move to larger quarters. Last week we had the very first meeting of the Land Commission. Everyone showed up. Mr. Angermeier had two people from his office there. If we'd had news media or anybody else there they couldn't have gotten into the room -- the public. And believe me, the public is going to be at these meetings. I feel an open door law carries two functions. I feel that it carries not only proper advertising of the meetings, but I feel that it also carries with it the responsibility that the people who show up can be part of the meeting. So I do recommend with the reassessment coming on and the Land Commission starting; we have the Board of Review starting probably fairly soon -- I do feel it would be to the taxpayers' benefit if the meetings were held in a more open area. Thank you."

Commissioner Hunter said, "Let me ask you one question, Al. It came up last week that a large percentage of these meetings were closed to the public because of the type of information being dealt with. What percentage would you say that encompasses?"

Mr. Folz replied, "Well, for example, Knight Township I would say would have close to 2,500 personal property pieces of information that would have to be reviewed. Ms. Pitt is right. There are certain things you can't have the public in. But, also, for Knight Township, for example, there are 25,000 parcels of real estate that are open to the public -- that anybody can walk into my office downstairs and see any one of them. I can get you a percentage exactly from my people on what percentage would not be available for public view -- just because of the State law."

County Auditor Sam Humphrey interjected, "You can't open real estate unless there's a Form 33 applicable."

Mr. Folz countered, "No; I'm saying look at the records. You can come into my office and look at anybody's records -- and you know it. They can come in there and look at your records -- that's what I'm saying."

Mr. Humphrey said, "But the Board of Review does not examine real estate unless there has been a physical change during the period of non-reassessment."

Mr. Folz said, "Well, last Board of Review, Sam....."

Mr. Humphrey interrupted, "It wasn't over until October 30th."

Mr. Folz continued, "I know when it was over. During the last Board of Review I don't know how many people were brought in because of the Board bringing them in."

Mr. Humphrey said, "That was in the year of reassessment and that.."

Mr. Folz said, "No, that was last year -- on new homes."

Mr. Humphrey continued, "On October 30, 1991 the 1989 Board terminated. I have the letter downstairs. I didn't believe it either, but that's the truth."

Ms. McClintock jumped in, "I'm sorry; we're talking about open door and other office space. We're not talking about anything else. We're talking about accessibility to the public -- that's what we're debating this evening."

Auditor Humphrey continued, "Unless it's in the year of reassessment, the Board of Review does not have (and this is my point) access to real estate unless there's been a change in the property. But the Board of Review..."

Ms. McClintock again interrupted, "But they still have to operate under the open door laws."

Mr. Humphrey continued, "But personal property is not subject to open door laws -- that's what I'm telling you -- that 95% of the work..."

Ms. Musgrave interrupted, "You have to vote in public, Sam."

Ms. McClintock reiterated, "You have to vote in public, Sam."

Auditor Humphrey continued, "The personal property schedules are not subject to the open door law."

Ms. Pitt remarked, "We don't have a problem with that. What they are trying to say is that this year coming -- okay -- it will only be maybe a handfull of real estate. Everything else will be personal property business and exemptions and things like that. Therefore, it wouldn't be necessary to have me running up and down the halls for them, because we are not in a reassessment. So you will not have thousands and thousands of appeals, as we did for the 1989 Board of Review. But the key word was -- you can come into his office. That is what we want. We want our office joined together...."

Ms. McClintock interrupted, "We are not discussing that today....."

Ms. Pitt continued, "So therefore it will not be questionable about an open door law -- because we would have....."

Ms. McClintock again interrupted, "Ms. Pitt, today we are discussing this Board meeting in an open, public room that is readily accessible to the public. We're not talking about who is located physically (I do care about where you people and those typewriters and those records are) -- but today we are talking about a completely separate issue -- and we keep trying to get it muddled. And we're not going to muddle it today. Today we are talking about accessibility to the public to a public body. That is what we're talking about. Is there anybody who wants to make a comment about the open door accessibility of this Board?"

Ms. Evelyn Lannert: Ms. Evelyn Lannert, Chief Deputy Assessor, said that what she thinks we need to clarify is, "Do you mean the public being the CPA's, or the people who have personal property who are appearing before the Board of Review?"

Ms. McClintock responded affirmatively.

Ms. Lannert continued,, "Okay. I mean, they've never had a problem finding the room before. But as far as the public coming in and listening to these reviews, they are not allowed by law."

Ms. McClintock said, "Okay. We understand that part. But they do have to vote in public -- and there are things they can ..."

Ms. Lannert asked, "What do you mean vote in public?"

Mr. Humphrey said, "I don't think they have to on these personal property ones."

Ms. Lannert said, "No. You either approve them or tell them what they did wrong."

Ms. Pitt interjected, "But even if you did, that's fine. They've been notified. Ten day's notice goes into the press that we have now become an open session. The people have the right to come -- regardless of where we are. The fact remains that they do not. They don't come."

Ms. McClintock said, "So then, why the problem?"

Ms. Lannert responded, "I don't know. Nobody ever comes to our party."

Ms. Pitt said, "But yet I am subjected to running up and down the floor and up and down the stairs."

Ms. McClintock asked, "Well, right now you're running up and down the stairs, right?"

Ms. Pitt responded, "Right -- and that's no picnic."

Ms. Lannert stated, "No news media showed up for the first Land meeting, and they were all notified. Nobody ever -- to me, I don't think they understand what we are doing, so it's Greek -- and unless something really exciting or maybe newsworthy comes up, that would be the only thing they would be interested in. But they do not. It would be boring."

Ms. Pitt said, "We sent out thirteen notices twice and none of them showed up."

Commissioner McClintock said, "It is my understanding that the majority of your Board has indicated an interest in wanting to move."

Ms. Lannert said, "No doubt; it is crowded in there. But you put us there."

Ms. McClintock remarked, "I didn't."

Ms. Lannert said, "Well, the Commissioners put us there."

Mr. Hunter said, "I guess my concern, too, is that I'm looking at the square footage of the different rooms. And if I'm reading this correctly (and I think I am) the Board of Review is 137 sq. ft. That's about the size of my office. And when you get more than three people in my office, it's a real party. That in itself would tend to discourage anybody from wanting to spend much time there. I guess I just have a concern here that it is not really large

enough."

Ms. McClintock asked for further comments.

Joanne Matthews said, "Madam President, Commissioner Borries asked that I inform you that he had to leave this meeting for a brief period and will be back as soon as possible. In the interim, however, he asked that I tell you that his comments to date are on record -- that he does not favor moving to the Commissioners' Hearing Room. Rather, he wants to examine some other alternatives -- and he will, of course, be glad to comment further as soon as he returns to this meeting."

Ms. McClintock said, "Okay."

Ms. Pitt asked, "Well, are you considering a place that would be large enough to house my office, as well as a hearing room? I mean, if I'm not accessible to the files and the facts, we still can have no hearings."

Commissioner McClintock asked, "Ms. Pitt, when you get ready for a meeting don't you know in advance which parcels you're going to hear?"

Ms. Pitt responded, "We have scheduled hearings and we have all that information together. When someone comes up to present their case, they tell us things we have no knowledge of or have information on. It would be housed in the Township Assessor's office. We have to get up and go down and find those records -- or request them."

Ms. McClintock said, "So you have to do that anyway."

Ms. Pitt said, "Not altogether; if I'm here, then what I have in my office I can reach in the file drawers, look back.."

Ms. McClintock asked, "Wouldn't you bring that information to the meetings with you?"

Ms. Pitt responded, "No; because each year everything is new. Okay -- business schedules he files new each year. But if last year we had a question in regards to it, and this particular year he has only his business schedule there and we still have a question, then if he will tell us 'you have records of my inventory sheets, my balance sheets' -- I can go back to the file cabinet and pull those things and we can finish conducting our hearing."

Ms. McClintock said, "Because when we come into our meetings we've got a whole series of issues and we don't have to be running back and forth..."

Ms. Pitt interjected, "But you also set some things aside to gather more information. You take them under consideration and then you come back with more information -- and you are able to decide in a tactful manner. Same thing here."

Ms. Hunter asked, "Now, on the days that you do meet it is pretty much an all day meeting, is it?"

Ms. Pitt responded, "It depends on how many appointments we set up. We schedule appointments about 15 minutes apart."

Mr. Hunter asked, "So you're locked in 137 sq. ft. all day long?"

Ms. Lannert responded, "She's not -- we are."

Ms. McClintock said, "Okay. All right -- that's personalities. Anybody else with any other new or different information? Or

something you're burning to say about this issue?"

Mr. Mike Embry approached the podium and said, "If, indeed, I understand, my Federal and State tax papers were reviewed in front of the Review Board. If you're telling me you want to open the doors so that -- an open door policy in that respect, you'd know I would certainly be against it, wouldn't you?"

Ms. McClintock responded, "No. What we're talking about is those areas that are supposed to be open the public, which that is not which you've just described. They should be in a room accessible to the public."

Mr. Embry said, "And I did offer to eat Ms. Pitt's lunch when she had it in front of her, but she wouldn't let me."

Ms. McClintock asked, "Mr. Hunter?"

Mr. Hunter said, "Well, I just keep looking at the other boards; the Waterworks Dept. Board has 375 sq. ft.; Board of Public Works has 1,820 sq. ft.; the Levee Board has 1,820 sq. ft.; the Parks Board has 1,810 sq. ft.; the Public Safety Board has 1,820 sq. ft. -- even the BZA has 598 sq. ft. Here we lock these people up all day in a 137 sq. ft. Somehow that just doesn't come out right."

Commissioner Borries returned to the meeting and Commissioner McClintock said, "Commissioner Borries, Joanne relayed your comments. Did you have any further comment to make?"

Mr. Borries responded, "No, I have read Ms. Pitts' comments. I was aware of Ms. Musgrave's comments -- I think at the last meeting -- and my comments are on record. I think there can be accommodations made by existing space on the second floor and I believe that accommodation -- if everyone works together -- could be made. I think it certainly would be in the best interest of the citizens to have an appropriate meeting site close to the Assessor's office and I think if we cut the politics and personalities aside here, that it needs to be done. And then the space that is available on the third floor could be utilized by some other group -- because we always have people who are very interested in using that space. So I think there are some options available."

Ms. McClintock countered, "Well, I am going to put politics aside and I am going to agree with my opponent in the fall election -- Pat Tuley, who serves as a member and County Treasurer of the Board of Review. And he has indicated his support for moving the Board of Review from that Room to one of the public hearing rooms, along with what makes up a majority of the members of the Board of Review. We didn't have that information last week when we discussed this. I did not solicit obviously any of those folks -- particularly Mr. Tuley's support on this particular issue. But I will entertain a motion to take some kind of action on this particular issue so we can move on."

Mr. Hunter: I will move that the Board of Review -- since it is the responsibility of the County Commissioners to provide the Board of Review with a meeting site -- that this be moved to one of the larger rooms -- perhaps to save argument, this room.

Ms. McClintock asked, "What about Land Evaluation Committee? We can take care of all of that at once."

Mr. Hunter: Well, I'll move that they be moved to the same room.

Ms. Lannert asked, "Is it under your jurisdiction?"

Ms. McClintock asked, "To assign the rooms?"

Ms. Lannert: "No, Land Evaluation."

Attorney Price said, "I don't know about that one."

Ms. McClintock continued, "Well, let's just stick with the Board of Review."

Ms. Pitt commented, "Would you have the tables or map space that we need? We'd have to hang everything on the wall -- or we'd need tables to lay..."

Ms. McClintock interrupted, "We can work out those details."

Mr. Borries said, "I think when you mention public space -- this entire building is public space. The public's business is conducted here. The public can certainly go into any office and has a right to do so, since they serve the public. So I think, as I have pointed out, that there are other options besides this particular site. Accommodations could be made by taking at least I would think 15 ft. of space perhaps from the Recorder's office,, expanding that wall, and allowing for permanent facilities to be placed right directly in the Assessor's area there."

Ms. McClintock said, "I'm assuming you're not going to second Mr. Hunter's motion."

Commissioner Borries responded, "You're assuming right."

Ms. McClintock said, "I will second and call for a roll call vote. Commissioner Borries?"

Commissioner Borries: "No."

Ms. McClintock: "Commissioner Hunter?"

Commissioner Hunter, "Yes."

Commissioner McClintock, "And I vote yes."

RE: USI OVERPASS UPDATE

Ms. McClintock proceeded immediately by saying the next item on the agenda is an update on the USI Overpass from Bernardin, Lochmueller, and she recognized Mr. Tom Bernardin.

Mr. Bernardin said they sent a series of Progress Reports to the Commission on March 5th; hopefully, they have some available. If they have questions with regard to those or any other matters, he will try to answer same.

Ms. McClintock asked, "When are we going to build USI?"

Mr. Hunter interjected, "Overpass".

Ms. McClintock said, "Overpass".

Mr. Bernardin said in the spring of 1993.

Ms. McClintock asked, "In the spring of 1993. Does it make any difference whether or not it is in the TIP?"

Mr. Bernardin responded, "As far as I know, it doesn't."

Mr. Keith Lochmueller said, "I used to be a former Director of EUTS, so I am quite familiar with regulations. As far as I know, the regulations on a local project -- it is not required to be in a TIP. We put them in there for courtesy sake -- but it doesn't have to be in the TIP. It is totally a local project; it is totally, in this particular case, the Vanderburgh County Commissioners are the people who are responsible for the project and if you want it in the TIP, fine. If you don't fine. It is

your project."

Mr. Hunter said, "I believe it was May 1993 on your update the other day that Bernardin, Lochmueller -- either with a flashlight or a spade -- will be out there breaking ground. Is that correct?"

Messrs. Bernardin and Lochmueller confirmed that this is correct.

Ms. McClintock asked, "Do you think we could get this straightened out with Rose Zigenfus, because apparently as late as today she told USI she didn't have the information she needed to include it in the TIP and they weren't being provided with the kind of information that they needed to make a decision. Whether or not it should go in the TIP, she is the head of EUTS. She should have the information. Can you get her the kind of information she needs so that she is informed?"

Messrs. Bernardin and Lochmueller confirmed that they will, saying they talked about this last Friday and she is on the mailing list now. The other thing is, the County Engineer had all this information. The County Engineer is responsible for the project and very easily the information could have been picked up from the County Engineer's office or the County Commissioners' office.

Ms. McClintock asked, "Are you sending her copies of the same reports you're sending us -- the monthly updates?"

Mr. Lochmueller said, "We're sending the monthly updates to her, yes. We're just starting."

Ms. McClintock said "On the other Consultants, we're making copies and sending them down to her, so she will now get all of that information."

Mr. Lochmueller continued, "Now, as far as the plans and all of that, those things are going to the County Engineer. That, I think, is whom you want it to go to -- because whoever is reviewing this is reviewing it for you."

Ms. McClintock said, "Yes, that is who we want it to go to."

Continuing, Ms. McClintock asked if there are further questions on any other projects Bernardin, Lochmueller is involved with?"

Commissioner Borries commented, "I certainly just want to emphasize the fact that, as has been clearly pointed out here, I don't know why there is any kind of communication gap on her part. It can't be that much of a mystery to understand that this matter has been thoroughly discussed; decisions have been made in a public meeting; that the information is readily available as soon as it is given to this Board -- so I am rather mystified that a project that has been committed, discussed, cussed, everything else possible would be of concern to her -- that it is not on the TIP at this point because it does not involve Federal Funds. It does not involve State funds at this point. The State will be participating. This is not new business. I am just really mystified about that and I have some concerns about that. I certainly will talk with Rose about that. Where there is Federal planning involved, certainly she and that office has authority. But in this particular project, am just mystified as to why there would be some concern that it is not in the TIP -- because the matter has been discussed and it is well into the planning stages. As far as you gentlemen are concerned, there are no glitches at this point that you see ahead is there?"

Mr. Bernardin replied, "No, everything is proceeding as we've anticipated."

Ms. McClintock entertained further questions. There were none.

RE: BOCKELMAN #3 SCHOOL/WESTWOOD GARDEN CLUB

President McClintock said this matter has been deferred until next Monday, at which time Attorney Wilhite will be present.

RE: APPOINTMENT OF COUNTY GARAGE ASSISTANT SUPERINTENDENT
OR SUPERINTENDENT

Commissioner McClintock said a week ago Friday the Commissioners interviewed a final four (4) applicants. The applicants had originally been briefly interviewed by all three Commissioners on an individual basis and screened. Each Commissioner was asked for their top three (3) choices for the position. We ended up with four and those four were interviewed, as well as one late applicant -- because they had not had an opportunity to talk to that particular individual earlier. She then entertained comments re the interview process, etc.

Commissioner Hunter said that, hopefully the Commission has come up with the right person for the job.

Commissioner Borries said he is still confused about the position of Superintendent. He interviewed three persons on one day for an Assistant Superintendent's job. He is not clear about the position of Superintendent.

Ms. McClintock said it should be listed on the agenda as "Assistant Superintendent", which brings up the other issue which Rick raised two weeks ago -- about wanting to have a discussion at Commission meeting about the current organization of the County Garage -- and discuss whether we should continue with the Public Works Department and an Assistant and not a Superintendent out there, or whether we should go back and reinstitute another Supervisory position. If it is all right with Mr. Borries, she would like to set that on the agenda the next time all three Commissioners will be present (which she thinks is the first Monday in April) for a full discussion about that structure -- so we can move forward from here on that -- whether we want to stick with what we've got or whether we want to make some adjustments. The individual we are hiring will be at this point -- and if we go back and have a Superintendent -- responsible for the operation of the Vanderburgh County Highway Garage.

Mr. Hunter said his recommendation -- whether he is called the Assistant Superintendent or the Superintendent of the County Garage -- is Mr. Frederick Wayne Howard.

Mr. Borries said, " I will second."

Ms. McClintock, "I will so order. We were very fortunate, because there were two or three individuals that we talked to that were qualified for this position. It was refreshing to have a group to choose from and I know that I am very pleased about Mr. Howard. He has extensive experience in the construction of business and managing for a general contractor. He has worked with a variety of crews on a variety of locations and he had excellent references. We look forward to Mr. Howard starting."

Mr. Scott Davis said, "I have one question about that -- the effective date of this appointment."

Ms. McClintock responded, "I haven't spoken to Mr. Howard. I was going to have Lou call Mr. Howard and indicate that the Commission had appointed him and ask him the earliest possible date that he can start. He did indicate during the interviews two weeks, I believe."

Mr. Davis said, "That's fine -- I understand giving notice and all that. I just wanted to get an idea when we could start

coordinating Mr. Franklin's return to his proper position -- because we will have to do the same thing when he returns."

Mr. Borries said, "I would also certainly like to express to Mr. Franklin when we see him -- and Scott, if you talk to him -- my personal commendations for a fine job here of being an interim leader in that particular position. David is a solid individual and one who has a very good background to do that work."

Ms. McClintock said, "Yes, I couldn't agree more."

RE: COUNTY RESOLUTION IN FAVOR OF DENIAL OF ALCOHOLIC BEVERAGE PERMITS TO CONVENIENT MINI-MARTS

Ms. McClintock said, "This is an issue that is continuing to surface here in Vanderburgh County. Although the Commission cannot direct and wouldn't attempt to direct the activities of the Vanderburgh County Alcoholic Beverage Commission, we have been asked to take a stand on the sale of alcoholic beverages through convenience and mini-marts. As we are all aware (or should be aware) in those particular situations where many of them are open 24 hour, the individuals selling alcoholic beverages do not have to have a license themselves -- and they can be as young as 18 years of age. In a package liquor store, each individual who sells the liquor has to have their own license in addition to the license held by the store. We have been asked by interested citizens and educators to take a stand on this particular issue and I bring it before you. You should each have a copy of a Resolution that has been prepared. We can go ahead and act on this today or you can look at it and we can put it back on the agenda for a future meeting. I realize it is something you've just received in the last couple of days."

Mr. Hunter said he has no problem in proceeding.

Mr. Borries said, "That is fine, we can act on it tonight."

Ms. McClintock asked if there are any questions or changes the Board wants made in the Resolution? There was no response and a motion was entertained.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the Resolution was approved as presented. So ordered.

RE: COUNTY ATTORNEY - GARY PRICE

Weekly Report: Attorney Price said he has submitted the written weekly report. He doesn't believe there are any action items on the report. However, with regard to Item #3 (the Orchard Rd. Bridge Project matter), the Commissioners might note it has been concluded and the County was granted the property requested to proceed with the project.

Rental/Risley Property: Attorney Price said he has a Resolution which was just delivered by Jeff Wilhite's office requesting approval to advertise for Request for Proposals.

Ms. McClintock said that Mr. Koester is interested in renting the Risley property at 4701 Green River Court for a construction office. According to the State statutes we have to advertise. Mr. Wilhite has prepared a Resolution authorizing us to advertise for Request for Proposals so we can lease this property to the highest bidder.

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

(It was subsequently determined that the proper address is 4723 Green River Court, not 4701.)

RE: COUNTY ENGINEER'S OFFICE - SCOTT DAVIS

Claim Correction/Blankenberger Bros.: Mr. Davis said last week the Commissioners approved a claim which he incorrectly stated was in favor of them for purposes of the bond issue Union Township Access project. It should have been for the Nesbit Station Bridge Rd., which they are doing. All he needs is a motion to change the approval to reflect that it was out of the Nesbit Station Rd. Bridge account rather than being a bond issue claim.

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

Lynch Rd./Appraisals: Mr. Davis said he has received four (4) appraisals for properties involved in this project and he needs the Commissioners to receive, accept, and move to have a member execute same. The first property is for the Evansville Public Library and the appraisal reflect an amount of \$5,100.00. Next is the Butterfield property at \$9,700; Romain property at \$2,400; and the Derfee/Dixon property at \$1,800. As far as he knows, the Board's approval is merely approval that this appraisal has been done.

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

Claim/Green River Rd. Project: Mr. Davis said the pre-construction conference took place today. He has a claim that needs to be executed in regard to the interprop condemnation on that project and this basically will be our payment into the escrow account so we can take possession and proceed while they fight out the rest of it in Court. That claim is in the amount of \$15,700.

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

Change Order/Green River Rd.: Mr. Davis said that according to Mr. Kercher these changes were discussed with the State and Federal authorities who were at the pre-construction conference and they are in favor. We're basically talking about \$9,272 on the first item, which is for an additional arrow board that will be required for notification of the motorists in re-routing thereof while the project is going on. The next item in the amount of \$6,300 is for the use of a new microcomputer system to coordinate with the State's accounting of this project and providing documentation to the State and the Feds on both the contractor and construction engineering and any paper we would need to execute. We're talking about a total of \$15,572. He would ask that the Commission approve this Change Order subject to the State participating with its 75%.

Motion to approve was made by Commissioner Hunter and seconded by Commissioner Borries. So ordered.

Spring Valley Rd./Green River Rd./Section A: Mr. Davis said he believes Mr. Bill Spurling is here and has some discussion regarding this. Basically we have received some documentation from Morley & Associates and Mr. Spurling in regard to the new access across from the existing Spring Valley Rd. He believes Mr. Spurling has some comments to offer concerning this matter.

Mr. Spurling said, "Commission Members, this road is to be extended at my expense easterly from Green River Rd., and I would like to ask that the County in this Change Order change the design of the road to reflect a deceleration lane to accommodate this eastward extension."

Ms. McClintock said that Mr. Spurling has been able to get the

property. He is going to put the extension of Spring Valley to the east at his expense and what he is asking the Commission to do is to install as part of the project (we would be responsible for 25% and State and Federal for 75%) the deceleration and acceleration lanes along Green River Rd.

Mr. Spurling said he would also point out that the acquisition of the ground needed for this will be to the County. It was contributed by the Hirsch family.

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

Mr. Davis said he would ask that the motion just passed would have the same stipulation as the Change Order -- that the Board's approval is subject to the State and Fed's 75%. Mr. Kercher talked to them about it and everything was fine as far as he knew.

RE: TORNADO PREPAREDNESS WEEK

Commissioner Borries said Sherman Greer has been sitting patiently all night. Is he here with regard to Tornado Preparedness Week?

Mr. Greer acknowledged that he is and said, "My name is Sherman Greer and I am with the Emergency Management Agency for Evansville and Vanderburgh County. As you may know, this is Tornado Preparedness month and we're going to have a drill in Vanderburgh County on March 19th (it's a State-wide drill). The State of Indiana will set off the tone and at that time our weather stations here, along with our emergency broadcasting service (which is WIKY Radio) will tone out that we are having a drill between 9:00 and 10:00 a.m. on the 19th. What we're here tonight for is to ask permission for the County employees on the second and third floors in the building participate in that drill so the employees will know what to do in case we do have a tornado warning within this area."

Ms. McClintock said, "As you know, we can ask the other officeholders, but we can't tell them."

Mr. Greer said, "I know that. But with each department here in the Civic Center since I've been here, we've put together a safety coordinator from each department and each department sends a safety coordinator to the meetings and we've been having them for the last year or so. From that, we encourage them all to participate as much as they possibly can with their departments. We know all departments aren't going to participate 100%, but still they have some employees go through the drill and then go back and tell others what they are expected to do. This makes things much more cohesive throughout the entire city and county. It is vitally important for me to get this information out to have your endorsement on this so we can have the citizens of the city and county participate, as well as the employees"

Ms. McClintock asked if he wants the Commission to send notice to the employees.

Mr. Greer said Emergency Management will send out the notices first thing tomorrow morning.

Mr. Borries said he believes Mr. Greer has had an outstanding record responding to crises and he thinks this demonstrates yet another example of that. He assumes the sirens will be tested?

Mr. Greer said the sirens will not be tested at that time. They will set off the weather alerts (and we have some within this building) and all of the schools will be doing it. They met with the School Corporation and all of the schools and some of the private schools will be doing this same thing at the same time.

This way the whole system will be tested -- especially with our school systems. The three hospitals are also going to participate to a certain extent. They've met with the Weather Service, WIKY Radio, the Fire Department, the Indiana State Police -- everybody is aware of what we are supposed to be doing.

RE: CONSENT AGENDA

Ms. McClintock entertained questions concerning the Consent Agenda. There being none, a motion was entertained to approve the Consent Agenda, which includes Tornado Preparedness Week.

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

RE: OLD BUSINESS

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

RE: NEW BUSINESS

Complaints re Dogs in Northern Vanderburgh County: President McClintock said she doesn't know whether either of the other Commissioners have received calls concerning dogs in Northern Vanderburgh County or not. She received calls and, in turn, called the Vanderburgh County Health Department and relayed to them the names of two individuals who called her about this and asked that they follow up on it.

Relocation of Emergency Management Agency: Ms. McClintock said she talked with Bob Working at the Airport today and to Sherman Greer. Sherman is going to go out to see if there isn't a space at the Airport to which he can move so that he can move out of the basement in this building to the Airport. Mr. Greer was very excited and enthusiastic about this. Hopefully they will have something to bring to the Commission within the next couple of weeks.

Preliminary Report on Air Crash Disaster: Commissioner Hunter said that in a discussion with Sherman Greer this afternoon he had noticed in his Preliminary Report on the air crash disaster that three (3) church groups in the community had prepared food for the workers and rescuers and folks who spent a lot of time out there and that at this point in time had received no commendation from anyone. Mr. Hunter said he would like to suggest that the Board of Commissioners send a letter to those three churches thanking them.

Ms. Farrell said Sherman Greer has worked with her and they have a list of everyone who was involved. Betty Hermann of County Council has talked with her and suggested we write a letter to the Editor from the Council and the Commission to everyone who helped.

Mr. Hunter said there were hundreds of people -- but only three church groups that actually prepared food out there on the site or prepared it at the church -- and that is really going the extra mile.

Ms. Farrell said they have almost five pages of people who helped and went above and beyond and thought the newspaper would be better than individual letters.

Overtime/Air Crash: County Auditor Sam Humphrey said it was brought to his attention yesterday that the Sheriff and possibly the Fire and Police Departments have not yet billed the United States Air Force for their overtime requests. It would be his suggestion that the Board of Commissioners ask them to do so. If not, the County is going to pay those costs. All the other folks have billed.

Ms. McClintock responded, "The only ones we have would be the Sheriff's Department. We can't tell the City Police or the Fire Department what to do. Would you like to make a motion to that effect, Don?"

Mr. Hunter, "So moved."

Mr. Borries, "Second."

Ms. McClintock, So ordered."

There being no further business to come before the Board, President McClintock declared the meeting recessed at 8:16 p.m.

PRESENT:

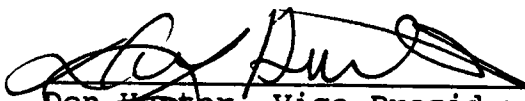
Carolyn McClintock
Don Hunter
Richard J. Borries
Sam Humphrey, County Auditor
Gary Price, County Attorney
John Hodge/Torian, Hoffman & Dillow
Evelyn Lannert, Chief Deputy Assessor
LaTosha Pitt/County Assessor's Office
Beverly Behme, Area Plan Commission
Cedric Hustace, Attorney for BZA & APC
Pam Martin, Chamber of Commerce
Thomas M. Swain, Attorney
Don Williams
Georgia Williams
Ronald J. McBride, C.O.L.E.
Vicki McBride, C.O.L.E.
Dixie Wagner, C.O.L.E.
Jim Gist, Jr., C.O.L.E.
Mike Embry, Artisan Sheet Metal Corp.
Jane Snelling, EVC-Emergency Management Agency
Sherman Greer, Emergency Management Agency
Cheryl Musgrave/Board of Review
Al Folz, Knight Assessor
Randy Kron, Armstrong Assessor
Paul L. Baumgart, Public Accountant
Isaac Winfield
Andy Spurling
Bill Spurling
Lisa Daughtery
Danny Spindler, Given & Spindler
Norris Robinson, Risk Management
Taylor Payne
Gary Kercher, County Engineer's Office
Scott Davis, County Engineer's Office
Keith Lochmueller
Tom Bernardin
Steve Stocker
Betty Lou Jerrel
Harris Howerton
Tom Goodman, Burdette Park
Joyce Moers, Burdette Park
Lou Wittmer, Commission Office
B. J. Farrell, Commission Office
Others (Unidentified)
News Media

COMMISSION MEETING
March 16, 1992

34

SECRETARY: Joanne A. Matthews


Carolyn McClintock, President


Don Hunter, Vice President


Richard J. Borries, Member



CAROLYN McCUMOCK
DON L. HUNTER
RICHARD J. "RICK" BORRES

Board of Commissioners

of the
County of Vanderburgh
305 ADMINISTRATION BUILDING
CMC CENTER COMPLEX
EVANSVILLE, INDIANA 47708



TEL. (812) 426-5241

AGENDA

VANDERBURGH COUNTY COMMISSIONERS

MARCH 16, 1992

5:30 P.M.

FINAL

1. CALL TO ORDER
2. INTRODUCTION
3. PLEDGE OF ALLEGIANCE
4. ANY GROUP/INDIVIDUAL WISHING TO ADDRESS THE COMMISSION
5. ACTION ITEMS

*******at 6:00 P.M. we will have the Public Hearing Re:County Roads*******

- a. Sale of County Owned Surplus Property:
- b. Award Bid:
Superior Court
- c. Burdette Park/Bristol Myers Squibb Summer Day Camp Contract
- d. Travel Ordinance:
First (1) Reading
- e. Harris Howerton, Director of Community Corrections:
 - 1) First Reading/Ordinance Re: Community Corrections
 - 2) Community Correction Insurance
- f. Faye Gibson:
Old Courthouse Appropriation
- g. Independent Contractor Agreement By and Between Vanderburgh County and Savage Engineering:
submitted for signatures.

- h. Thomas M. Swain:
Re: Fiesta Drive/ Donald and Georgia Williams
- i. Auditorium Contract:
Public discussion
- j. Coliseum Parking Lot:
Public Hearing
- k. Ordinance Re: Burdette Park Rules, Regulations and Penalties:
First (1) Reading
- l. Board of Review/Meeting Site:
Discussion
- m. Bernardin-Lochmueller---update on USI Overpass
- n. Bockelman # 3 School to Westwood Garden Club:
(Request by Jeff Wilhite to be deferred until 3/23/92
- o. County Garage Superintendent:
Discussion and appointment
- p. Resolution for Alcoholic Beverage Permit

6. DEPARTMENT HEADS

Ted Ziemer ----- County Attorney

Scott Davis ----- County Engineer Representative

Mark Tuley ----- Burdette Park

7. CONSENT ITEMS

- a. Consent to Travel/Education:

Recorder (1)

Coroner (1)

Burdette Park (1)

Health Department (8)

b. EMA request for "Tornado Preparedness Week" drill

c. Attorney Bills:

Ziemer, Stayman, Weitzel, Shoulders.....3,207.91

Glenn Deig.....901.00

Bowers, Harrison, Kent and Miller.....198.29

Kahn, Dees, Donovan and Kahn.....4,180.84

Checks Received:

Glenn Deig.....1,003.14

The Cincinnati Company.....476.65
Release of all Claims (David and Wendy Franklin)

d. Sertoma:
request to use Auditorium/waiver of fees

e. County Treasurers Report for February

f. Midwest Collegiate Cycling Conference/Mike Niederpruem:
Permission to use county roads for race

g. Employment Changes:

County Clerk/Appointment:

Doraethea Rowley/Deputy Clerk.....14180.00/YR
3/9/92

Lois Norman/Deputy Clerk.....17108.00/YR
3/9/92

County Clerk/Released:

Lois Norman/Deputy Clerk.....15582.00/YR
3/9/92

Linda Naylor/Deputy Clerk.....17108.00/YR
3/6/92

Doraethea Rowley/Deputy Clerk.....5.00/HR
3/6/92

Auditor/Appointment:

Nancy Dale/Posting Clerk.....15582.00/YR
3/16/92 (Return from Medical Leave of Absence)

Circuit Court Appointment:

Teresa Dyer/Secretary.....7.00/HR
2/24/92

Michael Dietsch/Part-time Corrections Officers.....6.00/HR
2/24/92

James Worley/Verification Officer.....19,208.00/YR
3/16/92

Michael Mattingly/Part-time Corrections Officer.....7.00/HR
2/24/92

Melisa Howell/Secretary.....16,952.00/YR
3/9/92 (New employee-starting at initiation)

Linda Naylor/Collections Clerk.....17,275.00/YR
3/9/92

Amanda Ligon/Secretary.....3,725.00/YR
3/9/92

Alan Folz/Corrections Officer.....18,059.00/YR
3/8/92

Barton Gooch/Corrections Officer.....18,059.00/YR
3/8/92

Charley Pace/Corrections Officer.....18,059.00/YR
3/8/92

Sara Vessels/Corrections Officer.....18,059.00/YR
3/8/92

Kenneth Ellis/Corrections Officer.....18,059.00/YR
3/8/92

Circuit Court Released:

Teresa Dyer/Secretary.....5.00/HR
2/23/92

Michael Dietsch/Part-time Corrections Officer.....5.00/HR
2/23/92

James Worley/Corrections Officer.....18,559.00/YR
3/13/92

Thomas Svestka/Verification Officer.....19,208.00/YR
3/13/92

Alan Folz/Part-time Corrections Officer.....7.00/HR
3/8/92

Michael Mattingly/Part-time Corrections Officer.....5.00/HR
2/23/92

Charley Pace/Part-time Corrections Officer.....7.00/HR
3/7/92

Sara Vessels/Part-time Corrections Officer.....7.00/HR
3/7/92

Kenneth Ellspermann/Part-Time Corrections Officer.....7.00/HR
3/7/92

• Barton Gooch/Secretary.....17,275.00/YR
3/8/92

Burdette Park/Appointment:

Juliana Murphy/Part Time Ground Crew.....5.00/HR
3/5/92

David Garrett/Union.....11.04/HR
2/28/92

Burdette Park Release:

David Garrett/Part-time.....7.00/HR
2/28/92

Pigeon Township Assessor/Appointment:

James M. McIntyre/Chief Deputy.....22,692.00/YR
1/1/92 (Retroactive to Jan 1, 1992)

Pigeon Township Assessor/Released:

James McIntyre/Chief Deputy.....19,678.00/YR
1/1/92

County Commissioners Appointment:

Bonnie Bittner/District Coordinator.....17,775.00/YR
2/5/92 (Step placement Increase)

County Commissioners Released:

Bonnie Bittner/District Coordinator.....16,622.00/YR
2/5/92

Sheriff Appointment:

Edward E. Fodrea/Paramedic.....20,914.00/YR
3/7/92

Sheriff Released:

Edward Fodrea/Paramedic.....19,893.00/YR
3/6/92

Health Release:

Mary J Woods/Pediatric Nurse Prt.....30,098.00/YR

Election Office Appointment:

Mary Lee Bassemier/Election Assistant.....6.00/HR
3/2/92

Nancy Kleiman/Election Assistant.....6.00/HR
3/2/92

Elmer Tornatore/Ballot Aid.....6.00/HR
3/2/92

Casey Randolph, Jr./Ballot Aid.....6.00/HR
3/2/92

County Highway Appointment:

Carole Davis.....26,600.00/YR
1/1/92

County Highway Release:

Carole Davis.....25,972.00/YR
1/22/92

Vanderburgh Superior Court/Appointment

Robert P. Carithers/Guardian Ad Litem.....65.00
3/19/92

Jeri L. Warner/M.T. Bailiff.....60.00
3/3/92

g. Approval of Minutes for 2/24/92 and 3/2/92

h. Scheduled Meetings:

Mon	March 23	County Department Head	3:30 PM	RM 303
		County Commissioners	5:30 PM	RM 307
		Drainage Board	Immediately After	
		Alcohol Beverage Commission	6:30 PM	RM 303
Wed	March 25	County Council		
		Personnel/Finance	3:30 PM	RM 301
Mon	March 30	County Commissioners	5:30 PM	RM 307

8. OLD BUSINESS

9. NEW BUSINESS

10. MEETING RECESSED

*****REZONINGS AT 7:00 P.M.*****

Vanderburgh County Commissioners Meeting

March 16, 1992

By not requiring BFI to submit a site plan as part of their application for Special Use, APC is practicing discrimination in two respects:

- 1) It is giving preferential treatment to an applicant
- AND
- 2) It denies remonstrators the ability to effectively argue

Barbara Cunningham told me that a site plan is not being required because the BZA is only ruling on LAND USAGE not STRUCTURES. She also stated that the site plan was only necessary at the time when an application for a building permit is filed.

The problem with this type of thinking is that there are no public hearings or opportunities for objections during the issuance of building permits. Therefore, by not requiring a site plan until a building permit is sought, the public has lost its opportunity to input and remonstrate.

One of the proposed uses is a methane system. What if BFI actually places a methane extraction system next to the railroad tracks?? Methane is highly volatile and/or burns without exploding. According to Roger Lahman, Building Commissioner, the structures can be placed ON the property line. Does this sound safe? Without a site plan, we don't know if it's what BFI intends or not.

What about the railroad tracks??? The CSX loves to haul long-haul and special wastes. What if one of BFI's "accessory uses" is a SPUR ROUTE to allow the CSX to use their site for waste hauled by rail? Without a site plan and the broadbased, vague description of uses that BFI proposes for this 4 acres, it is a possibility.

In March of 1990 BFI received a SU-26 for the placement of their mobile office on their current site. The attorney stated that this mobile office would be moved in the future. We don't know, without a site plan, what type of "offices" BFI proposes to place on the 4 acres for which they currently seek an S.U; it could be that they intend to move the mobile trailer to the 4 acre site. The problem is that the SU-20 that they seek for this 4 acres is not an appropriate usage code for the placement of a mobile trailer on property zoned agricultural. So, without a site plan we don't know what BFI is really intending to do for an office.

This Board needs to demand that APC pull the application until BFI can come into compliance with the established rules.

Vicki McBride

8215 Kneer Road
for the Board of Directors
COLE Inc.

309 Colonial Avenue
Evansville, Indiana 47710
March 16, 1992

Hand delivered to:
Vanderburgh Co. Commission President
Carol McClintock
on March 16, 1992

CAROL:

Dixie and I have been trying to reach you and/or Don. APC has "run amuck". Dixie has stated that you told her in a phone conversation at the end of last week, that you had talked to Cedric Hustace. You apparently indicated to Cedric that he couldn't show favoritism to BFI regarding their application for a Special Use and hearing scheduled for this Thursday, March 19.

APC IS PRACTICING DISCRIMINATORY RULE TO THE BENEFIT OF BFI. One example that you can easily relate to is THE LACK OF A SITE PLAN. APC "Instructions For Application for Special Use" quite clearly states that ALL applicants MUST submit a detailed site plan with their application. BFI has not complied. Therefore, according to APC "Instructions" the application should never have been accepted, let alone a hearing scheduled.

APC demands this of all other applicants. What makes BFI above the law? Edward Johnson told me that his clients have always been required to submit a site plan with their application--no site plan, and APC refuses to accept the application. Ed told me to use his name. If you want confirmation from him, personally, give him a call at his law office: 425-4466.

We have awaited a call from you telling us whether or not the current Special Use application (scheduled for hearing March 19) was going to be pulled from the docket. According to information from APC at 4 p.m. on Friday, they had not heard from Cedric; therefore the application was still on the March 19 docket. As we have not received word, we will be coming before you today requesting that the Commissioners request this application be pulled due to lack of a site plan.

Also, we were glad to read in the papers that Jerry & Ray Gries have applied for their Special Use for a transfer station. HOWEVER, THE ENVIRONMENTAL ATROCITY (BFI's PROPOSED EXPANSION) IS STILL MOVING FORWARD. READ OUR LIPS: NO LANDFILL ON BFI'S PROPOSED SITE!!!

Regards,

Vicki McBride
Vicki McBride
Board of Directors, COLE, Inc.

P.S. We want to talk to you before today's Commission meeting, so please call me at 963-5820 or Dixie Wagner at 426-1736.

3-16-92

COUNTY BOARD OF REVIEW - LATOSHA A. PITT

Re: Rebuttal to Cheryl Musgrave

For months I have set in the background and listened to all types of accusations hurled toward me and the board of review by Cheryl Musgrave. Decisions have been made and implemented without first seeing how the changes would effect the work and the proficiency of the office and/or how it effects the public we come in contact with.

I would like to take the time to enlighten you to some facts and truth, providing we are still interested in the truth. I have documentation to back up everything I say and it is available to you at your disposal at any and all times.

Ms. Musgrave stated that the board of review meeting room needed to be changed because it is not accessible to the public or the press.

May I remind you that the Commissioners saw fit to give us that office on the third floor. After hearing concerns from Mr. Angermeier that the room may be too small, Ms. McClintock and another gentleman came to the office looked around and decided that it was sufficient and acceptable for the use of the board. For five or six years we made good out of a bad situation. The room temperature was either too cold or too hot. The members even at times wore coats, hats and gloves to conduct business. Not the board, public, news media, no one complained. I repeat we made good out of a bad situation.

Ms. Musgrave states that this change will allow for more professional functioning of the board. May I ask what is her definition of professionalism. Is it when you question a taxpayer regarding his business schedule, look at his confidential federal income tax return, balance sheets, inventory records, depreciation schedules reflecting cost, life and year of acquisition, bait the taxpayer into telling you all of his intricate business giving him the false impression that you're helping him and then suggest the board take a vote in his presence everyone voted in favor of the taxpayer except Ms. Musgrave. She abstained. The taxpayer did a double take he couldn't believe it. When he left I pointed out to her that she thoroughly confused the man and his wife she replied in a jovial manner "who cares about him and what he thinks."

Most importantly Ms. Musgrave states that there was a vote taken to prohibit the public from attending the board of review meetings--and it passed. I have checked tapes after tapes and have found no such vote. No member on the board remembers even such a discussion much less the passing of such a thing. If there was such a vote, produce the evidence because as you have been told it is against the law to do such a thing. She stated she called her attorney to inform him. I don't doubt that she didn't. She was always on the phone talking with an attorney. So much so that the members questioned if she was indeed talking with someone. And I need not mention how much that cost. But she could have told him anything, he wasn't there to see it. If she did in fact tell him of such a vote then unless she has documentation of it she gave a false report.

County Auditor Sam Humphrey stated that 95% of the work is confidential and not, by law, permitted to be public and no case, at any meeting he ever attended where the person was called in or who had their assessment questioned was the person not allowed to stay. That statement is a true and correct statement. I have the tape to prove it.

Ms. Musgrave stated that the computer really isn't necessary to the meeting itself. It's nice to have--to be able to walk in maybe once every fifteen minutes and look something up. Well she's probably pretty accurate about the timely use of the computer, therefore making the first part of her statement erroneous. There are two computers in the office. The smaller one is tied into the treasurer's office and it is very necessary to make assessment verifications and judgments. The larger computer gives us real estate information from all townships in depth whereas the small one gives me both real and personal with a tax and scan inquiry screen.

Moving the hearing office means that the records are not easily accessible as well. The running time between floors and the hallway will be unbelievable. Nor will the telephones be accessible. We receive anywhere from 70 to 100 calls a day. Some are calling because they are sick, elderly or just can't get here for any numerous of reasons and they leave messages in lieu of their appearance. If the records are already here that pertinent information will not be delivered in a timely manner or could be lost.

Ms. Musgrave compares the reviewing of the business schedules by the board with the board of zoning appeals. I'll admit I'm not as knowledgeable about other offices as she seem to be. I have my hands full taking care of my job. My hours start from 6:30 a.m. to 9:00 p.m. at times and if she had stayed the whole time the board was in session she probably wouldn't have had time either. But the board reviews the schedules from the eight different townships. We find what the township people do not find. There are times when there are a lot of math errors, leased equipment not assessed by townships or just missing a business altogether even though that business had been filing schedules for years. That's not to throw blame on anyone. We are a check and balance for one another. What one does not see or assess, the other one does. The board has brought in thousands of assessed dollars that the townships have missed. Admittedly, some have been removed from the tax roll by 133's but that was only a hand full. When this particular work is being done Ms. Musgrave says since it's confidential we could just put up a little sign? I thought according to her that a small hand-lettered piece of paper stuck on a window beside the office door was encouraged secrecy and a lack of accountability?

If room 318 is hidden so badly so is the city clerk's office because people have entered our office looking for it and it's two doors before you get to us. If 318 is so badly hidden so is the auditor and the treasurer's office, area plan and county clerk because I've directed lost people almost on a daily basis. If 318 is so badly hidden so is the main exit door because I've had to show people how to get back out of the building onto the street.

There is no violation of the Open Door Law. The news media is informed with a ten day notice. The media never cared about coming to the hearings until Ms. Musgrave came. All letters are sent to the news director. Mr. Julian was correct in saying he doesn't know if they get them or not because I have sent mail to them one day apart, one letter on Thursday and one on Friday. He or someone received the letter I mailed on Thursday but not the one I mailed on Friday. That I have found to be a common practice. I send letters methodologically not only to the press but to the Courier, The Sunday Courier, radio stations and all of the television stations not one, not a one has ever bothered to come to a meeting or a hearing recently until Ms. Musgrave decided she wanted to use us to get free publicity. Agendas were passed out in the morning when the board met for business. With all of the running and gathering of information, hundreds of letters to be typed and scheduling of hearings we didn't get them typed up as fast as maybe one not showing up for meetings would think. But when we did have them ready the night before, we gave them to her. By her own admission she can't make good sound judgment on factories and other locations but she was never available for the field trips conducted to help enlighten them but yet she wanted to force the board to vote on very important matters and take the chance of losing thousands and thousands of tax dollars without first making sure they had gathered all in depth material. Look how many times you've met and the viewing of the offices in regards to something as simple as making space for this office. Nothing is simple or as cut and dry as she would like to make it. If she had finished a full work day as the other citizen member and office holders did she would have known if she was suppose to be in the next day or not. The appointment book was always in full view and occasionally at the end of the day I would go back to the board and tell them which days to clear their calendars on months in advance. But Ms. Musgrave would either come in late, not at all and most definitely left every day early. In short she only worked three hours a day but demanded that she be paid by the taxpayers for full time work. When we protested she got her attorney to back her and had her payroll checks held so she could pick it up from another office.

That proves to me that the board conducted itself properly otherwise why not stay to make sure it did. However, all members were delighted when she was not there because they knew they could get alot of work done. Ms. Musgrave was very argumentive when present. Even when trying to conduct hearings she would scrap with the members to the point that the taxpayers would interrupt to say they were to afraid to continue. I don't think that there was anything done or said that she did not complain about.

It is the law that we review all business schedules not just certain ones the township picks out for us to see. That will lead to a possibility of other problems. Her accusations of the board about to do things with the assessments are asinine but it clearly shows she does not know the function of the board. All work go through a channel of offices. All typed paper work, all assessments, all exemptions, all real estate changes, all forms everything goes through a channel of offices and nothing can be changed or hidden intentionally or unintentionally by the board of review.

I think Ms. Musgrave made her point and her intentions plain when she said she didn't care where the typewriters and the filing cabinets and the desks and the employees are. But I appreciate you Mr. Hunter for coming into the office and talking with Mr. Angermeier regarding this matter. And I hope and pray we find favor with you and we respectfully request that you consider the undo hardship this person has put us through. There is a tremendous amount of stress that goes along with the job and with the hostile environment she has created it has not helped me health wise.

To Ms. McClintock I request that you do the same. It's like a cook being in a poorly arranged kitchen to have the office on separate floors like this. And confusing when you send people from floor to floor.

Thank you Mr. Borries for your time and efforts in this manner and thank you citizens of Vanderburgh County, CPA's and Accountants for taking out the time to support us in this hearing.

And last but not least I'd like to say I believe that Ms. Musgrave is really knit picking with these issues. I think the real issue is she has a conflict with Mr. Angermeier. I believe, if I may make a suggestion, is that you the Commissioners, Cheryl and Jim get together and iron out their differences and not let her use the employees and the taxpayers as pawns to get at him or to continue to insult the board of commissioners integrity and intelligence.

Thank you for your time and patience.

Enclosures: Letters from taxpayers
Comments



Artisan Sheet Metal Corp.

921 B Keck Ave.
Evansville, IN 47711
[812] 422-7393

Architectural Sheetmetal Specialists • Metal Roofing • Guttering Systems • Slate Roofs

Mr. Angermier
Room 227 Civic Center
Martin Luther King Blvd.

October 30, 1991

Dear Mr. Angermier,

I am happily sending you this letter to report the exeptional service that your people provided.

You may not remember me, however I appeared before the board on friday, October, 25. Upon review, the board decided I should submit a new form for property assessment. I promptly visited my accountant, who apparantly was unfamiliar with your form. When presenting this newly revised form 103. Your employee LaTosha Pitt then spent 45 minutes helping me produce a properly executed report.

Ms. Pitt completly destroyed the stereotype profile of a government worker. Instead of being uncaring, finding short cuts to her job and in short, not working for the public, she instead worked very hard just becaude she assumed that it was her job.

If there is any way that Ms. Pitt could be recognized for her exeptional service, please do so. I believe you will understand when I say that I have formed a new opinion of your office since my last visit. Keep up the good work!

Thank you and your staff

Mike Emory

BAKER & DANIELS

300 NORTH MERIDIAN STREET, SUITE 2700 • INDIANAPOLIS, INDIANA 46204 • (317) 237-0300 • FAX (317) 237-1000

INDIANAPOLIS
FORT WAYNE
SOUTH BEND
WASHINGTON, D.C.

September 5, 1991

Attention: Ramona
Vanderburgh County Assessor
Room 227 - Civic Center Complex
One NW Martin Luther King, Jr. Blvd.
Evansville, Indiana 47708

Dear Ramona:

I received today the final Vanderburgh County Board of Review amended notice for Parcel 14-122-96 and all looks to be in good order. As you may recall, due to the grade issue not being resolved in time to meet the filing deadline initiated by the May 30, 1991, amended notice from the County Board of Review, we appealed this parcel on to the State Board of Tax Commissioners. As the grade factor on all of these apartment buildings is now in compliance with the County Board of Review disposition, I have notified the State Board of Tax Commissioners, the Vanderburgh County Auditor and the Vanderburgh County Assessor that we wish to withdraw the Form 131-RP "Petition to the State Board of Tax Commissioners for Review of Assessment."

Although this, at times, seemed to be an uphill battle, I would like to thank you for hanging in there and seeing this one through to the end; and, I might add, always in good humor. I guess this is the end of a "beautiful" relationship. Again, thank you for your perseverance.

Very truly yours,



Marta A. Haza
Real Estate Analyst

MAH:esr

j:\vpdocs\mahaza\er\vandrass.vhd

**COUNTY RESOLUTION IN FAVOR OF
DENIAL OF ALCOHOL BEVERAGE PERMITS TO
CONVENIENCE MINI-MARTS**

WHEREAS, the Vanderburgh County Alcohol Beverage Commission is the authoritative body concerning the issuance of alcohol beverage permits in the County;

WHEREAS, the Board of Commissioners of Vanderburgh County sees no demonstrated need for additional beverage grocery-type permits in the County;

WHEREAS, the Board of Commissioners of Vanderburgh County recognizes there is substantial opposition to the issuance of such permits from citizens of the County;

WHEREAS, the Board of Commissioners of Vanderburgh County believes the issuance of such permits would have a demonstrated negative impact upon a significant number of County businesses; **NOW, THEREFORE**,

BE IT RESOLVED that the Board of Commissioners does hereby oppose the issuance of alcohol beverage permits to businesses that are commonly described as convenience stores or mini-marts and encourages the Vanderburgh County Alcohol Beverage Commission to use its authority to deny permits to these businesses.

This resolution shall be in full force and effect from and after its adoption by the Board of Commissioners of Vanderburgh County, Indiana.

APPROVED AND ADOPTED by the Board of Commissioners of Vanderburgh County, Indiana, on the 16th day of March, 1992, and upon said day signed and executed by the members of the Board as evidenced by their respective signatures hereto, and as attested by Auditor of Vanderburgh County, Indiana.

Board of Commissioners of
Vanderburgh County, Indiana

Carol McClintock
Carol McClintock, President

Don Hunter
Don Hunter, Vice President

Richard L. Borries
Richard Borries, Member

APPROVED:

Jeffrey A. Wilhite, County Attorney

ATTEST:

Sam Humphrey
Sam Humphrey, County Auditor

RESOLUTION OF THE BOARD OF COMMISSIONERS
OF VANDERBURGH COUNTY APPROVING
REQUEST FOR PROPOSALS

WHEREAS, the County of Vanderburgh, State of Indiana, (the "County") currently owns certain real estate located at 4701 Green River Court (the "Real Estate");

4723

WHEREAS, in accordance with plans for the Green River Road widening project (the "Project"), the residential home and other improvements located upon the Real Estate (the "Improvements") are to be demolished at such time as the Project engineers and consultants deem necessary; and,

WHEREAS, until such time as the Improvements are to be demolished, the County desires to lease said Real Estate in accordance with Indiana Code § 36-1-11-12, based upon its findings that the process for leasing contained in Indiana Code § 36-1-11-10 would be inordinately expensive, and would result in unnecessary delays in leasing the Real Estate given the contemplated future destruction of the Improvements.

NOW THEREFORE, IT IS:

RESOLVED, that pursuant to Indiana Statute, the Board of Commissioners of Vanderburgh County (the "Commissioners"), as the disposing agent and the executive of the County, based upon the reasons cited hereinabove, hereby authorize the leasing of the Real Estate and Improvements pursuant to Indiana Code § 36-1-11-12; and,

RESOLVED FURTHER, that the Request for Proposal, attached hereto as Exhibit "A" and incorporated herein by reference, is hereby approved and adopted, and shall be issued in accordance with the provisions of IC §5-3-1 et seq. to provide public notice of the County's request for proposals and specifications regarding leasing of the Real Estate.

Executed this 16th day of March, 1992.

**BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA**

BY: Carol McClintock
Carol McClintock, President

BY: Don Hunter
Don Hunter, Vice-President

BY: Richard J. Borries
Richard Borries, Member

THOMAS M. SWAIN

ATTORNEY AT LAW

220 COURT BUILDING 123 N.W. FOURTH STREET
EVANSVILLE, INDIANA 47708
TELEPHONE (812) 424-9225

March 6, 1992

Board of County Commissioners
Administration Building Room 305
Civic Center Complex
Evansville, Indiana 47708

Re: Donald and Georgia Williams

Gentlemen,

This office represents Donald and Georgia Williams 530
Fiesta Drive, Evansville, Indiana 47712.

We would request to be on the agenda for March 16, 1992.
The matter concerns, Fiesta Drive. My client, Donald Williams
wishes to make some road repairs and we seek the approval of the
County Commissioners for such work.

Yours very truly,



Thomas M. Swain

TMS/das

VANDERBURGH CIRCUIT COURT

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

RICHARD L. YOUNG, JUDGE

ROBERT S. MATTHEWS, SR., MAGISTRATE

ADULT PROBATION DEPARTMENT
K. ALLAN HENSON
CHIEF PROBATION OFFICER
REV. ROBERT L. SAUNDERS
PROBATION OFFICER
LARRY G. McDOWELL
PROBATION OFFICER
JOHN R. MUELLER
PROBATION OFFICER
JANICE A. WADE
PROBATION OFFICER
BETTY M. CRAIG
PROBATION OFFICER

HARRIS HOWERTON,
DIRECTOR OF COURT SERVICES
ROBERT L. HART, JR.
ASSISTANT DIRECTOR
KAREN L. ALTMAN
EXECUTIVE ASSISTANT
WORK RELEASE PROGRAM
BAIL BOND PROGRAM
COMMUNITY SERVICE
S.A.F.E. HOUSE

February 27, 1992

Carolyn S. McClintock, President
BOARD OF COUNTY COMMISSIONERS, Vanderburgh County
ROOM 305
Civic Center Complex
EVANSVILLE, INDIANA 47708


Dear Carolyn,

According to Indiana Code 11-12-6, the county legislative bodies desiring to participate in the County Correction Fund must adopt a county ordinance signifying their intent prior to May 1st of each year. In order to receive these funds (\$161,000), the ordinance must be enacted and filed with the Secretary of State prior to May 1st, 1992.

For your convenience I have enclosed two (2) copies of the ordinance that has been adopted since 1986. I have also enclosed an itemized breakdown on how the monies are spent. Further, I have been placed on the Commission agenda (for Monday, March 16, 1992) to present this issue and update you on the Community Correction insurance issue now under advisement by the Commission.

If you have any questions, please contact me at 421-5666. Thank you.

Sincerely,


Harris Howerton,
Director of Community Corrections

cc: Richard L. Young, Judge, Vanderburgh Circuit Court
Ray Hamner, Sheriff, Vanderburgh County
File

ORDINANCE NO. _____

ORDINANCE CONCERNING ESTABLISHMENT AND FUNDING OF COUNTY
CORRECTION FUND

WHEREAS, Senate Enrolled Act No. 395 added a new Chapter 6 to Indiana Code 11-12, which new Chapter 6 provides for the establishment and funding of a county corrections fund; and

WHEREAS, I.C. 11-12-6 provides that a county legislative body may adopt an ordinance before May 1 of each year to elect to receive deposits from the Indiana Department of Correction and to establish a county corrections fund; and

WHEREAS, the county corrections fund may be used only for funding the operation of the county's jail, jail program or other local correctional facilities; and

WHEREAS, the county legislative body shall designate either level 1, level 2 or level 3 funding as defined in I.C. 11-12-6 with respect to deposits to be received thereunder; and

WHEREAS, level 3 funding is the most appropriate level of participation for Vanderburgh County, Indiana;

THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY, INDIANA, AS FOLLOWS:

1. The Board of Commissioners of Vanderburgh County, Indiana elects to receive deposits from the Indiana Department of Correction (the "Department") in accordance with Senate Enrolled Act No. 395, I.C. 11-12-6 (the "Act").

2. The Board designates level 3 funding, as defined in the Act, with respect to all deposits to be received by Vanderburgh County under the Act and this Ordinance.

3. A fund, to be known as the "County Corrections Fund", is established. The County Corrections Fund shall consist of deposits made by the Department in accordance with the Act. Such Fund shall be administered by the county fiscal body.

4. The County Corrections Fund shall be used for any purpose authorized by the Act. Any money remaining in the County Corrections Fund at the end of the year does not revert to any other fund, but remains in the County Corrections Fund.

5. This Ordinance shall be in full force and effect upon adoption.

PASSED by the Board of Commissioners of Vanderburgh County, Indiana on the _____ day of _____, 1992 and upon that day signed and executed by the members of the Board as appears by their respective signatures and all attested to by the Auditor of Vanderburgh County, Indiana.

BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA

CAROLYN MCCLINTOCK, PRESIDENT

RICHARD BORRIES, MEMBER

DONALD HUNTER, MEMBER

SAM HUMPHREY, AUDITOR
VANDERBURGH COUNTY, INDIANA

2345G-41886

PAGE 2 OF 3

APPROVED AS TO LEGAL FORM:

County Attorney

Two copies of the foregoing Ordinance filed this _____ day of _____, 1992 at _____ (time), and one copy has been forwarded to the Commissioner of Correction, all in accordance with I.C. 11-12-6-9 (a) (2), (b).

INDIANA SECRETARY OF STATE

By _____

2345G-41886

Page 3 of 3

COMMUNITY CORRECTIONS EXPENDITURES

Personnel :

Cook	\$ 19,948
Guard	19,462
FICA	4,053
PERF	2,759
Insurance	2,081
EXTRA HELP	<u>13,570</u>
Sub-total	\$ 61,873

Operating :

Food	\$ 18,564
Sub-total	\$ 18,564
TOTAL	\$ 80,437

SHERIFF EXPENDITURES

Personnel :

Correction Officer	\$ 18,875
Correction Officer	18,875
Correction Officer	18,875
Clerk Typist	14,238
FICA	5,436
PERF & Insurance	<u>4,974</u>
TOTAL	\$ 81,273

GRAND TOTAL \$ 161,710

INDIANA DEPARTMENT OF HIGHWAYS

CHANGE ORDER

Project No. MAM-M-E 340(6) Contract No. R-19511

Change Order No. . . . 1

Whereas, the Standard Specifications for this contract provides for such work to be performed, the following change is recommended. (Give location, description and reason)

THESE ITEMS HAD BEEN LEFT OFF THE ORIGINAL PROPOSAL:

- 1) To ensure Arrow curve smoothness, a Parabolic will be provided as shown and consistent with Article 1015 of the 1988 West Virginia Specifications and Supplemental Specifications.
- 1) ~~2~~ AN ARROW BOARD WILL BE NECESSARY TO PROVIDE SAFE TRAFFIC MAINTENANCE DURING CONSTRUCTION (SHEET 2 OF 5).
- 2) ~~3~~ DUE TO THE LARGE SCALE OF THE PROJECT AND THE INCREASE IN TECHNOLOGY, A COMPUTER IS NEEDED FOR THE FIELD OFFICE, AS IN ACCORDANCE WITH SUPPLEMENTAL SPECIFICATIONS ATTACHED AND MODIFIED AS SHOWN. (SHEET 3 OF 5)

ITEM NO.	DESCRIPTION OF ITEM	UNIT PRICE	INCREASE		DECREASE		% CHANGE		
			QUANTITY	AMOUNT	QUANTITY	AMOUNT	THIS C.O.	TO DATE	
EW	PAPERWORK PH		1.0 UNIT						
EW	ARROW BOARD	38.00	244 DAYS MONTHS	\$9272.00				100%	100%
EW	FIELD OFFICE Microcomputer SYSTEM	350.00	18.0	\$6300.00				100%	100%

It is the intent of the parties that this change order is full and complete compensation for the work described above. Notification and consent to this change in plans is hereby acknowledged.

Contractor Koester Cont. By James R. Herron Date 3-18-92
☐ Submitted For Consideration

Submitted For Consideration	
PE/S <i>KL</i>	D.E.
AE	CONST. ENGR.
DCE	CHIEF DIV.

Approved for Indiana Department of Highways

Carolyn S. McEntire President 3/16/92
(SIGNATURE) (TITLE) (DATE)

PUBLIC WORKS DEPARTMENT

AGENDA

MARCH 16, 1992

- 1. Claim Correction (from Bond to Nesbit Station Road Bridge)**
- 2. Lynch Road Appraisal Approvals**
 - Ev. Public Library Property \$5,100.00**
 - Butterfield Property \$9,700.00**
 - Romain Property \$2,400.00**
 - Durfee/Dixon Property \$1,800.00**
- 3. Green River Road**
 - Interprop R/W Condemnation \$15,700.00**
 - Change Order**
 - Spring Valley Road**

March 16, 1992

Copy 1.
3/16/92

TO: Board of County Commissioners

FROM: Susan Jeffries, ^{if}Purchasing

RE: Furniture Bid - Superior Court

On February 24, 1992 quotes for Office Furniture for Superior Court were submitted by the following companies:

→ Corporate Design	\$ 9,465.00
I D & A, Inc.	11,177.89
Smith & Butterfield	11,894.00
Business Interiors	13,900.00
Atlas Office Supply	20,794.80

The Superior Court Office has reviewed the quotes and has found the low bid to be acceptable. It is recommended that the Board approve the purchase of the furniture from Corporate Design at the total cost of \$9,465.00.

Thank you!

ZIEMER, STAYMAN, WEITZEL & SHOULDERS
ATTORNEYS AT LAW

P. O. BOX 916 - 1807 OLD NATIONAL BANK BLDG.
EVANSVILLE, INDIANA 47706-0916

TELEPHONE (812) 424-7575
TELECOPIER (812) 421-5099

JOHN E. EARLY
(1912-1983)

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

March 16, 1992

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

Re: Report of County Attorney to Regular Meeting of
Commissioners (March 16, 1992); Status of Various
Legal Matters

Dear Ms. McClintock:

Herewith I submit to the Vanderburgh County Commissioners my report as Vanderburgh County Attorney on the status of various legal matters as of the regular meeting of the Vanderburgh County Commissioners held March 16, 1992:

1. At the request of the Department of Public Welfare, this office prepared a Motion to Quash a Subpoena requesting copies of certain medical records.
2. In regards to the Quiet Title action filed by Vanderburgh County against V.C. Sprinkles, this office prepared and filed a Motion to Dismiss since the subject real estate was sold as county owned surplus property.
3. In connection with the Condemnation proceedings regarding the Orchard Road Bridge Project, such action has been concluded and the County was granted the real estate necessary to proceed with the project.
4. At the request of the County Coroner, this office prepared a denial of request by the Evansville Courier for certain autopsy records.
5. The County was named a Defendant in a mortgage foreclosure action filed by Marilyn E. Morris v. Michael G. Koven, in the Vanderburgh Superior Court, as Cause No. 82D03-9203-CP-453. The County Treasurer's records indicate that real estate taxes in the amount of \$4,625.98, are due and owing to Vanderburgh County by virtue of the subject matter of the cause

of action. An Answer has been filed on behalf of the County Treasurer in response to said Complaint.

6. At the request of the Auditor's Office, we have prepared a Deed in connection with the Stocker purchase of County owned surplus real estate.

7. At the Commissioner's request, we have reviewed and revised the proposed Lease Agreement for the management of the Vanderburgh County Auditorium.

Sincerely,

ZIEMER, STAYMAN, WEITZEL & SHOULDERS



Gary K. Price

GKP/srm

MINUTES
COUNTY COMMISSION
MARCH 23, 1992

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened at 5:30 p.m.	1
Introduction of Staff & Pledge of Allegiance	1
Travel Ordinance (Final Reading)	1
Ordinance re Community Corrections (Final Reading)	1
Ordinance re Burdette Park Rules, Regulations & Penalties (Final Reading)	1
EUTS - Rose Zigenfus(Deferred to 3/30/92)	2
Bockelman No. 3 School/Westwood Garden Club	2
(To be placed on 4/6/92 agenda)	
County Attorney - Jeff Wilhite	3
Weekly Report	
Request from Society of Professional Journalists re copy fees charged by County Offices	
County Engineer - Dave Savage	5
Change Order/Nesbit Station Rd.	
Floyd Burroughs & Assoc./Engineering Agreement	
Green River Rd. Project/Phase I/Groundbreaking	
Ceremony scheduled April 6th at 4:00 p.m.	
(Mr. Savage to advise Commission as to site)	
Claim/Appraisers Fees for Interprop Fund III	
Condemnation (\$1,800)	
Claim/Phoenix Construction Co. (\$328.00)	
Consent Agenda	6
Commissioners/Transfer of Funds	
Employment Changes/Dave Franklin's salary during training period for Asst. Garage Supvr.	
Scheduled Meetings	
Old Business (None)	6
New Business	7
Letter of Commendation re County Roads from School Corporation	
Approval of Minutes/March 16, 19992	
West Terrace Elementary School/Signage, speed limit, etc. (D. Savage to check on this)	
Meeting Adjourned at 6:31 p.m.	7

MINUTES
COUNTY COMMISSIONERS MEETING
MARCH 23, 1992

The Vanderburgh County Board of Commissioners met in session at 5:30 p.m. in the Commissioners Hearing Room, with Vice President Don Hunter presiding. President McClintock was absent, since she is on vacation.

RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

Commissioner Hunter called the meeting to order, welcomed those in attendance, dispensed with the introduction of staff members, and asked the group to stand for the Pledge of Allegiance.

He subsequently asked if there are individuals or groups present who do not find their particular item of interest on today's agenda. There was no response.

RE: TRAVEL ORDINANCE (FINAL READING)

There being no comments or further changes to be made to the County Travel Ordinance, upon motion made by Commissioner Borries and seconded by Commissioner Hunter the Travel Ordinance was approved as amended and presented. So ordered.

RE: ORDINANCE RE COMMUNITY CORRECTIONS (FINAL READING)

There being no comments or required changes, upon motion made by Commissioner Borries and seconded by Commissioner Hunter the Ordinance was approved, as presented. So ordered.

RE: ORDINANCE RE BURDETTE PARK RULES, REGULATIONS & PENALTIES (FINAL READING)

Commissioner Hunter entertained comments concerning this Ordinance.

Commissioner Borries said he has no objections or suggestions to change any of the items within this Ordinance. However, he does have concerns with regard to Section 2 (Enforcement) and, in particular, on the part of Park employees as opposed to law enforcement personnel. So his question would be to Jeff Wilhite regarding the enforcement of rules and regulations. "Explain to me that if it is not possible at some point -- and as a violation might be noticed by some employee other than the Sheriff's Department, exactly what would be the procedures or what would be the correct means of enforcement by a Park employee?"

Attorney Wilhite responded, "As a practical matter, given these guidelines a Park employee would -- and should -- point out the violation and ask that that individual comply or leave, if they refuse to remain in compliance. Clearly, the Park employee could not take any physical act. A Park employee would not be authorized to make a sort of arrest. If no other law enforcement officer -- which I think your question assumes is correct -- was around or would come out, I can -- if you wanted me to -- enforce these things as an ordinance infraction in the Courts. That doesn't solve the immediate problem of getting that person out -- but we can go to the Vanderburgh Superior Court docket and ask the Court for a sort of enforcement."

Mr. Borries said, I guess my concern is that it is easy for us to sit here and pontificate and pass this, but it is often very difficult and oftentimes a stressful situation, for example, for a Park employee -- a young person who is not trained -- to have to enforce this situation. As we would consider this particular thing -- I guess what I am saying is that when we are talking about

diligently enforcing here, that word and that training is going to have to be carefully explained to those Park employees. So I think we should consider at some point then some kind of procedure and training component for these employees -- because this is a lot of responsibility here.

Commissioner Hunter entertained a motion to approve the Ordinance, as amended and as submitted.

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

RE: EUTS - ROSE ZIGENFUS

It was noted by Commissioner Hunter that this matter has been deferred until next week -- on March 30, 1992.

RE: BOCKELMAN NO. 3 SCHOOL/WESTWOOD GARDEN CLUB

Mr. Hunter noted this matter was deferred from last week to this week. He asked Attorney Wilhite if he is ready to report concerning this matter.

Attorney Wilhite said a few meetings ago this Board reviewed a request from the Westwood Garden Club concerning this old school and the request was that once the County condemns the school, we would give the school to the Westwood Garden Club, which would then agree to pay the expense of moving it. The Board instructed him to look into getting that done. Upon investigating it, it occurred to him that that would be a transfer of property of the County to another entity and the issue is whether we must then follow certain public notice procedures. Once the house is severed from the land -- and my office has done the legal research and I conclude -- it then becomes personal property. "If we made clear that what we would be transferring is the physical wood and structure itself, it would become personal property once it is severed from the land. Therefore, I think the Statute of Indiana requires public notice for transferring personal property that is worth more than \$1,000 applies. Basically that would require us to give public notice that we are going to condemn this house; it will become personal property; and anybody who is interested in it would have to pay the cost of moving it -- but do that through public notice. I suspect no one but the Westwood Garden Club would be interested -- but I don't think it is as simply as just writing some sort of contract with them. So I did that research, but I have not done anything else because I wanted direction from you all or confirmation from you that is how we are to proceed -- or whether we will discuss it further, etc. The other thing I did as a practical matter was to let Mr. Barron's (the property owner) Counsel (Les Shively) know that the Westwood Garden Club might be interested in the house -- in case there could be any private discussions there of purchase. So frankly I would like to have you redirect me if that is your desire, based on what I have advised you -- instead of transferring it to the Westwood Garden Club we are to proceed with public notice. If it is worth more than \$1,000. We don't really know that. Certainly the property owner will claim that it is worth well over \$1,000 -- because that will be the issue ultimately that we would have given in the condemnation. Now, we can probably argue that given the cost of moving it, as personal property it is worth less than \$1,000. But I actually don't have any facts that I can represent to you that it is less than \$1,000. So my two assumptions are: If it is worth more than \$1,000; and, two, as legal matter it becomes personal property and then we go through this bid process. And we can put in the bid the limiting condition. Someone would have to pay for its removal and indemnity provisions and insurance, etc. That is why I suspect not many people would bid on it."

Mr. Borries asked, "How will we determine what it is worth?"

Attorney Wilhite said, "We don't have to, I don't think, Rick -- as long as we go through the public bid process. It is not like the statute that says you have to appraise an review appraise, etc. That's not the same statute. This is a sale of personal property. It's like we were selling some other vehicle or something. You just put it up for bid and receive the bids. The reason I wanted to bring this to you all is the risk is that if you really wanted this Westwood Garden Club to get it for some historical reason, there is a risk that with a public notice, etc., some other private party could buy it. And I've not discussed it with them either. It's not that big a rush, frankly. You don't have to direct me to do anything tonight. I just wanted to report that is what I am waiting on. Maybe one option would be to talk to Westwood; talk to the property owner again.

Mr. Hunter said that maybe this matter should be deferred until next week. That will give us an opportunity to talk to the Westwood Garden Club and see what their thinking is on it. "Joanne, what kind of lead time do you have to have to advertise something like this?"

Ms. Matthews responded, "Three days."

Mr. Wilhite said, "Time is not a problem. It will be a long time before it actually is removed."

Mr. Hunter again said this matter will be postponed until next week. It will be placed on the March 30th agenda. In the interim, we can contact Westwood Garden Club and see what they'd like to do.

Mr. Wilhite asked if he could suggest the April 6th meeting, as he will be here at that time.

Mr. Hunter concurred and said the matter is to be placed on the April 6th agenda.

RE: COUNTY ATTORNEY - JEFF WILHITE

Weekly Report: Attorney Wilhite said he has submitted his written Weekly Report.

Request from Society of Professional Journalists re Copy Fees Charged by County Offices: Attorney Wilhite said that in essence this organization has reviewed the copying charges from various County offices and they range from 10 cents per page up to \$1.00 per page (the latter in the County Clerk's office) and the request is that they think they are entitled to only have to pay reasonable research and duplication fees under the Freedom of Information Act and they are trying to be very cooperative. "I reiterate that in phone conversations they have been very cooperative, but they are asking us to see if we can coordinate any sort of consistency for copying fees and some administrative changes. For example, if a reporter goes over and wants 75 cents worth of copying charges, they want the ability to pay 75 cents in cash which, apparently, violates some County procedure -- at least in some offices.

Commissioner Hunter said, "My first question to you would be can we require office holders to have a uniform policy on charges and on method of payment?"

Attorney Wilhite said, "As a practical matter, Commissioner,....

County Auditor Sam Humphrey interrupted, "We have copy charges in our office and they are set by State statute. I've forgotten -- but we got ours from the State Board of Accounts."

Attorney Wilhite continued, "Some of these, I am pretty sure, are not set by statute; and there may be some that have some State

guidance. I have not looked at this yet. I wanted to bring it to you to see if you want me to do anything or if you want somebody else..."

Mr. Humphrey reiterated, "We have a copy charge in our office for documents and ..."

Mr. Wilhite said, "They say their research shows that your copying charge is 12 cents per page; 35 cents if it is documents from the office; and 50 cents for certified documents. I am here asking for general direction -- I don't think you need any decisions tonight -- but, in general, how do you want to respond to this request?"

In response to query from Auditor Humphrey, Mr. Wilhite said the request is from Kim Husk, Freedom of Information Chairwoman, Society of Professional Journalists. She is with the Courier."

Auditor Humphrey said, "First, we are not a local business."

Mr. Hunter said, "What they're asking is that we try to come up with some kind of..."

Mr. Humphrey said, "We have a copying charge and it is stated right on the copy machine in our office."

Commissioner Hunter again said it ranges from 10 cents per page to \$1.00 per page.

Mr. Humphrey said the \$1.00 charged by the County Clerk is not only authorized, that is ordered, I believe. I think Betty Knight Smith brought me a copy of legislative action. I don't know about the rest of them.

Mr. Hunter said that since this involves the City just as much as it does the County and Jeff is looking for direction, why don't we ask Jeff to contact the City Attorney and find out if legally we must charge -- some of these offices have to charge this amount. And let's go from that point. Let's find out what the legal ramifications are first.

Mr. Humphrey said he thinks the only office that has to charge is the County Clerk's office.

Commissioner Hunter said from 10 cents to \$1.00 per page is quite a range.

Mr. Humphrey said his office does not charge anybody in house -- but the City charges us.

Attorney Wilhite asked, "So, for County offices, am I directed to investigate the source of any authority for the charges? And, then, I guess as well, whether there is any flexibility legally? Any willingness to get any sort of consistency here?"

Auditor Humphrey said he thinks the SBA has issued some rules on it and he thinks his office complies. But he doesn't believe his office charges as much as the State allows.

Commissioner Hunter said, "We also need to know if we adopt some kind of standardized charge whether or not we can even enforce it -- whether the individual officeholders can or cannot go ahead and do as they please."

Auditor Humphrey said there are copiers all over the building.

Commissioner Borries said he would think that the Commission Office could certainly coordinate; because of different kinds of copying machines (all different kinds of expenses involved in this) and some may, as Sam has pointed out, be statutory in nature in terms

of charges for legal size paper, special copiers, as opposed to a standard 8-1/2 x 11 sheet, etc. Perhaps this office could ask the various offices for some rationale for their charges and collect that information and then look for a decision from that standpoint. As far as the City offices are concerned, he would just send a copy of the request letter to those offices.

Auditor Humphrey said, "I don't think we've had any reporters lately; but we have had reporters come in and ask for flocks of information."

Mr. Hunter said he guesses his question on this Freedom of Information Act is whether we are charging for the duplication fees or are we charging for the cost of the reasonable search? Or, is that reasonable search what people pay taxes for? He is not real clear on what this Act means. Maybe Mr. Wilhite needs to check into this, as well.

Auditor Humphrey said, "We've had some direction from the State Board and I am assuming that everybody else had it. We make documents available to anybody, but they cannot interfere with our work and they cannot occupy machines or space that we must occupy to do our job. And I think that generally applies to everybody."

Commissioner Borries asked Mr. Humphrey why he doesn't discuss this with the State Board of Accounts when next he sees them -- and Mr. Humphrey agreed to do so.

RE: COUNTY ENGINEER'S OFFICE - DAVE SAVAGE

Change Order/Nesbit Station Rd.: Mr. Savage submitted the subject Change Order and said this is a net decrease of approximately some \$4,200. There were a couple of small increases, but primarily it was due to a decrease in the amount of piling required.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter the change order was approved, as submitted. So ordered.

Floyd Burroughs & Assoc./Engineering Agreement/Rehab on Oak Hill Rd. Bridge: These are the consultants selected by the Commission on this project and the contract has been negotiated and in the form and amounts acceptable to the Federal Highway Administration, who is participating in the funding. Once the agreement is executed, the design can begin.

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

Green River Rd. Project/Phase I/Groundbreaking Ceremony: It was noted by Mr. Savage that the Groundbreaking Ceremony on this project will be at 4:00 p.m. on April 6th. He does not have the location on that, but will get that information to the Commissioners.

Claim/Appraisers Fees for Interprop Fund III Condemnation: This is a claim for the Sugarmill condemnation on the Green River Rd. Project in the amount of \$1,800.00.

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

Claim/Phoenix Construction Co.: Claim in the amount of \$328.00 on Bridge #34. This corresponds with a change order previously approved by the Commissioners.

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

RE: CONSENT AGENDA

With regard to the Consent Agenda, Commissioner Borries asked the purpose of the Commission and the Superintendent of Buildings going on Council Call.

Mr. Hunter said they need to transfer some funds to buy two (2) new chairs. The chairs are about \$110.00 each.

Mr. Borries asked, "Out of both funds?"

Mr. Hunter said he thinks we are going to buy three (3) new chairs; one is for Nancy and, in turn, the Council is going to buy a feeder for the Commissioners' new copy machine. It is going to be a trade-off on that. "Apparently you and I don't get new chairs."

Mr. Borries responded, "I didn't know we needed them that much. These won't go on Council call until May, I would take it -- is that correct?"

Ms. Farrell said they go on April Council call.

Mr. Borries asked, "Even if they are approved today?"

Ms. Farrell said she put them in the transfers last week before the deadline.

Mr. Hunter said, "So they will go on April Council call."

Mr. Borries confirmed that these are transfers of funds then, rather than appropriation for new monies.

Employment Changes: Mr. Hunter said that probably one item needs to be explained. The Commission office and Auditor Humphrey's office has been very busy today. We can pay David Franklin to train the new County Highway Assistant Superintendent \$14.92 per day additional. It seems as though the Commissioners are the only ones who have overtime money available. They can do this not to exceed \$200.00, which would allow about two to two and a half weeks' training time for the new man by Mr. Franklin.

Mr. Humphrey said the intention is to continue Mr. Franklin in his capacity as instructor for the new Assistant Supervisor for two or three weeks, as per his understanding, and to maintain his pay at the level he is operating at now -- because he will be doing essentially the same work, plus instructing. We have a problem doing it in just the same line item, although we have the funds there, because the State holds that we would, in effect, be increasing the salary beyond the limits established by the Council. The Commissioners have overtime funds which can be utilized. We pay him his normal pay out of his regular line item and \$14.92 per day for the time he serves as an assistant. He thinks we can handle it in this way with no problem.

There being no further comments re the Consent Agenda, upon motion made by Commissioner Borries and seconded by Commissioner Hunter the Consent Agenda was approved. So ordered.

Scheduled Meetings: Commissioner Hunter said he would direct attention to the fact that even though it is the fifth Monday of the month, there will be a County Commission Meeting next Monday, March 30th, at 5:30 p.m.

RE: OLD BUSINESS

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

RE: NEW BUSINESS

Letter from School Corporation: Mr. Hunter read a letter of commendation from Dr. Philip Schoffstall re the maintenance of County roads during recent inclement weather. (Copy attached hereto as part of the formal minutes.) Mr. Hunter said he has requested that a copy of said letter be put on the bulletin board at the County Highway Garage. Something went the way it should have and he thinks the workers out there should be thanked.

Approval of Minutes/March 16th: Upon motion made by Commissioner Borries and seconded by Commissioner Hunter the minutes of March 16th were approved, as submitted. So ordered.

West Terrace Elementary School: Commissioner Borries said he received a copy of a letter to Ms. McClintock from the Principal of West Terrace Elementary School. He had asked him to put in writing a request for a signage study on West Terrace Drive near West Terrace School. This right at the point where Schutte Rd. and Peerless Rd. come together and you turn and proceed west to get to West Terrace School on West Terrace Drive. It's a five-approach intersection. He asked Scott Davis to verify this is an accepted road and he said he thought it was. Gene Theriac feels that because there are now subdivisions (Key West Subdivision) there is increased traffic and he has some concerns. We may need to look at amending our ordinance. Mr. Borries said he is not certain what the speed limit is in that area -- he hopes it's not 40 mph. There is absolutely no signage -- nothing about it being a school zone, or anything.

Mr. Savage said he will work with the Traffic Engineer on this.

There being no further business to come before the Board, at 6:31 p.m. Commissioner Hunter declared the meeting adjourned -- with an announcement that the Drainage Board will convene immediately.

PRESENT:

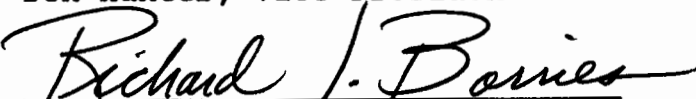
Don Hunter, Vice President
Richard J. Borries, Member
Jeff Wilhite, County Attorney
Sam Humphrey, County Auditor
Dave Savage
Lou Wittmer
B. J. Farrell
Others (Unidentified)
News Media

Absent:

Carolyn McClintock, President
(on vacation)

SECRETARY: Joanne A. Matthews


Don Hunter, Vice President


Richard J. Borries, Member

MINUTES
COUNTY COMMISSIONERS MEETING
MARCH 30, 1992

I N D E X

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Auditorium Use/Rates	2
EUTS	2
Pollack Avenue	
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County Attorney - Gary Price	6
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Agreement w/Phil Lieberman re Software for	
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Change Order/North Green River Rd. Project	
Claim/Right-of-Way for Orchard Rd.	
Lynch Rd. Project	
Green River Rd. Project	
Job Applicants (County Engineer)	6
Burdette Park - Mark Tuley	7
Immediate Closing of Burdette Park Skating Rink	
Pending Lease Agreements for Skating Facility	
(M. Tuley to meet with Gary Price)	
Cost Estimates for Razing Rink, Leveling Ground,	
and filling shallow portion of the lake)	
Vacation (M. Tuley -- next week)	
Consent Agenda	9
(Approved with the exception of Item #C -- pending	
Commissioner Hunter's return)	
Old Business	10
Signs for Pigeon Creek Project	
Dismissal of Lawsuit Against Helen Kuebler	
New Business	10
Alexander Ambulance Charges (Bill for inmate given	
to Gary Price for review and investigation)	
Nesbit Station Rd. Project	11
(Approved Mr. Savage negotiating in an amount up to	
\$2,000 for right-of-way (two parcels at \$1,000 each)	
so we can relocate the ditch.)	
Meeting Recessed at 6:23 p.m.	11
relocate the ditch)	

MINUTES
COUNTY COMMISSIONERS MEETING
MARCH 30, 1992

The Vanderburgh County Board of Commissioners met in session at 5:30 p.m. on Monday, March 30, 1992 in the Commissioners Hearing Room with President Carolyn McClintock presiding. Commissioner Don Hunter was absent.

RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

President McClintock called the meeting to order, welcomed those who were present, introduced members of the County Staff, and asked the group to stand for the Pledge of Allegiance.

RE: COLISEUM PARKING LOT/VETERANS COUNCIL

The meeting continued with Commissioner McClintock saying it is her understanding that representatives of the Veterans Council would like to make a proposal to the Commission this evening. She requested that the Council Representative come forward.

Mr. Lawrence O. Montgomery identified himself and said he is Commander of the Veterans Council of Clubs of Vanderburgh County. They represent some 20,000 veterans in the area from all the Posts -- whether it be Legion, VFW, DAV, AMVETS, Forty and Eight -- all the subsidiaries -- and tonight he has his Adjutant with him, Mr. Milton Grooms, who would like to submit a proposal to the Board.

Mr. Grooms said, "Good afternoon. We come before you today to record our support for the County Commission's keeping control of the parking lot located to the rear of the Coliseum. As plans were unveiled nearly three years ago to construct the downtown 5th Street realignment project, both the planners and the County Commission made their intentions known that the removal of buildings and subsequent creation of that parking lot was to have been for the dual benefit of the Old Courthouse and the Coliseum -- both of which desperately need the facility for their very survival. We strongly urge the Commission to keep management and control of the parking lot -- not to give over to a private firm -- but to pave and stripe the lot and continue to allow open parking on the lot so that both the Old Courthouse and the Coliseum may make use of it. If this Commission sees fits to do this, the Veterans Council will continue to keep the area clear of debris and the grass mowed. The Veterans Council hopes that the Commission wishes to continue their support for the Coliseum that has shown in the last twenty years. During that period the County has invested \$110,000, while the Veterans have invested \$900,000 plus countless hours of manual labor -- all at no cost to the citizens of Vanderburgh County. Thank you."

Ms. McClintock thanked Mr. Grooms for his comments and said, "As I hope most of you are aware, it has been this Commission's intention all along to do whatever we need to do to insure that that lot is available for the benefit of the Coliseum and its operations and also, as you note, the Old Courthouse. It is my understanding that because of the plan we must follow that has been approved by Center City Corporation, the cost of the paving and the striping of that lot has increased to the point where your preference (and I am sure the preference of the Old Courthouse) is that the County go ahead and invest the money and complete that job. I think it has been this Commission's intention all along to see that the lot is paved -- one way or the other. So now that you have come forward and given us this proposal, I think our next step would be to proceed with getting that lot paved to the mutual benefit of the Veterans, the Coliseum, and also the Old Courthouse."

Commissioner Borries said, "I want to thank you for coming this evening. I can't speak for the other members of this Commission -- so just let me tell you how I feel about this. I agree with what you are saying. I think what we need to do is get right where -- we've tried every way -- at least I felt we've tried every way we could to get this under your authority. Several years ago the County purchased all that property and we razed all the buildings on the property. It was all envisioned that this would help the Coliseum. It would assist the downtown in its development and to attract new business -- or at least assist in attracting new business, and also help the Old Courthouse. I guess we've looked at all these alternatives and it just seems to me that a couple of things ought to happen here. The County ought to pave the lot -- I've always felt that they should. That finishes the job. I think the lot ought to be free. We're hearing the current City Clerk, Marsha Abell, complained that there are workers that apparently park at different spots in the downtown and that may restrict some shoppers from using some of these different spots. They've taken all these parking meters off of the streets in an effort to encourage the downtown. So why not make it just a free lot. Why not at that point have you all sign -- or have you all if you would verbally agree maybe to maintain the lot in some way -- would you be willing to enter into some kind of an agreement that if there is snow -- so we don't have to bring a County truck into the City Limits to do this? Or if there is trash or something like that, that your group (and I am sure you would -- I mean you've stepped forward and maintained that grand old building when the County gave it up years ago -- and you're certainly to be commended for what you have done). I don't want to see that lot privatized at this point. It was my understanding that the only reason we were even looking at that was that maybe you all would be able to operate it. But I don't see any way we can work this out. Our Attorney says we would have to go through all this open bidding procedure and, frankly, again in this recession area economy and with everybody needing the business as badly as they do downtown -- let's just make it a free lot. Frankly, I don't think it would be cost effective anyway to get the 20 or 30 cars that would use it."

Ms. McClintock remarked, "I want to reiterate what Rick has said. You know, our intention in going through this whole procedure was to try to find a way we could get you all to manage that facility. We would be thrilled, as you have proposed, if you would agree to maintain the lot and clear it of debris, keep the grass mowed, remove the snow -- those kinds of things -- that we would be happy to provide you in cooperation with the Old Courthouse (I know you sometimes have some scheduling problems) with free use of that lot. We will proceed then at this point to instruct the County Engineer to get those specifications back out and go to County Council and request the funds to get the lot paved."

Mr. Borries asked, "Would any of you gentlemen want to indicate if you would be willing to maintain the lot?"

Mr. Dale Work responded, "Yes, but I feel we need to reinforce that point. Yes, we are ready to keep trash removed, keep the grass cut, remove snow in the winter -- the whole thing -- which is not any small chore when you think about it. We costed that out and it is somewhere between \$100.00 and \$110.00 per week and we are willing to assume that obligation and we will see that it is done."

In addressing Mr. Dale Work, Mr. Borries asked, "Dale, you don't see any problem do you with events that go on at the Coliseum if we allow people to park down there?"

Mr. Work responded, "Absolutely not. But I see problems if we don't -- because then we are defeating ourselves on our whole downtown renewal -- and that can be the life blood for both the Coliseum and the Old Courthouse -- and Lord knows we both need it."

Ms. McClintock expressed appreciation to Mr. Work and continued, "And I want to thank each and every one of you for all of your efforts at the Coliseum. I know that you've spent a lot of time and effort and money down there and it has been very beneficial to all the citizens of this community and we would like to thank you for your effort -- and thank you for coming this evening. We appreciate it."

Mr. Borries echoed Commissioner McClintock's comments to the group at large.

Commissioner McClintock advised Dave Savage that Gary Kercher in the County Engineer's office should have the plans for the parking lot. The design has been approved by Center City Corp.

RE: AUDITORIUM USE/RATES

President McClintock said the Board has a letter from Betty Hermann, the newly elected President of the Vanderburgh Auditorium Advisory Board, asking that the Commission not authorize any **free** use of that facility or use of the facility at a **reduced rate** other than the regularly published and approved rate. Ms. McClintock said her only concern at this point is that she knows there is at least one instance -- which would be the training of our election officials, where we have always traditionally allowed the use of that facility. We use it ourselves. The only other free use she can think of that the Commission has passed for the last two years is the free Christmas Eve dinner put on for the homeless and the needy by Jim Reis in the Gold Room -- where they do all the work and all the clean-up -- and we don't have any associated costs there. She understands where the Advisory Board is coming from; she thinks they would like to discourage continual requests that they have to act on and which are subsequently referred to this Commission. She still thinks we have to allow for review by the Commission on a case-by-case basis.

Commissioner Borries said he would agree with that. He can think of some other instances -- when the U. S. Post Office uses it for tests for prospective employees. He knows we've done that. He can recall when we had a large crowd for the prison hearing -- and he is sure no charge was made at that time for a large crowd to go over there. He is not sure there was any charge for the Martin Luther King, Jr. observation -- the day the street was dedicated. It seems to him that it is worthwhile idea to consider -- but he agrees this is something that needs to be done on a case-by-case basis and, certainly, if there are some other governmental agencies that need it -- the Post Office or someone like that for a large number of people to take an exam -- he, personally, doesn't see any problem with that.

Ms. McClintock said the Commissioners will send an appropriate message back to the Auditorium Advisory Board.

RE: EUTS

Ms. Rose Zigenfus, Director of EUTS, said she is here tonight for two reasons: One being Pollack Avenue and the other being the Federal Aid Applications that have to be submitted to INDOT for the local County projects.

Pollack Avenue: Pollack Avenue is part of the long range transportation plan that was developed back in 1978. In 1987, EUTS completed the environmental document for that project and it was put on hold at that time. She guesses the Commissioners felt they had enough projects going forward and they didn't want to initiate the Pollack Avenue design. It has been five years and if you don't proceed with a project with the Federal Highway Administration within a five year period, chances are then that the project would have to be initiated from ground zero. What she is suggesting is

that it is still a needed project and that the Commissioners go forward at this point in time and issue RFP's for the design work so we can proceed with the project. We are looking at improving Pollack Avenue for a 2 mile stretch east of Green River Rd. to Fuquay. We're looking for just the standard 2-lane collector with curb and gutter and a continuous left turn lane where warranted at various intersections. She will be glad to answer any questions the Commissioners might have.

Ms. McClintock asked Mr. Savage, "Dave, is there someone in the Engineer's office at this point that can prepare that RFP?"

Ms. Zigenfus said her office can assist with that. Those are pretty standard. They can work with Mr. Savage on this.

Ms. McClintock said she has no problem with proceeding, but wants to make sure we have the personnel available to do that.

Ms. Zigenfus said this is no problem.

Mr. Borries asked, "Rose, how recently have you run traffic volume numbers on this project?"

Ms. Zigenfus said they have them available. She hasn't looked at them to compare what has happened. She does know that there has been some growth in the area along Pollack Avenue and there continues to be interest in subdivisions along that area. She can look at the model.

Mr. Borries said he thinks this might be helpful. Since the Interstate has been open he hasn't seen any dramatic increases in that area. He can't recall whether the proposed trailer park out there was approved by the BZA or not.

Ms. Zigenfus said she also cannot recall whether or not this was approved.

Mr. Borries said he guesses that could change some numbers. He would like to see some updated statistics on that. The other thing is -- the ditch is really the hazard. We installed guard rail several years ago because that was a nightmare, particularly with ice or anything else -- the hazards there. Is part of the project to fill that in? Will that be piped in some way there?

Ms. Zigenfus said, "Where it is located in front of the homes that exist it will be piped. Where it isn't and it is fairly open and there is enough room, the plan calls for the ditch to be relocated away from the roadside."

Mr. Borries said that is going to be a real expensive project, but he doesn't have any objections to moving it forward as long as we don't have to spend any money until the Board can get some statistics re the need for it. Prior to the Interstate being built he really saw a need for it, because it was a major collector there -- bringing people in from Warrick County. He just doesn't know whether our traffic patterns have changed. Covert venue carries a high volume of traffic in now from Warrick County. There could be some local traffic increases. He knows that the intersection at Green River and Pollack is really congested right now -- but with the Green River Rd. South project that should be widened out.

In response to query from Commissioner Borries, Ms. Zigenfus said she believes the plans call for a signal there, although she doesn't recall exactly.

Mr. Borries reiterated that the traffic traveling east from Fuquay Rd. doesn't seem to be as heavy as it was before the Interstate.

Ms. Zigenfus said she will research this matter and get back to the

Board.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, authorization was given to prepare the Request for Proposals and submit same for approval by the Board. Ms. Zigenfus can submit the traffic volume information at the same time.

Annual Federal Aid Applications:

Ms. Zigenfus said the second item is the Annual Federal Aid Application submission to the Indiana Department of Transportation for the County projects. "Where there is an MPO in a Metropolitan Area, it is our responsibility to prepare these, prioritize them through our Technical & Policy Committee, and then present them to the local officials for signature. We're looking at road projects, bridge projects and railroad projects. Because of the funding sources we have to combine the City and Vanderburgh County into one section for our road projects. Our #1 prioritization is Fulton Avenue. We expect that will go to construction in the City within the next year. The reason we don't have Green River Road on there is because that money has already been allocated - and this is for Federal Fiscal Year 1993, which starts October 1, 1992 through September 30, 1993. Our second priority project for that year would be Green River Rd. North, which is your Second Phase (from Spring Valley to Hirsch Rd., as I understand it) and then the third priority would be Lynch Rd. The reason you want to have more than one listed there is if something should occur to keep something from advancing, at least you have the back-up.

Under bridges for Vanderburgh County we are looking for the Fulton Avenue Bridge, the Franklin Street Bridge, and the Ohio Street Bridge. Ohio Street is critical for what happens in this area with regard to the S. R. 62 Bridge. So we are going to try and get that one through as quickly as possible. But that doesn't mean Franklin or Fulton have -- I mean, it means that those two also have to come about for the S. R. 62 Bridge to be done with a lesser impact

For railroads in the County, we are looking at the Burkhardt Rd., Mill Rd., Mt. Pleasant, Red Bank, and Boonville-New Harmony Rd. railroad crossings. What is programmed for those areas are automatic signals and gates at those locations."

Mr. Borries said, "Rose, I have asked about this, but I maybe would like for you to respond for the record on this. You mention the Ohio Street Bridge -- what about Ohio Street? Isn't there some City realignment? Surely you are not advocating here that we put that bridge in the same spot as it is at this point."

Ms. Zigenfus responded, "No, I am not advocating that. According to the environmental, the plan is for that bridge to be moved approximately 150 ft. north -- and that the curve in the road would be realigned with a straight approach."

Mr. Borries said that is what he wanted to hear. He didn't see that on the list. Would the City then..."

Ms. Zigenfus interjected, "No, Rick, that is all going to be done as part of the bridge project. It is all written in. There has been some discussion and a request that when the time comes, that the existing bridge be considered as a walking bridge. Since that is County-owned you might want to give some thought to that. That is an idea."

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the prioritized list of roads, bridges and railroad crossings was approved, as submitted. So ordered.

RE: COUNTY ATTORNEY - GARY PRICE

Weekly Report: Attorney Price said he has submitted his weekly written report and it contains no action items.

Agreement w/P. Lieberman re Software for Prosecutor's Office Check Deception Program: Mr. Price submitted an agreement for execution, saying the agreement has already been approved by the Board.

RE: COUNTY ENGINEER - DAVE SAVAGE

Annual Certification re Covered Bridges: Mr. Savage submitted subject certification for the Commissioners' signatures. It will subsequently be sent to the State by the County Engineer's office.

Change Order/North Green River Rd. Project: It was noted by Mr. Savage that this is the same Change Order the Commissioners acted upon two weeks ago. The State felt that the unit price for the computer equipment for the Field Office was high and they reconfigured the specifications. It is about \$1,000 lower than previously. Nonetheless, the Change Order needs to be re-executed.

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

Claim/Right-of-Way for Orchard Rd.: Mr. Savage said that on June 17th the Board authorized Mr. Curtis to up the ante on this parcel. He did that and the offer was accepted, avoiding condemnation -- but the claim was never executed.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock the claim was executed. So ordered.

Lynch Rd. Project: It was noted by Mr. Savage that three (3) parcels are in negotiation and the right-of-way people feel that if we increase the dollars on each parcel we can avoid condemnation proceedings. The parcels are as follows:

<u>Address</u>	<u>From</u>	<u>To</u>
2955 Lynch Rd.	\$ 333	\$1,433
3001 Lynch Rd.	\$1,246	\$2,346
3851 N. Green River Rd.	\$ 270	\$1,370

We're talking a total of \$3,600.

Ms. McClintock entertained motion for approval.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock Mr. Savage was authorized to go with the increased amounts. So ordered.

Green River Rd. Project: Mr. Savage introduced Mr. Keith Lytton, the Project Engineer from United Consulting Engineers on the Green River Rd. project. He offered to come down in case there were any questions on the Change Orders and Mr. Savage said he thought this would be a good opportunity for the Commissioners to meet Mr. Lytton. Mr. Lytton will be the on site person for this project in case questions arise.

RE: JOB APPLICANTS

Commissioner McClintock advised Mr. Savage that the Commission has five (5) applicants for the position of County Engineer. She was wondering if he can pick those up from Sandi Deig and review same to see if the applicants meet our basic requirements. If he will, then give the qualified applicants' applications back to Sandi and ask her to make copies for each Commissioner for review, so we can

go ahead and get going on this.

Mr. Savage agreed to do so.

RE: BURDETTE PARK

Mr. Mark Tuley, Manager of Burdette Park, was recognized and subsequently introduced Mr. Bob Schucker, the President of the Burdette Park Advisory Board. He noted Mr. Schucker would like to address the Commission concerning some problems with the skating rink.

Mr. Schucker said that as noted by Mark -- and as the Commissioners know -- there are problems with the skating rink that we're involved with. With the known liability that has come across the table now, the Advisory Board recommends that we do immediate closing of the Burdette Park Skating rink. They realize this will be a loss of revenue for the rest of the year, but with the Engineer's Report from Bernardin-Lochmueller and the backup from Michael Hard, Engineer of LDA Detailing, both state they feel the structural engineering of the building is not adequate for what we need. Now, there have been reports and estimates of some work to be done on the building, but at this time the Advisory Board feels that it would be in our best interest to find the money to raze the building and have it leveled. With this tearing down the building, it also helps with the parking problems for the pool with the summer months coming up. He would like the letter from PENCO to be included in the formal minutes, as well as the letter from LDA Detailing. As they say in PENCO's letter, 'Having been placed under notification by an Engineering firm regarding the roof load levels would certainly not go well in a negligence situation should some catastrophe occur.' We are going into the tornado season -- not saying one is going to swoop down and hit it -- but we just don't know.

Ms. McClintock said it is her understanding from her report that just the load limits are too heavy for the roofs. So it would not even be necessary to have inclement weather to cause those air conditioning units to come through.

Mr. Schucker said that what has happened is that over the years they have added roofs and added roofs to it and the building is not structurally strong enough to hold what it's got. Now, a snow load would certainly put it in danger. He thinks we're about out of the snow season. But still, there are a lot of children -- and our children use it. He realizes this will be a loss of revenue to Burdette Park, but he hopes we can make it up in some other ways.

Ms. McClintock said the estimate to repair the building -- to take the heating/air conditioning units off the roof and repair the roof is currently at \$1/2 million.

Mr. Schucker said the estimate for the \$1/2 million includes repair of the roof, the HVAC, and also to bring the skating rink into code with the ADA recommendations.

Ms. McClintock said the estimate in the Haralson report for the construction of a new multi-purpose facility -- which would include a skating rink -- is at \$2 million. Haralson further recommended that we raze this building to provide for parking for the pavilion and the swimming area. What is the estimate on razing the building?

Mr. Schucker said they haven't had any firm estimates. But through the Advisory Board, they estimate somewhere between \$6,000 and \$10,000 to have it leveled and a gravel parking lot in place. There was also another cost included. Not just the \$1/2 million -- but there was another cost of \$180,000 just to bring the building structurally strong enough to withstand -- from the Bernardin-

Lochmueller report. So you're looking at \$680,000 to renovate the building and to bring it within codes. The building currently does not meet codes.

Commissioner McClintock stated, "I hate -- like Mark and the Advisory Board -- to not be able to provide that recreational opportunity to the citizens of this community. But I, for one, don't think we can take the chance that there might be an accident out there and knowing in advance that something could happen increases, I believe, our responsibility and liability at the facility. So I would hope that we could proceed fairly quickly with providing for the parking -- which provides a good opportunity for Burdette -- and to work with Council (of course, you have to come back here first) and proceed as quickly as possible on this multi-purpose facility."

Commissioner Borries offered the following comments: "Well, I think within the parameters of the multi-purpose building -- and Mark has always been able to really put the old razor sharp eye on costs out there -- that, as we have in the past, we have paid as we have gone to make improvements there. We've done some as-built plans, if you will remember; we've done lots of ways to save our costs. And I would hope that if we look at a multi-purpose building that we certainly then would be able to consider some kind of removable floor or floor that could be put down for roller skating in the future. Because it is a west side -- and really, a whole city -- tradition, and there aren't that many places right now that have that. There are lots of possibilities and I don't think we have any choice here. We've known for some time that that building is kind of at a situation where you are not going to be cost effective by putting a lot more money into it. One comment -- you know, when you look at the parking situation, do you have any thoughts about any portion of that lake? What are your thoughts about what needs to be done in terms of a portion of that lake that is so shallow over there? I'm asking Mark -- perhaps he has some ideas on it."

Mr. Tuley responded, "I think, Rick, that is a good question. Haralson, in his report, basically said one of two things. It is to the point where the County needs to come in and do what was done at Garvin Park and dredge that lake and improve the quality of that lake for years to come. Or we need to think about the shallow portion on the west end, as you said, and fill that in and make additional parking space. The Advisory Board, I think, is at some point as we start working through this five year master plan will, hopefully, address that and obtain some cost estimates in order to provide the Commissioners with an alternative."

Mr. Borries said he would like for them to take a look at that. He does not want to do away with the lake -- but there are portions of it that are extremely shallow and we have looked at this as kind of a problematic situation anyway. Maybe this is another project the Advisory Board can look at.

Mr. Schucker said maybe it would be cost efficient to think about finishing the project while we are there.

Ms. McClintock entertained a motion with regard to closing the skating rink immediately.

Mr. Savage asked if we have existing contracts for future events.

Mr. Tuley said they do have those -- and they have rentals of private parties. He and Attorney Price were going to bring this up to see how the Commission wanted to handle this. The Commissioners are the only ones in the County who have a Judgment & Refund account. The only thing he can do -- and he can't stand here today and tell the Board how many signed lease agreements they have for the use of that facility.

Attorney Price said he would like to look at these and Ms. McClintock asked that he get these to Gary for his perusal. Mr. Price hasn't read the report -- but we can't let those people use that facility.

Attorney Price said he understand that but....

Ms. McClintock interrupted, "So I think we need to go ahead and close it and you guys need to deal with it."

Mr. Tuley said that basically the skating rink was never designed to be enclosed. That roof could -- under the right condition --

Mr. Schucker said the building was initially built as a shelter and then it was renovated to make a skating rink out of it -- and that is basically what you have.

Ms. McClintock asked for a motion to close the facility and then come back to the Board with an estimate on razing the building, saying perhaps we could get "A" and "B" estimates: One razing the building and also looking at what Rick wanted the Board to look at as far as the cost of filling in the end of the lake, etc.

Mr. Borries noted there have been times when it has been touch and go when the lake rose rather quickly with rains we've had and it ruined the floor of the skating rink at one point -- we had to have parts of it redone.

Mr. Schucker said that is below water table as it is right now, too.

Based upon the recommendation of PENCO, Commissioner Borries moved to cease all operations immediately in the structure known as the **Burdette Park Skating Rink**, with a second from Commissioner McClintock. Ms. McClintock said she would also like the Plan A and Plan B estimates and just how many parking spaces we will be adding. So ordered.

Mr. Tuley said he will call Gary Price in the morning to address the problems with the lease agreements and he will get back to the Board as quickly as possible on the other items.

Vacation: Mr. Tuley said that with the Commission's permission he would like to take vacation for one week. He has a free trip to Florida (from his in-laws -- he wants to stress that). Mr. Goodman will be available at the Park.

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

RE: CONSENT AGENDA

Commissioner McClintock said that Item #c needs to be removed. She cannot vote to approve the March 23rd minutes, as she was not in attendance at that meeting. They can be approved when Mr. Hunter returns next week.

Commissioner Borries said he doesn't have a copy and thus has not seen the minutes. He does have Drainage Board Minutes. (Ms. Matthews advised she delivered a copy earmarked for Mr. Borries to the Commission office, along with the Drainage Board Minutes.)

There being no questions concerning the balance of the items on the Consent Agenda, upon motion made by Commissioner Borries and seconded by Commissioner McClintock the Consent Agenda was approved. So ordered.

RE: OLD BUSINESS

In response to query from Commissioner McClintock, Mr. Borries said he has no matters of Old Business to come before the Board.

Signs for Pigeon Creek Project: Ms. McClintock said she brought along a mock-up of the signs we did for the Pigeon Creek project, which were approved two or three meetings ago. This is what the signs on the bridges will look like. This one obviously is for the Maryland Street Bridge. This bridge is .74 miles from the mouth of the Ohio River.

Dismissal of Lawsuit Against Helen Kuebler: It was noted by Commissioner McClintock that we did receive a letter from the State of Indiana indicating that they have dismissed the case against Helen Kuebler and we will receive a copy of the Dismissal upon filing with the Courts. We did not pay the State any money and Helen Kuebler did not pay the State any money -- and they dismissed the case.

RE: NEW BUSINESS

Ms. McClintock said she does not have any New Business to come before the Board.

Alexander Ambulance Charges: Commissioner Borries said that this past week the Sheriff sent to him a bill he received from the City of Evansville and Ambulance Service. What this is for is for an inmate at the County Jail who was transported about one mile to apparently Welborn Hospital and the charges were \$350.00. He said it seems to him that in this continuing problem here with this whole service in the sense that this service receives a subsidy from the City of Evansville and the taxpayers. They receive a subsidy from the County of Vanderburgh. Now we're going to have to come back and from some budget (he guesses from the taxpayers) and pay a \$350.00 ambulance bill. He doesn't know -- this just doesn't add up to him. Well, it adds up real clearly -- even down to two cents for an alcohol prep. But it's ironic that every time we go into budget sessions and we always ask Alexander what their costs for the next year are going to be -- it always goes up 5% -- always. He would like to turn this bill over to the County Attorney and have him look at it. He doesn't have any good solutions for it -- but it seems if the City is already being billed and subsidizing this and we're paying money and the County is already paying money -- we ought to be able to figure out some way here where we don't get double-billed or hit again on this thing. \$350.00 per mile is a mighty big expense there it seems to him. (He then handed the bill to Attorney Price.)

Ms. McClintock said Mr. Price can ask Alexander to come to the meeting.

Mr. Borries said the City is doing their deal -- he understands they have a service that makes a bill. They billed the County Jail.

Ms. McClintock asked who billed us? The City or Alexander?

Mr. Borries said, "I am not convinced at this point that when this original agreement was set in -- and I don't know what the city of Evansville's time schedule is -- but I would like to see a joint department set up between the City and the County. I'm not sure that we're not being double billed already for some services that are provided by some ambulances that are supposedly designated for the County that are operating in or are located in the City. I'm not sure there isn't a layer in there somewhere that neither the City nor the County have been able to figure out. We have joint departments and percentages where we cost these things out and the

County Council gets together with the City Council and they work things out and then they go into budget. But I think we ought to look at that because, frankly, in situations like this you've got so many layers of different kinds of monies involved in this thing that it seems to me there ought to be a more cost effective way of looking at this operation at this point. I don't know where the City is on their contract or what they have to do with it -- but it certainly is something we ought to look at before budget time.

RE: NESBIT STATION RD. PROJECT

Mr. Savage said there is one item he failed to mention. On the Nesbit Station Rd. Project, as the Commissioners will recall, there was a major culvert replacement that was part of that separate from the bridge and it required moving a legal drain over about 25 ft. - and it was intended that the existing easement would cover that. There has been a question raised that the existing easement is right-of-entry only and for not moving the bank back. We are at a point where shortly the project will be held up and he would request authorization from the Commissioner to negotiate with the property owner up to \$2,000 for an easement to relocate the ditch. This would be two separate parcels for \$1,000 each for right-of-way.

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

President McClintock entertained other matters of business to come before the Board. There being none, she declared the meeting adjourned at 6:23 p.m. Ms. McClintock said the Drainage Board Meeting was scheduled and advertised for 6:30 p.m. -- so the Board will take a seven minute recess.

PRESENT:

Carolyn McClintock
Richard J. Borries
Gary Price
Sam Humphrey
Dave Savage
Mark Tuley
Robert Schucker
Lawrence O. Montgomery
Milton Grooms
Dale work
Rose Zigenfus/EUTS
Keith Lytton/United Consulting Engineers
Norris Robinson, Risk Manager
Laura Kerby/Veterans Council
Elmore R. Alston
Edward L. Yarbrough
Pat O'Connor
George Horn
Everett Dietch
Pam Martin/Chamber of Commerce
Charles K. Martin/VFW
Willis C. Spencer
Clayton Holle
M. Griebel
Leland Mounts
Tony Myers
Irene Riley
Gene Maxwell
Pete Watkins
Wilbert Robinson
Larry Ross
Taylor Payne
Lou Wittmer
B. J. Farrell

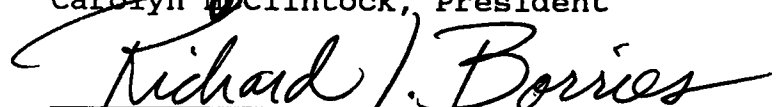
COMMISSIONERS MEETING
March 30, 1992

12

Others (identified)
News Media

SECRETARY: Joanne A. Matthews


Carolyn McClintock, President


Richard J. Borries, Member

**PHILIP LIEBERMAN & ASSOCIATES, INC.
1010 SOUTH WEINBACH AVENUE
EVANSVILLE, INDIANA 47714**

Ms. Carolyn McClintock, Member
Mr. Don Hunter, Member
Mr. Richard Borries, Member
Vanderburgh County Commissioners
305 Administration Building
1 N W Martin Luther King Jr. Boulevard, Suite 107
Evansville, Indiana 47708

Dear Commissioners:

This letter of understanding is between **PHILIP LIEBERMAN & ASSOCIATES, INC.** and **VANDERBURGH COUNTY INDIANA**. It concerns a computer based software system for the Check Deception Unit.

For the fee of Nine Thousand Two Hundred and 00/100 Dollars (\$9,200.00) **PHILIP LIEBERMAN & ASSOCIATES, INC.** will:

1. Design (subject to Prosecutor's Office approval), code, test, install, document, train the users of, and support the system.
2. Will design the software to function according to the functional design specifications dated January 28, 1992, developed by the Prosecutor's Office and SCT which specifications are incorporated herein by reference and made a part hereof.
3. Deliver the system by April 1, 1992, and invoice for the system after acceptance by the Prosecutor's Office.
4. Fully warrant the system to function as per the specifications for one (1) year from date of acceptance.
5. Provide a user's manual.
6. Provide technical documentation that will include a system description, file descriptions, and minimum hardware and software configurations.
7. Fully cooperate and assist SCT in designing a back-up process for the system.
8. Give the source code to Vanderburgh County.
9. As compensation for being the "guinea pig" first user for this system, pay Vanderburgh County an overriding royalty fee of Five Hundred and 00/100 (\$500.00) for each copy of the system sold, licensed, or otherwise transferred in the future to another Indiana jurisdiction.
10. Make available to Vanderburgh County all enhancements made to the system.

Letter to Vanderburgh County Commissioners

RE: Letter of Understanding Between
Philip Lieberman & Associates, Inc. and
Vanderburgh County, Indiana Concerning
Computer Based Software System for Check Deception Unit.

11. Own the exclusive right to market this system.
12. Fully warrant that the system does not infringe upon the copyright, trademark or other legal rights of any third party.

VANDERBURGH COUNTY will:

1. Receive a permanent, unlimited and non-exclusive license to use this system.
2. Not consider this system as one developed in the public domain.
3. Not to give or sell, in whole or in part, this system to others and will keep the source code confidential, except it may make copies for internal use.
4. Pay for this system as invoiced within forty-five (45) days of acceptance of the system by the Commissioners and receipt of properly prepared claim form and invoice.
5. Recognize this software is proprietary property of Philip Lieberman & Associates, Inc. and may not be disclosed to other parties without the advanced, written permission of Philip Lieberman & Associates, Inc.

You may make this letter of understanding into a contract by signing and dated below.

Yours very truly,

PHILIP LIEBERMAN & ASSOCIATES, INC.

By: Philip Lieberman
Philip Lieberman

The undersigned each represent and warrant that she/he is authorized to execute this document on behalf Vanderburgh County and any and all actions necessary for this to constitute the valid and binding act of the respective party have occurred.

VANDERBURGH COUNTY
BOARD OF COMMISSIONERS

By: Carolyn McClintock
Carolyn McClintock, President

By: _____
Don Hunter, Vice President

Effective Date: March 30, 1992

By: Richard J. Borries
Richard Borries, Member

PENCO
Risk Management & Insurance Programs

March 17, 1992

Mr. Norris Robinson, Risk Manager
Vanderburgh County
305 Administration Building
Evansville, IN 47708

Dear Mr. Robinson:

I recently received a fax from Mark Tuley, which was a letter from the Bernardin, Lochmueller, & Associates, Inc., pertaining to the detailed inspection they made to the Burdette Park skating rink roof. I also spoke later to Mr. Tuley on the phone regarding this fax. As we have previously discussed, there has been some concern over the roof on the skating rink, and this engineer's report would tend to bare out the fact that the roof load is under safe allowable limits. This, coupled with the fact that Mr. Tuley's comments regarding that the restrooms in the skating rink will need to be made handicap accessible, the fact that exits, in our opinion, are not adequate for a full capacity of the skating rink, would all attend to point to the need for evaluation of the continued operation of this building under current conditions.

Having been placed under notification by a engineering firm regarding the roof load levels would certainly not go well in a negligence situation should some catastrophe occur.

Mr. Tuley has indicated that other arrangements can be made for handling some of the functions which are currently held in the skating rink by the Park Department.

Therefore, I suggest that immediate consideration should be given to closing these facilities for public occupancy until a decision is made on what avenue the county wishes to take regarding either a repair or replacement.

Yours very truly,

Charles J. [REDACTED]
Senior Loss Control Representative

cc: Mr. Don Dickerson, IN Sales Manager
Mr. John Hodge, Torian-Hofman & Dillon Agency
✓ Mr. Mark Tuley, Manager of Burdette Park
Mr. Lou Wittmer, County Administrator
Vanderburgh County Commissioners

Inspections and recommendations made by Public Entities National Company representatives are for the exclusive purposes of insurance and, whether performed gratuitously or pursuant to policy provisions, do not constitute a safety inspection and in no way supplants your responsibility to make further inspections and take whatever action may be necessary to prevent losses, enforce safety procedures and eliminate hazardous conditions which may effect employees or members of the general public. Our limited survey visit or visits do not purport to be as thorough or inclusive as surveys which would be made by you or members of your staff on a day to day scheduled basis or by a safety inspection service and neither do we assume authority to implement any suggestion shared herein.

AM/12.77



L.E.A. DETAILING CO., INC.

Structural Steel Engineering

1413 COVERT AVENUE • EVANSVILLE, INDIANA 47714
PHONE (812) 479-8082 • FAX (812) 479-8088



LARRY E. APPEL
President

HERMAN J. RUEGER, P.E.
Vice-President

MICHAEL O. HARD, P.E.
Vice-President

DOROTHY J. APPEL
Secretary-Treasurer

March 20, 1992

Mr. Mark Tuley
Burdette Park
P.O. Box 7081
Evansville, IN 47719

RE: Burdette Park Skating
Rink Roof

Dear Mr. Tuley:

At your request, I have reviewed the roof report of July 16, 1991 by Bernardin-Lochmueller & Associates.

On the basis of this report, I advise that use of this building be suspended until corrective measures are taken. The report informs you of structural inadequacy and your responsibility would appear to be increased because of this knowledge.

As identified in the report, there are two separate problems: adequacy of roof supports and condition of roof.

Considering the scope of the situation, the exposure of Burdette Park and the various parties involved, it might be advantageous to invite the consultants to meet with you and the involved personnel to discuss the matter in lay terms and explore other remedies.

If I may be of any service, please feel free to contact me.

Sincerely,

Michael O. Hard, P.E.

cc: Norris Robinson

MOH/jt

PRIORITIZED
FA-2s FOR FFY 1993
OCTOBER 1, 1992 TO SEPTEMBER 30, 1993

City of Evansville & Vanderburgh Co.

1. Fulton Avenue (STP/MA) - CN (Phase I & II - Sewer & Road work)
- * 2. Green River Road North (STP/MA) - CN (Phase II - Spring Valley to Hirsch)
- * 3. Lynch Road (STP/MA) - CN (Urban Portion)

Town of Newburgh & Warrick County

4. Bell Road (STP/MA) - RW
5. Telephone Road (STP/MA) - RW
6. Sharon Road/S.R. 261 Signal Project (STP) - CN
7. Newburgh Sign Program (STP) - CN

Bridges (Vanderburgh Co.)

- * 8. Fulton Avenue Bridge (BRZ) - CN
- * 9. Franklin Street (BHZ) - CN
- * 10. Ohio Street (BRZ) - CN

Railroads (City of Evansville & Vanderburgh Co.)

11. Fulton Avenue (STP/RRP/RRS) - CN
12. Lloyd Expressway (STP) - PE & CN
13. Ohio Street (STP/RRP) - CN
14. Washington Avenue (STP/RRS) - CN
15. Stockwell Road (STP/RRP) - CN
- * 16. Burkhardt Road (STP/RRP) - CN
- * 17. Mill Road (STP/RPP) - CN
18. Main Street (STP/RRS) - CN
- * 19. Mt. Pleasant Road (STP/RRP) - CN
20. Barker Avenue (STP/RRP) - CN
- * 21. Red Bank Road (STP/RRP) - CN
- * 22. Booneville-New Harmony Road (STP/RRP) - CN

List of Abbreviations

BHZ - Bridge Rehabilitation
BRZ - Bridge Replacement
STP - Surface Transportation Program
RRP - Railroad Protection
RRS - Railroad Surface
MA - Minimum Allocation

* Vanderburgh County



STATE OF INDIANA

AN EQUAL OPPORTUNITY EMPLOYER

STATE BOARD OF ACCOUNTS

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

March 16, 1992

Mr. Gary K. Price
Ziemer, Stayman, Weitzel & Shoulders
Attorneys at Law
P.O. Box 916, 1507 Old National Bank Bldg.
Evansville, IN 47706-0916

Re: Helen Kuebler A83568 / Vanderburgh County

Dear Mr. Price:

This is in response to your letter received in this office on March 10, 1992 in which you requested our decision on the dismissal of Helen Kuebler.

Be advised that we have determined that the claim against Helen Kuebler should be dismissed. You will receive a copy of the dismissal upon filing with the court.

If I can be of further assistance to you, please do not hesitate to contact this office.

Very truly yours,

A handwritten signature in cursive script, reading "D. Euratte".

Donald L. Euratte, C.P.A.
State Examiner

SWG:jap
cc: Thomas Strodtman
Deputy Attorney General
File - A83568, Vanderburgh County

RECEIVED

MAR 19 1992

VANDERBURGH COUNTY
COMMISSIONER'S OFFICE



1100 Burch Drive • P.O. Box 3477 • Evansville, IN 47733-3477 U.S.A. • (812) 867-2421
Corp Fax (812) 867-1429 • Tent Fax (812) 867-0547

March 11, 1992

RECEIVED

MAR 12 1992

VANDERBURGH COUNTY
COMMISSIONER'S OFFICE

Carolyn S. McClintock, County Commissioner
Vanderburgh County Commissioners
City County Building - Room 305
Evansville, IN 47708

RE: Road Close Request
Baumgart Road
May 9, 1992 - Saturday

Dear Commissioner McClintock:

On Saturday, May 9, 1992, Anchor Industries Inc. is planning our One Hundredth Anniversary Celebration at its two plants on the Evansville northside. The celebration will consist of plant tours for employees, their families, Anchor retirees, local dignitaries, suppliers and customers. We are expecting approximately 2,000 - 3,000 guests during the day.

Our request is to close Baumgart Road from Burch Drive to the exit behind our 7701 Hwy. 41 North plant. By closing Baumgart between both Anchor facilities, it would allow our guests to safely cross between plants. I also believe this would not disturb the other business on Baumgart, because they could enter Baumgart Road from Highway 57.

Our request is to close Baumgart from 9:00 A.M. through 2:00 P.M. on Saturday, May 9, 1992. I have enclosed a photocopy of a map with the portion of Baumgart to be closed highlighted.

If you have any questions concerning this request, please feel free to contact me at 867-4619. Your assistance on this matter is greatly appreciated.

Very truly yours,

ANCHOR INDUSTRIES INC.

Earl E. Wells

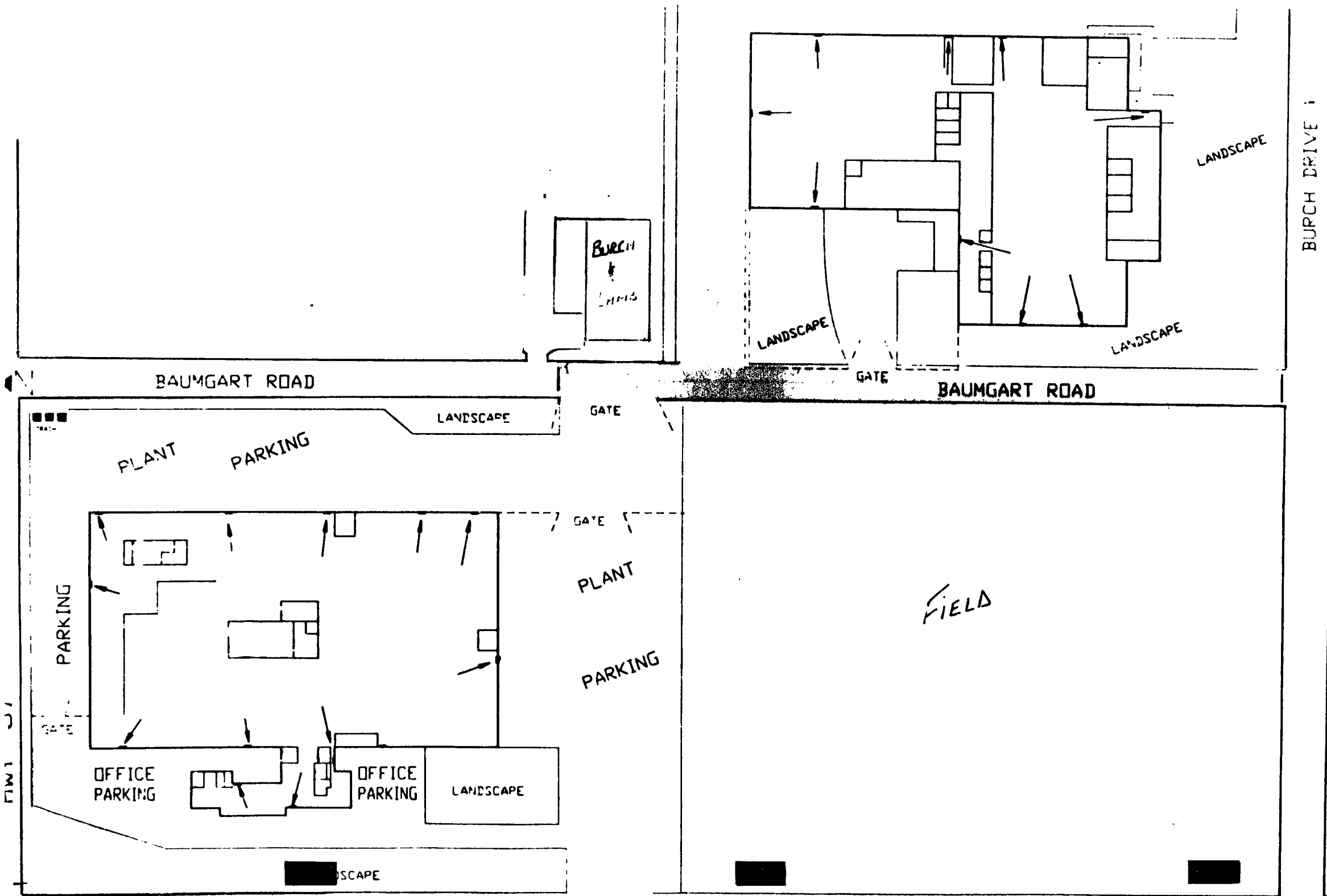
Earl E. Wells
Personnel Manager

*OK -
CME*

EEW:rb

enc.







CAROLYN McCLINTOCK
DON L. HUNTER
RICHARD J. "RICK" BORRIES

Board of Commissioners

of the
County of Vanderburgh
308 ADMINISTRATION BUILDING
CIVIC CENTER COMPLEX
EVANSVILLE, INDIANA 47708



TEL. (812) 428-5241

COVERED BRIDGE CERTIFICATION for VANDERBURGH COUNTY

Number of Covered Bridges per IC 8-14-1-10: __NONE__

We, the undersigned Commissioners of the said County, hereby certify that the foregoing is the true number of covered bridges in said County per IC 8-14-1-10.

Dated this 30th day of March, 1992.

Carolyn S. McClintock
President

Vice-President

Richard J. Borries
Member

Ann Humphrey
Auditor

BERNARDIN · LOCHMUELLER & ASSOCIATES, INC.

PLANNERS · ENGINEERS · SURVEYORS

SUITE 606 HULMAN BLDG. · EVANSVILLE, IN 47708

TEL. (812) 426-1737

March 26, 1992

County Commissioners Office
305 Civic Center Complex
Evansville, IN 47708

ATTN: Carolyn McClintock, President
thru Scott Davis

RE: Proposed Administrative Settlement for Parcels #1 - Bethel, #2 - Hum, & #19 - Skipper
Lynch Road R/W Acquisition
INDOT Project No. M-E 185 (1)
BLA Project No. 91-60-6

Dear Ms. McClintock :

It has been brought to my attention by the buyer for this project, Mr. Francis Miller, that the above stated property owners have refused to accept the offer made to them for the purchase of their property. After discussions with Mr. Miller I recommend that the county administratively increase the offer by \$1100.00 in each case in order to avoid the rather exorbitant expense of a condemnation suit (which is estimated to be from \$3000 - \$5000). The attached buyer's reports and progress reports should help to explain the mitigating circumstances that has prompted this recommendation.

IN ORDER FOR THE COUNTY COMMISSIONERS TO APPROVE THIS RECOMMENDATION PLEASE INITIAL AND DATE WHERE IT SAYS ADMIN. SETTLEMENT APPROVED IN THE LOWER LEFT-HAND CORNER OF THE MARKET ESTIMATE. A copy of the Market Estimate must be returned to me immediately so that the new offers can be made to these property owners.

Please contact me if you have any questions and/or comments concerning this issue.

Respectfully,

Bernardin, Lochmueller & Associates, Inc.



Richard Z. Bennitt
Project Engineer

RZB/lek

cc: Tom Bernardin
Francis Miller

MARKET ESTIMATE

Type of Property Residential (improved) Project M-E 18'
 Location Lynch Road (Sta. 84+73 to 85+73 "B".Rt.) Parcel # 1
 Owner Albert E. & Wanda J. Bethel Phone 477-6825 Road Lynch
 Address 2955 Lynch Road, Evansville, IN. County Vanderburgh
 Area and Type of Acquisition: Permanent R/W 483 Sq.Ft.
 Temporary R/W -0-

Comments about property to be acquired:
 Property improved with a 1 story brick building. The triangular shaped taking is off the front of the property. Dwelling has adequate setback and only lawn is included in the taking.

Support for the market estimate: (including improvements and cost to cure)

1. Recent comparable sales in the area indicate the land value to be \$30,000.00 per acre or \$0.6887 per square foot.
2. No cost-to-cure is warranted for lawn because it will be replaced with nursery sod during construction.

Unit Value of Land \$0.6887 per sq.ft.

\$0.6887 x 483 Sq.Ft. = \$332.64
 Admin. Settlement = \$1100.00
 say ~~\$333.00~~
\$1433.00 \$1432.64

Land Value ~~\$333.00~~ \$1433.00 *CM*

Cost-to-cure -0-

Improvements -0-

Total Owner ~~\$333.00~~ \$1433.00

Signature: Richard Z. Bennett
 Richard Z. Bennett
1-16-92
 Date Signed

Admin. Settlement Approved

Initials : _____
 LPA Official

 Date

Approved for Purchase

Signature: Carolyn S. McClintock
 LPA Official/Title

1/21/92
 Date Signed

MARKET ESTIMATE

Type of Property Residential (improved) Project M-E 185
 Location Lynch Road (Sta. 85+73 to 87+23 "B" Rt.) Parcel # 2
 Owner Adolph F. & Margaret T. Hurm Phone 476-8960 Road Lynch
 Address 3001 Lynch Road, Evansville, IN. County Van
 Area and Type of Acquisition: Permanent R/W 1500 Sq.Ft.
 Temporary R/W 859 Sq.Ft.

Comments about property to be acquired:

Property improved with a 1 story glazed block dwelling with adequate setback from right of way. Fee taking consists of a 10 foot strip of land off the front of the property which includes lawn and concrete driveway.

Temporary easement for driveway construction.

Support for the market estimate: (including improvements and cost to cure)

1. Recent comparable sales in the area indicate the land value to be \$30,000.00 per acre or \$0.6887 per square foot.
2. No cost-to-cure is warranted for concrete drive and lawn because it will be replaced with like-kind during construction.
3. Temporary R/W calculated at an interest rate of 12% for 3 years.

Unit Value of Land \$0.6887 per sq.ft.

Perm.: 1500 x \$0.6887 = \$1033.05
 Temp.: 859 x \$0.6887 x .12 x 3 = \$ 212.97
 Admin. \$1246.02
 say ~~\$1246.00~~ Settlement = \$1100.00
 \$2346.00 \$2346.00 \$2346.02
 Land Value \$2346.02
 Cost-to-cure -0-
-0-
 \$2346.00
\$1246.00 *CME*

Admin. Settlement Approved

Initials : LPA Official

Date

Signature: Richard Z. Bennit
 Richard Z. Bennit

1-16-92
 Date Signed

Approved for Purchase

Signature: Candace S. McLean
 LPA Official/Title

1/21/92
 Date Signed

MARKET ESTIMATE

Type of Property Residential (improved) Project M-E 18
 Location Green River Road (Sta. 166+37 to 166+75 "S-2-B" Rt.) Parcel # 19
 Owner Robert J. Jr. & Karen Skipper Phone --- Road Lynch
 Address 3951 N. Green River Road, Evansville, IN. 47715 County Vanderburgh
 Area and Type of Acquisition: Permanent R/W 0.018 Ac.
 Temporary R/W -0-

Comments about property to be acquired:

Property is improved with a 1 story frame dwelling. Proposed taking is a corner on the south west portion of site and should have no effect on remainder.

Support for the market estimate: (including improvements and cost to cure)

- Recent comparable sales in the area indicate the land value to be \$15,000.00 per acre.

Unit Value of Land \$15,000.00 per acre

0.018 Ac. x \$15,000.00 per acre = \$270.00
 Admin. Settlement = \$1100.00
\$1370.00

	\$1370.00
Land Value	<u>\$270.00</u>
Cost-to-cure	<u>-0-</u>
Improvements	<u>-0-</u>
Corner	<u>\$1370.00</u>
	<u>\$270.00</u>

Signature Richard Z. Bennett
 Richard Z. Bennett
1-16-92
 Date Signed

Admin. Settlement Approved

Initials : _____
 LPA Official

 Date

Approved for Purchase

Signature: Carolyn S. McClure
 LPA Official/Title

1/21/92
 Date Signed

Project No. MAM-M-E340 (6) Contract No. R-19511

Change Order No 1

Whereas, the Standard Specifications for this contract provides for such work to be performed, the following change is recommended. (Give location, description and reason)

These items had been left off the original proposal:

- 1) An arrow board will be necessary to provide safe traffic maintenance during construction. (Page 2 of 5)
- 2) Due to large scale of project and the increase in technology, a computer is needed for the field office, as in accordance with supplemental specifications attached and modified as shown. (Sheet 3 of 5)

ITEM NO.	DESCRIPTION OF ITEM	UNIT PRICE	INCREASE		DECREASE		% CHANGE	
			QUANTITY	AMOUNT	QUANTITY	AMOUNT	THIS C.O.	TO DATE
EW	Arrow Board	\$38.00	244 Days	\$9272.00				
EW	Field Office MicroComputer System	1	Lump Sum	\$5200.00				
PLACE "EW" FOR EXTRA WORK ITEMS		TOTALS						
PLACE "FA" FOR FORCE ACCOUNT ITEMS		NET	INCREASED DECREASED	ESTIMATED COST \$				

It is the intent of the parties that this change order is full and complete compensation for the work described above. Notification and consent to this change in plans is hereby acknowledged.

Contractor Kolster Contracting By James K. Herson Date 3-23-92

Submitted For Consideration	
PE/S	D.E.
AE	CONST. ENGL.
DCE	CHIEF DIV.

x Carolyn S. McClellan
x Richard J. Barnes

Approved for Indiana Department of Highways

 (SIGNATURE) (TITLE) (DATE)

INDIANA DEPARTMENT OF HIGHWAYS
CONSTRUCTION RECORD

MAM-M PROJ. NO. E340(6) STR. NO. CONTRACT NO. R-19511

ITEM CHANGE ORDER # 1 NO.

ARROW BOARD

SOUTH END OF JOB - APRIL 1, 1992 to NOVEMBER 30, 1992
= 244 DAYS

to PAGE 1 OF

COMPUTED BY

CHECKED

FIELD OFFICE MICROCOMPUTER SYSTEM

The Standard Specifications are revised as follows:

105.17

PAGE 26, AFTER LINE 44, INSERT AS FOLLOWS:

(m) The Contractor shall provide a fully operational microcomputer system for the field office in addition to the other requirements herein. The system shall include a microcomputer, keyboard, color monitor, and printer. The computer equipment shall be placed on a separate computer work station. The Engineer will choose microcomputer hardware from either of the following options.

1. Option 1, Desktop System. The microcomputer shall be an IBM PS/2 Model 70-061, with an IBM color VGA display model 8512, and an EPSON FX-1050 dot matrix printer. The microcomputer shall be in accordance with or exceed the following specifications:

- a. IBM PS/2 Model 70-061.

- (1) An 80386 microprocessor, 20 MHz.
- (2) An 80387 math co-processor, 20 MHz.
- (3) A 2 MB RAM.
- (4) Micro Channel Architecture.
- (5) One 1.44 MB 3.5 inch diskette drive.
- (6) One 60 MB fixed disk.
- (7) One serial port.
- (8) One parallel port.
- (9) One PS/2 mouse port.
- (10) Three expansion slots.
- (11) A 132 watt power supply.
- (12) An enhanced keyboard.
- (13) IBM PC-DOS 3.30.

- b. IBM Color VGA Display Model 8512.

- (1) A 14 inch color display.
- (2) Graphics 640x480.
- (3) Text 720x400.
- (4) A minimum of 256 colors.
- (5) A swivel stand.

2. Option 2, Laptop System. The microcomputer shall be a Zenith SuperSport SX, Model 40, with a Zenith flat technology monitor ZCM-1492, and an EPSON FX-1050 dot matrix printer. The microcomputer shall be in accordance with or exceed the following specifications:

- a. Zenith SuperSport SX Model 40.

- (1) An 80386SX microprocessor, 16 MHz.
- (2) A 2 MB Ram
- (3) One 1.44 MB 3.5 inch diskette drive.
- (4) One 40 MB fixed disk.
- (5) A VGA screen 640x480, 16 shades of gray, 25 line by

* SEE PAGE 5 OF 5

105-C-056

1 of 3

Rev. 8-21-91

- 80 column screen.
- (6) A VGA adapter port.
 - (7) One parallel port.
 - (8) One 9 pin serial port.
 - (9) A removable and rechargeable battery pack.
 - (10) A 110/220 Volt 60 Hz AC adapter.
 - (11) An internal modem slot.
 - * → (12) MS-DS 3.30.
 - (13) A cigarette lighter adapter.
 - (14) A detachable 24 key numeric keypad.

- b.) Zenith Flas Technology Monitor ZCM-1492.
- (1) A 14 inch color VGA display.
 - (2) Graphics 640x480.
 - (3) A 0.28 mm dot pitch.
 - (4) A non-glare coating.

8515

3. **Printer.** The Epson FX-1050 dot matrix printer shall be in accordance with or exceed the following specifications:

- a. A 9-pin print head.
- b. A 136 column width.
- c. Printer Speed:
 - (1) Draft 12 CPI, 264 CPS.
 - (2) NLQ 12 CPI, 54 CPS.
- d. Centronics parallel interface.
- e. An 8 KB buffer.

- * → 4. **Software.** The software shall consist of the following:
- a. LOTUS 1-2-3 Ver. 3.1, with 3.5 inch diskette.
 - b. OfficeWriter Ver. 6.2, with 3.5 inch diskette.
 - c. IBM Fixed Disk Organizer, with 3.5 inch diskette.
 - d. PARADOX Ver. 3.5, with 3.5 inch diskette.

5. The printer and software shall be provided without regard to which microcomputer hardware option is chosen by the Engineer. All manuals necessary for operation of the system shall be provided. These shall include manuals for microcomputer operations, DOS operating system, BASIC programming language, monitor operation, printer operation and code references, and all other manuals or documentation normally furnished with the equipment or software when purchased.

All necessary cables, connectors, and hardware shall be provided. The power device shall have a 6 outlet surge protector. Appropriate dust covers shall be provided for all equipment.

The Contractor shall install, and maintain in good working order, the microcomputer system in the field office until relinquishment of the field office. The microcomputer system shall remain the property of the Contractor upon

* See Also Sor 5.

Rev. 8-21-91

relinquishment of the field office. If a portion of the system becomes defective, inoperative, damaged, or stolen, that portion shall be repaired or replaced within 3 work days after the Contractor is notified of such situation.

Security devices or locked storage cabinets shall be provided for the equipment as the Contractor determines to be necessary.

* Instead of listed item, use item below as substitute:

1. a. (13) IBM PC-DOS 5.0

2. a. (12) MS-DS 5.0

2. c. IBM PS-2 Model L40 SX

This is a viable substitute for 2. a. Specifications 2. a. 1 through 2. a. 14 should be met with the following exceptions: #12) MS-DS 5.0 and 14) a 17 key detachable keyboard.

2. d. Any IBM monitor that matches or exceeds the specifications in 2. c.

4. Software. The software shall consist of the following:

a) Office Writer (newest available version), with 3.5 inch diskette.

b) Spreads III with 3.5 inch diskette.

ZIEMER, STAYMAN, WEITZEL & SHOULDERS
ATTORNEYS AT LAW

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

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

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

JOHN E. EARLY
(1912-1983)

March 30, 1992

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

Re: Report of County Attorney to Regular Meeting of
Commissioners (March 30, 1992); Status of Various
Legal Matters

Dear Ms. McClintock:

Herewith I submit to the Vanderburgh County Commissioners my report as Vanderburgh County Attorney on the status of various legal matters as of the regular meeting of the Vanderburgh County Commissioners held March 30, 1992:

1. At the request of the County Coroner, this office prepared an opinion letter stating it was the Coroner's discretion whether to allow or deny the public access to autopsy records.

2. At the request of the Auditor's office, this office prepared a Corrective Quitclaim Deed in connection with the surplus real estate purchased by S. Stocker.

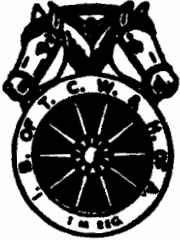
3. At the request of the State Tax Board, this office prepared a letter to the State Tax Commission advising of the Commissioner's approved lease agreement for the Sheriff's substation.

Sincerely,

ZIEMER, STAYMAN, WEITZEL & SHOULDERS


Gary K. Price

GKP/srm



Joseph D. Kluemper
President and Executive Officer

CHAUFFEURS, TEAMSTERS and HELPERS LOCAL UNION 215

Affiliated With

INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS,
WAREHOUSEMEN & HELPERS OF AMERICA

P.O. BOX 1040 825 WALNUT STREET EVANSVILLE, INDIANA 47708

OFFICE PHONE (812) 424-8471



Lewis R. Smith
Secretary-Treasurer

March 5, 1992

RECEIVED

MAR 06 1992

Ms. Carol McClintock
President
Board of County Commissioners of
Vanderburgh County
305 Administration Building
Civic Center Complex
Evansville, IN 47708

VANDERBURGH COUNTY
COMMISSIONER'S OFFICE

Dear Ms. McClintock:

This is to advise that Chauffeurs, Teamsters and Helpers Local Union No. 215 of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America has been duly designated as collective bargaining representative by a majority of your employees in a collective bargaining unit composed as follows:

All office clerical employees of the
Vanderburgh County Health Department

We hereby request to be recognized as collective bargaining agent for the employees in the above-named unit and ask that you now designate a time and place when we can meet to open negotiations on a collective bargaining contract. At such meeting designated by you, we will be happy to prove our majority status by any means which may be mutually agreeable.

We look forward to an early meeting with you.

Yours truly,

Joseph D. Kluemper, President
and Executive Officer

JDK/mc

CERTIFIED MAIL #P 989 463 900
RETURN RECEIPT REQUESTED

VANDERBURGH COUNTY

1992 RAILROAD/HIGHWAY CROSSING INVENTORY

1992 VANDERBURGH CO. - RR/HWY CROSSINGS INVENTORY

PIR	RR ID#	ROAD	RR	AADT	DTC	PF	PI	QTP
1	719-9081	Burkhardt	SOU	10523	2	1.00	21.05	8
2	342-843y	Mill	CSX	4935	20	0.20	19.74	12
3	342-853e	Mt. Pleasant	CSX	1487	8	1.00	11.90	6
4	342-844f	Allens Lane	CSX	4873	20	0.11	10.72	12
5	342-745h	Hogue	CSX	6210	8	0.11	5.46	7
6	342-834a	Old State	CSX	1306	20	0.20	5.22	8
7	342-831e	Inglefield	CSX	1204	20	0.20	4.82	9
8	342-835g	Hillsdale	CSX	236	20	1.00	4.72	8
9	342-904m	Hitch & Peters	CSX	2315	2	1.00	4.63	4
10	342-832l	B.N.H. Rd.	CSX	2097	20	0.11	4.61	5
11	342-742m	Hogue	CSX	4144	1	1.00	4.14	6
12	342-728s	Cypress Dale	CSX	190	20	1.00	3.80	9
13	342-746p	Red Bank	CSX	2228	8	0.20	3.56	5
14	342-730t	Bayou Creek	CSX	174	20	1.00	3.48	11
15	292-049n	St. Joseph	HR	7640	2	0.20	3.06	3
16	342-732g	Nurrenburn	CSX	1181	20	0.11	2.60	9
17	539-797y	Hitch & Peters	CR	2315	1	1.00	2.32	3
18	342-755n	County Line	CSX	271	8	1.00	2.17	7
19	342-727k	Duesner	CSX	100	20	1.00	2.00	8
20	292-050h	Mill	HR	4935	2	0.20	1.97	7
21	342-754e	Hogue	CSX	1222	8	0.20	1.96	7
22	342-749k	Peerless	CSX	1185	8	0.20	1.90	5
23	342-No #	Old Henderson	CSX	1252	1	1.00	1.25	2
24	292-051p	Allens Lane	HR	2592	4	0.11	1.14	9
25	342-830x	Baseline	CSX	464	20	0.11	1.02	6
26	342-829d	Stacer	CSX	250	4	1.00	1.00	0
27	539-614d	Kansas	CR	987	1	1.00	0.99	3
28	342-748d	Boehne Camp	CSX	590	8	0.20	0.94	5
29	292-033s	Trapp	HR	310	2	1.50	0.93	2
30	539-610b	Green River Rd.	CR	4133	1	0.20	0.83	2
31	342-752t	Roesner	CSX	100	8	1.00	0.80	5
32	539-606l	County Line	CR	800	1	1.00	0.80	1
33	539-615k	Oak Hill	CR	5241	1	0.11	0.58	7
34	292-044e	Kuebler	HR	800	2	0.34	0.54	3
35	292-031d	County Line	HR	250	2	1.00	0.50	3
36	719-910m	Royal	SOU	250	2	1.00	0.50	2
37	719-No #	Oak Grove	SOU	250	1	1.50	0.38	2
38	539-605e	Baseline	CR	326	1	1.00	0.33	1
39	292-031d	Baseline	HR	162	2	1.00	0.32	3
40	292-037u	B.N.H. Rd.	HR	1194	2	0.11	0.26	1
*41	539-611h	B.N.H. Rd.	CR	1076	1	0.11	0.12	1
42	539-607t	Barton	CR	23	1	1.00	0.02	1

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Protection Factors:
X - Buck 1.00
Stop Signs 0.58
Wig Wags 0.34
Flashers 0.20
Gates 0.11
No protection 1.50

*PROTECTION FACTOR HAS BEEN REDUCED
FOR ANTICIPATED
PROJECT COMPLETION

1992 VANDERBURGH CO. - RR/HWY CROSSINGS INVENTORY

PIR	RR ID#	ROAD	24 HOUR TRAINING MOVEMENTS	NIGHT TRAIN MOVEMENTS	TRAIN SPEED	POTENTIAL HAZARD
1	719-9081	Burkhardt	2	2	25	21.0
2	342-843v	Mill	20	10	50	19.7
3	342-853e	Mt. Pleasant	8	0	25	11.9
4	342-844f	Allens Lane	20	10	25	10.7
5	342-745h	Hogue	8	4	25	5.4
6	342-834a	Old State	20	10	50	5.2
7	342-831e	Inglefield	20	10	50	4.8
8	342-835g	Hillsdale	20	10	50	4.7
9	342-904m	Hitch & Peters	2	0	20	4.6
10	342-832l	B.N.H. Rd.	20	0	50	4.6
11	342-742m	Hogue	1	0	20	4.1
12	342-728s	Cypress Dale	20	10	50	3.8
13	342-746p	Red Bank	8	4	50	3.5
14	342-730t	Bayou Creek	20	10	50	3.4
15	292-049n	St. Joseph	2	0	15	3.0
16	342-732g	Nurrenburn	20	10	25	2.6
17	539-797y	Hitch & Peters	1	0	15	2.3
18	342-755n	County Line	8	4	50	2.1
19	342-727k	Duesner	20	10	50	2.0
20	292-050h	Mill	2	0	15	1.9
21	342-754e	Hogue	8	4	50	1.9
22	342-749k	Peerless	8	4	50	1.9
23	342-No #	Old Henderson	1	0	10	1.2
24	292-051p	Allens Lane	4	0	10	1.1
25	342-830x	Baseline	20	0	50	1.0
26	342-829d	Stacer	4	0	50	1.0
27	539-614d	Kansas	1	0	50	0.9
28	342-748d	Boehne Camp	8	4	50	0.9
29	292-033s	Trapp	2	0	15	0.9
30	539-610b	Green River Rd.	1	0	50	0.8
31	342-752t	Roesner	8	4	50	0.8
32	539-606l	County Line	1	0	50	0.8
33	539-615k	Oak Hill	1	0	50	0.58
34	292-044e	Kuebler	2	0	10	0.54
35	292-031d	County Line	2	0	15	0.50
36	719-910m	Royal	2	2	25	0.50
37	719-No #	Oak Grove	1	0	10	0.38
38	539-605e	Baseline	1	0	50	0.33
39	292-031d	Baseline	2	0	15	0.32
40	292-037u	B.N.H. Rd.	2	0	15	0.26
*41	539-611h	B.N.H. Rd.	1	0	50	0.12
42	539-607t	Boston	1	0	50	0.0

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1992 VANDERBURGH CO. - RR/HWY CROSSINGS INVENTORY

PIR	RR ID#	ROAD	PASSENGER ROUTE	ACCIDENTS	SCHOOL BUSES	SCHOOL IN A ONE MILE RADIUS
1	719-9081	Burkhardt	NO	0	14	NO
2	342-843v	Mill	NO	1	3	YES
3	342-853e	Mt. Pleasant	NO	0	4	NO
4	342-844f	Allens Lane	NO	0	12	YES
5	342-745h	Hogue	NO	0	6	YES
6	342-834a	Old State	NO	0	5	NO
7	342-831e	Inglefield	NO	0	2	NO
8	342-835g	Hillsdale	NO	0	4	NO
9	342-904m	Hitch & Peters	NO	0	4	NO
10	342-8321	B.N.H. Rd.	NO	0	1	NO
11	342-742m	Hogue	NO	0	6	YES
12	342-728s	Cypress Dale	NO	0	0	NO
13	342-746p	Red Bank	NO	0	2	YES
14	342-730t	Bayou Creek	NO	0	4	NO
15	292-049n	St. Joseph	NO	0	13	NO
16	342-732g	Nurrenburn	NO	0	5	NO
17	539-797y	Hitch & Peters	NO	0	4	NO
18	342-755n	County Line	NO	0	5	NO
19	342-727k	Duesner	NO	0	0	NO
20	292-050h	Mill	NO	2	3	YES
21	342-754e	Hogue	NO	0	13	NO
22	342-749k	Peerless	NO	0.5	7	NO
23	342-No #	Old Henderson	NO	0	0	YES
24	292-051p	Allens Lane	NO	1	12	YES
25	342-830x	Baseline	NO	0	4	NO
26	342-829d	Stacer	NO	0	2	NO
27	539-614d	Kansas	NO	0.5	3	NO
28	342-748d	Boehne Camp	NO	0	16	YES
29	292-033s	Trapp	NO	0	4	NO
30	539-610b	Green River Rd.	NO	0	6	NO
31	342-752t	Roesner	NO	0	0	NO
32	539-6061	County Line	NO	0	2	NO
33	539-615k	Oak Hill	NO	2	15	YES
34	292-044e	Kuebler	NO	0	8	NO
35	292-031d	County Line	NO	0	0	NO
36	719-910m	Royal	NO	0	0	NO
37	719-No #	Oak Grove	NO	0	0	NO
38	539-605e	Baseline	NO	0	2	NO
39	292-031d	Baseline	NO	0	4	NO
40	292-037u	B.N.H. Rd.	NO	0	4	NO
*41	539-611h	B.N.H. Rd.	NO	0	2	NO
42	539-607t	Baseline	NO	0	0	NO

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1992 VANDERBURGH CO. - RR/HWY CROSSINGS INVENTORY

PIR	RR ID#	ROAD	PEDESTRIAN TRAFFIC	VISIBLE WARNING DEVICES	OBSCURED PERIPHERAL VISION	INTERSECT STREET WITHIN 100
1	719-9081	Burkhardt	NO	YES	YES	YES
2	342-843y	Mill	NO	YES	NO	NO
3	342-853e	Mt. Pleasant	NO	YES	YES	YES
4	342-844f	Allens Lane	YES	YES	YES	NO
5	342-745h	Hogue	NO	YES	YES	NO
6	342-834a	Old State	NO	YES	NO	NO
7	342-831e	Inglefield	YES	YES	YES	NO
8	342-835g	Hillsdale	NO	YES	NO	YES
9	342-904m	Hitch & Peters	NO	YES	NO	NO
10	342-832l	B.N.H. Rd.	NO	YES	NO	NO
11	342-742m	Hogue	YES	YES	YES	NO
12	342-728s	Cypress Dale	NO	YES	YES	NO
13	342-746p	Red Bank	NO	YES	YES	NO
14	342-730t	Bayou Creek	NO	YES	YES	YES
15	292-049n	St. Joseph	NO	YES	YES	NO
16	342-732g	Nurrenburn	NO	YES	YES	NO
17	539-797y	Hitch & Peters	NO	YES	NO	NO
18	342-755n	County Line	NO	YES	YES	YES
19	342-727k	Duesner	NO	YES	NO	NO
20	292-050h	Mill	NO	YES	NO	NO
21	342-754e	Hogue	NO	YES	YES	YES
22	342-749k	Peerless	NO	YES	YES	NO
23	342-No #	Old Henderson	NO	YES	YES	NO
24	292-051p	Allens Lane	YES	YES	YES	NO
25	342-830x	Baseline	NO	YES	NO	NO
26	342-829d	Stacer	NO	YES	NO	NO
27	539-614d	Kansas	NO	YES	NO	YES
28	342-748d	Boehne Camp	NO	YES	YES	NO
29	292-033s	Trapp	NO	NO	YES	NO
30	539-610b	Green River Rd.	YES	YES	NO	NO
31	342-752t	Roesner	NO	YES	YES	NO
32	539-606l	County Line	NO	YES	NO	NO
33	539-615k	Oak Hill	NO	YES	NO	NO
34	292-044e	Kuebler	NO	YES	YES	NO
35	292-031d	County Line	NO	YES	YES	YES
36	719-910m	Royal	NO	YES	NO	YES
37	719-No #	Oak Grove	NO	NO	NO	NO
38	539-605e	Baseline	NO	YES	NO	NO
39	292-031d	Baseline	NO	YES	YES	YES
40	292-037u	B.N.H. Rd.	NO	YES	NO	NO
*41	539-611b	B.N.H. Rd.	NO	YES	NO	YES
42	539-607t	Boston	NO	YES	YES	NO

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1992 VANDERBURGH CO. - RR/HWY CROSSINGS INVENTORY

PIR	RR ID#	ROAD	VEHICLE SPEED (MPH)	MORE THAN 1 TRACK	SIMULTANEOUS TRAIN MOVEMENTS	MORE TH 2 LANE
1	719-9081	Burkhardt	30	NO	NO	YES
2	342-843y	Mill	45	NO	NO	NO
3	342-853e	Mt. Pleasant	45	NO	NO	NO
4	342-844f	Allens Lane	30	NO	NO	NO
5	342-745h	Hogue	30	NO	NO	NO
6	342-834a	Old State	40	NO	NO	NO
7	342-831e	Inglefield	45	NO	NO	
8	342-835g	Hillsdale	45	NO	NO	
9	342-904m	Hitch & Peters	35	YES	YES	
10	342-832l	B.N.H. Rd.	45	NO	NO	NO
11	342-742m	Hogue	30	NO	NO	NO
12	342-728s	Cypress Dale	45	YES	YES	NO
13	342-746p	Red Bank	20	NO	NO	NO
14	342-730t	Bayou Creek	45	YES	YES	YES
15	292-049n	St. Joseph	45	NO	NO	NO
16	342-732g	Nurrenburn	35	YES	YES	NO
17	539-797y	Hitch & Peters	35	YES	YES	NO
18	342-755n	County Line	30	YES	YES	NO
19	342-727k	Duesner	45	YES	YES	NO
20	292-050h	Mill	45	YES	YES	NO
21	342-754e	Hogue	30	YES	YES	NO
22	342-749k	Peerless	20	NO	NO	NO
23	342-No #	Old Henderson	20	NO	NO	NO
24	292-051p	Allens Lane	30	YES	YES	NO
25	342-830x	Baseline	45	YES	YES	NO
26	342-829d	Stacer	35	NO	NO	NO
27	539-614d	Kansas	45	NO	NO	NO
28	342-748d	Boehne Camp	20	NO	NO	NO
29	292-033s	Trapp	15	NO	NO	NO
30	539-610b	Green River Rd.	35	NO	NO	NO
31	342-752t	Roesner	0	YES	YES	NO
32	539-606l	County Line	45	NO	NO	NO
33	539-615k	Oak Hill	45	NO	NO	NO
34	292-044e	Kuebler	45	NO	NO	NO
35	292-031d	County Line	45	NO	NO	
36	719-910m	Royal	30	NO	NO	
37	719-No #	Oak Grove	30	NO	NO	
38	539-605e	Baseline	45	NO	NO	NO
39	292-031d	Baseline	45	NO	NO	NO
40	292-037u	B.N.H. Rd.	45	NO	NO	NO
*41	539-611h	B.N.H. Rd.	35	NO	NO	NO
42	539-607t	Anten	30	NO	NO	NO

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1992 VANDERBURGH CO. - RR/HWY CROSSINGS INVENTORY

PIR	RR ID#	ROAD	DTC 5 - 9	DTC 10 - 15	DTC >15	DTC >25	NIGHT 3 - 5
			1 PT	2 PT	3 PT	5 PT	1 PT
1	719-9081	Burkhardt	0	0	0	0	0
2	342-843v	Mill	0	0	3	0	0
3	342-853e	Mt. Pleasant	1	0	0	0	0
4	342-844f	Allens Lane	0	0	3	0	0
5	342-745h	Hogue	1	0	0	0	1
6	342-834a	Old State	0	0	3	0	0
7	342-831e	Inglefield	0	0	3	0	0
8	342-835g	Hillsdale	0	0	3	0	0
9	342-904m	Hitch & Peters	0	0	0	0	0
10	342-832l	B.N.H. Rd.	0	0	3	0	0
11	342-742m	Hogue	0	0	0	0	0
12	342-728s	Cypress Dale	0	0	3	0	0
13	342-746p	Red Bank	1	0	0	0	1
14	342-730t	Bayou Creek	0	0	3	0	0
15	292-049n	St. Joseph	0	0	0	0	0
16	342-732g	Nurrenburn	0	0	3	0	0
17	539-797y	Hitch & Peters	0	0	0	0	0
18	342-755n	County Line	1	0	0	0	1
19	342-727k	Duesner	0	0	3	0	0
20	292-050h	Mill	0	0	0	0	0
21	342-754e	Hogue	1	0	0	0	1
22	342-749k	Peerless	1	0	0	0	1
23	342-No #	Old Henderson	0	0	0	0	0
24	292-051p	Allens Lane	0	0	0	0	0
25	342-830x	Baseline	0	0	3	0	0
26	342-829d	Stacer	0	0	0	0	0
27	539-614d	Kansas	0	0	0	0	0
28	342-748d	Boehne Camp	1	0	0	0	1
29	292-033s	Trapp	0	0	0	0	0
30	539-610b	Green River Rd.	0	0	0	0	0
31	342-752t	Roesner	1	0	0	0	1
32	539-606l	County Line	0	0	0	0	0
33	539-615k	Oak Hill	0	0	0	0	0
34	292-044e	Kuebler	0	0	0	0	0
35	292-031d	County Line	0	0	0	0	0
36	719-910m	Royal	0	0	0	0	0
37	719-No #	Oak Grove	0	0	0	0	0
38	539-605e	Baseline	0	0	0	0	0
39	292-031d	Baseline	0	0	0	0	0
40	292-037u	B.N.H. Rd.	0	0	0	0	0
*41	539-611h	B.N.H. Rd.	0	0	0	0	0
42	539-607t	Newton	0	0	0	0	0

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1992 VANDERBURGH CO. - RR/HWY CROSSINGS INVENTORY

PIR	RR ID#	ROAD	NIGHT DTC		NIGHT DT	TRN.	SPD	PI		PI
			5 - 10	>10				4-9.99	10-19.9	
			2 PT	3 PT		U>35,1PT R>50,1PT		1 PT	2 PT	
1	719-9081	Barkhardt	0	0		0		0	0	
2	342-843y	Mill	2	0		1		0	2	
3	342-853e	Mt. Pleasant	0	0		0		0	2	
4	342-844f	Allens Lane	2	0		0		0	2	
5	342-745h	Hogue	0	0		0		1	0	
6	342-834a	Old State	2	0		0		1	0	
7	342-831e	Inglefield	2	0		0		1	0	
8	342-835g	Hillsdale	2	0		0		1	0	
9	342-904m	Hitch & Peters	0	0		0		1	0	
10	342-832l	B.N.H. Rd.	0	0		0		1	0	
11	342-742m	Hogue	0	0		0		1	0	
12	342-728s	Cypress Dale	2	0		0		0	0	
13	342-746p	Red Bank	0	0		1		0	0	
14	342-730t	Bayou Creek	2	0		0		0	0	
15	292-049n	St. Joseph	0	0		0		0	0	
16	342-732g	Nurrenburn	2	0		0		0	0	
17	539-797y	Hitch & Peters	0	0		0		0	0	
18	342-755n	County Line	0	0		0		0	0	
19	342-727k	Duesner	2	0		0		0	0	
20	292-050h	Mill	0	0		0		0	0	
21	342-754e	Hogue	0	0		0		0	0	
22	342-749k	Peerless	0	0		0		0	0	
23	342-No #	Old Henderson	0	0		0		0	0	
24	292-051p	Allens Lane	0	0		0		0	0	
25	342-830x	Baseline	0	0		0		0	0	
26	342-829d	Stacer	0	0		0		0	0	
27	539-614d	Kansas	0	0		0		0	0	
28	342-748d	Boehne Camp	0	0		0		0	0	
29	292-033s	Trapp	0	0		0		0	0	
30	539-610b	Green River Rd.	0	0		0		0	0	
31	342-752t	Roesner	0	0		0		0	0	
32	539-606l	County Line	0	0		0		0	0	
33	539-615k	Oak Hill	0	0		1		0	0	
34	292-044e	Kuebler	0	0		0		0	0	
35	292-031d	County Line	0	0		0		0	0	
36	719-910m	Royal	0	0		0		0	0	
37	719-No #	Oak Grove	0	0		0		0	0	
38	539-605e	Baseline	0	0		0		0	0	
39	292-031d	Baseline	0	0		0		0	0	
40	292-037u	B.N.H. Rd.	0	0		0		0	0	
*41	539-611h	B.N.H. Rd.	0	0		0		0	0	
42	539-607e	Baseline	0	0		0		0	0	

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1992 VANDERBURGH CO. - RR/HWY CROSSINGS INVENTORY

PIR	RR ID#	ROAD	PI	PI	PASSENGER RAIL RTE YES - 1PT	ACCIDENTS 3-5YRS .5-1PT	1.0-2.0 >2.0-3.0
			20-49.99 3 PT	50+ 4 PT			
1	719-9081	Burkhardt	3	0	0	0	0
2	342-843v	Mill	0	0	0	0	2
3	342-853e	Mt. Pleasant	0	0	0	0	0
4	342-844f	Allens Lane	0	0	0	0	0
5	342-745h	Hogue	0	0	0	0	0
6	342-834a	Old State	0	0	0	0	0
7	342-831e	Inglefield	0	0	0	0	0
8	342-835g	Hillsdale	0	0	0	0	0
9	342-904m	Hitch & Peters	0	0	0	0	0
10	342-832l	B.N.H. Rd.	0	0	0	0	0
11	342-742m	Hogue	0	0	0	0	0
12	342-728s	Cypress Dale	0	0	0	0	0
13	342-746p	Red Bank	0	0	0	0	0
14	342-730t	Bayou Creek	0	0	0	0	0
15	292-049n	St. Joseph	0	0	0	0	0
16	342-732g	Nurrenburn	0	0	0	0	0
17	539-797y	Hitch & Peters	0	0	0	0	0
18	342-755n	County Line	0	0	0	0	0
19	342-727k	Duesner	0	0	0	0	0
20	292-050h	Mill	0	0	0	0	3
21	342-754e	Hogue	0	0	0	0	0
22	342-749k	Peerless	0	0	0	1	0
23	342-No #	Old Henderson	0	0	0	0	0
24	292-051p	Allens Lane	0	0	0	0	2
25	342-830x	Baseline	0	0	0	0	0
26	342-829d	Stacer	0	0	0	0	0
27	539-614d	Kansas	0	0	0	1	0
28	342-748d	Boehne Camp	0	0	0	0	0
29	292-033s	Trapp	0	0	0	0	0
30	539-610b	Green River Rd.	0	0	0	0	0
31	342-752t	Roesner	0	0	0	0	0
32	539-606l	County Line	0	0	0	0	0
33	539-615k	Oak Hill	0	0	0	0	3
34	292-044e	Kuebler	0	0	0	0	0
35	292-031d	County Line	0	0	0	0	0
36	719-910m	Royal	0	0	0	0	0
37	719-No #	Oak Grove	0	0	0	0	0
38	539-605e	Baseline	0	0	0	0	0
39	292-031d	Baseline	0	0	0	0	0
40	292-037u	B.N.H. Rd.	0	0	0	0	0
*41	539-611h	B.N.H. Rd.	0	0	0	0	0
42	539-607e	Baseline	0	0	0	0	0

PIR - Priority Index Rank
DTC - Data Train Count
PF - Protection Factor
PI - Priority Index

*PROTECTION FACTOR HAS BEEN REDUCED
FOR ANTICIPATED
PROJECT COMPLETION

1992 VANDERBURGH CO. - RR/HWY CROSSINGS INVENTORY

PIR	RR ID#	ROAD	SCH. BUS 50R MORE 1 PT	SCH. IN 1 MILE YES-1PT	PEDEST. 'X-ING YES-1PT	VISIBLE WRNG. NO-1PT	VISION OBSCUR YES-1PT
1	719-9081	Burkhardt	1	0	0	0	1
2	342-843y	Mill	0	1	0	0	0
3	342-853e	Mt. Pleasant	0	0	0	0	1
4	342-844f	Allens Lane	1	1	1	0	1
5	342-745h	Hogue	1	1	0	0	1
6	342-834a	Old State	1	0	0	0	0
7	342-831e	Inglefield	0	0	1	0	1
8	342-835g	Hillsdale	0	0	0	0	0
9	342-904m	Hitch & Peters	0	0	0	0	0
10	342-832l	B.N.H. Rd.	0	0	0	0	0
11	342-742m	Hogue	1	1	1	0	1
12	342-728s	Cypress Dale	0	0	0	0	1
13	342-746p	Red Bank	0	1	0	0	1
14	342-730t	Bayou Creek	0	0	0	0	1
15	292-049n	St. Joseph	1	0	0	0	1
16	342-732g	Nurrenburn	1	0	0	0	1
17	539-797y	Hitch & Peters	0	0	0	0	0
18	342-755n	County Line	1	0	0	0	1
19	342-727k	Duesner	0	0	0	0	0
20	292-050h	Mill	0	1	0	0	0
21	342-754e	Hogue	1	0	0	0	1
22	342-749k	Peerless	1	0	0	0	1
23	342-No #	Old Henderson	0	1	0	0	1
24	292-051p	Allens Lane	1	1	1	0	1
25	342-830x	Baseline	0	0	0	0	0
26	342-829d	Stacer	0	0	0	0	0
27	539-614d	Kansas	0	0	0	0	0
28	342-748d	Boehne Camp	1	1	0	0	1
29	292-033s	Trapp	0	0	0	1	1
30	539-610b	Green River Rd.	1	0	1	0	0
31	342-752t	Roesner	0	0	0	0	1
32	539-606l	County Line	0	0	0	0	0
33	539-615k	Oak Hill	1	1	0	0	0
34	292-044e	Kuebler	1	0	0	0	1
35	292-031d	County Line	0	0	0	0	0
36	719-910m	Royal	0	0	0	0	0
37	719-No #	Oak Grove	0	0	0	1	0
38	539-605e	Baseline	0	0	0	0	1
39	292-031d	Baseline	0	0	0	0	0
40	292-037u	B.N.H. Rd.	0	0	0	0	0
*41	539-611h	B.N.H. Rd.	0	0	0	0	0
42	539-607t	Baseline	0	0	0	0	1

PIR - Priority Index Rank
DTC - Daily Train Count
PF - Protection Factor
PI - Priority Index

*PROTECTION FACTOR HAS BEEN REDUCED
FOR ANTICIPATED
PROJECT COMPLETION

1992 VANDERBURGH CO. - RR/HWY CROSSINGS INVENTORY

PIR	RR ID#	ROAD	INTERSECT. VEH. SPD		>ONE TRACK		SIMUTAN. >2 LANE	
			STREET	U>25-1PT	YES-1PT	MVMTS.	TRAFFIC	
			YES-1PT	R>35-1PT	YES-1PT	YES-1PT	YES-1PT	
1	719-908l	Burkhardt	1	1	0	0	1	
2	342-843v	Mill	0	1	0	0	0	
3	342-853e	Mt. Pleasant	1	1	0	0	0	
4	342-844f	Allens Lane	0	1	0	0	0	
5	342-745h	Hogue	0	1	0	0	0	
6	342-834a	Old State	0	1	0	0	0	
7	342-831e	Inglefield	0	1	0	0	0	
8	342-835g	Hillsdale	1	1	0	0	0	
9	342-904m	Hitch & Peters	0	1	1	1	0	
10	342-832l	B.N.H. Rd.	0	1	0	0	0	
11	342-742m	Hogue	0	1	0	0	0	
12	342-728s	Cypress Dale	0	1	1	1	0	
13	342-746p	Red Bank	0	0	0	0	0	
14	342-730t	Bayou Creek	1	1	1	1	1	
15	292-049n	St. Joseph	0	1	0	0	0	
16	342-732g	Nurrenburn	0	0	1	1	0	
17	539-797y	Hitch & Peters	0	1	1	1	0	
18	342-755n	County Line	1	0	1	1	0	
19	342-727k	Duesner	0	1	1	1	0	
20	292-050h	Mill	0	1	1	1	0	
21	342-754e	Hogue	1	0	1	1	0	
22	342-749k	Peerless	0	0	0	0	0	
23	342-No #	Old Henderson	0	0	0	0	0	
24	292-051p	Allens Lane	0	1	1	1	0	
25	342-830x	Baseline	0	1	1	1	0	
26	342-829d	Stacer	0	0	0	0	0	
27	539-614d	Kansas	1	1	0	0	0	
28	342-748d	Boehne Camp	0	0	0	0	0	
29	292-033s	Trapp	0	0	0	0	0	
30	539-610b	Green River Rd.	0	0	0	0	0	
31	342-752t	Roesner	0	0	1	1	0	
32	539-606l	County Line	0	1	0	0	0	
33	539-615k	Oak Hill	0	1	0	0	0	
34	292-044e	Kuebler	0	1	0	0	0	
35	292-031d	County Line	1	1	0	0	0	
36	719-910m	Royal	1	1	0	0	0	
37	719-No #	Oak Grove	0	1	0	0	0	
38	539-605e	Baseline	0	1	0	0	0	
39	292-031d	Baseline	1	1	0	0	0	
40	292-037u	B.N.H. Rd.	0	1	0	0	0	
*41	539-611h	B.N.H. Rd.	1	0	0	0	0	
42	539-607e	Baseline	0	0	0	0	0	

PIR - Protection Index Rank
DTC - Daily Traffic Count
PF - Protection Factor
PI - Priority Index

*PROTECTION FACTOR HAS BEEN REDUCED
FOR ANTICIPATED
PROJECT COMPLETION

**INDIANA DEPARTMENT OF TRANSPORTATION
FEDERAL-AID PROGRAM DATA**

I GENERAL PROGRAM DATA:

ID No.: _____ Project No.: _____ 1

Rte. No.: Burkhardt Road FAS & Rte. No.: U-E-100 2

Project Termini: Burkhardt Road at Southern between Morgan Avenue/
S.R. 62 and Oak Grove Road. 3

Urban Code: 114 Place Code: 22000 Route Mile Point: _____ 4

County: Vanderburgh County: _____ County: _____ 5

Length: N/A Length: _____ Length: _____ 6

Urban Area: Evansville 7

Total Length of Project: _____ mi. + _____ mi. = N/A mi. 8
Rural Urban Total

Character of Proposed Work to be Accomplished During Program Period:
Construction for the installation of automatic signals and gates. 9

Program Period 92 to 93, FHWA Approval: _____ 10

II Funding Data:

Type of Funding Requested: STP - Surface Transportation Program 11

Appropriation Code: 33M 12

Total Cost for Program Period: _____ 75,000 _____ 13

Federal Share of Cost for Program Period: _____ 60,000 _____ 14

	PP	PP	ROW	PP	CONSTR	PP	
Total							15
Cost	Previously		N/A		75,000	93	16
Federal							17
Share	Authorized		N/A		60,000	93	18

INDIANA DEPARTMENT OF TRANSPORTATION
FEDERAL-AID PROGRAM DATA

I GENERAL PROGRAM DATA:

ID No.: _____ Project No.: _____ 1

Rte. No.: Mill Road FAS & Rte. No.: U-E 200 2

Project Termini: Mill Road at CSX between St. Joseph Avenue and 3
Kratzville Road.

Urban Code: 114 Place Code: 22000 Route Mile Point: _____ 4

County: Vanderburgh County: _____ County: _____ 5

Length: N/A Length: _____ Length: _____ 6

Urban Area: Evansville 7

Total Length of Project: N/A mi. + N/A mi. = N/A mi. 8
Rural Urban Total

Character of Proposed Work to be Accomplished During Program Period: 9
Construction for the installation of automatic signals and gates.

Program Period 92 to 93, FHWA Approval: _____ 10

II Funding Data:

Type of Funding Requested: STP - Surface Transportation Program 11

Appropriation Code: 33M 12

Total Cost for Program Period: _____ 75,000 _____ 13

Federal Share of Cost for Program Period: _____ 60,000 _____ 14

	FE	PP	ROW	PP	CONSTR	PP	
Total							15
Cost	Previously		N/A		75,000	93	16
Federal							17
Share	Authorized		N/A		60,000	93	18

INDIANA DEPARTMENT OF TRANSPORTATION
FEDERAL-AID PROGRAM DATA

I GENERAL PROGRAM DATA:

ID No.: _____ Project No.: _____ 1
Rte. No.: Mt. Pleasant Road FAS & Rte. No.: E-442 2
Project Termini: Mt. Pleasant Road at CSX between Hwy. 41 and Old 3
State Road.
Urban Code: 114 Place Code: 22000 Route Mile Point: _____ 4
County: Vanderburgh County: _____ County: _____ 5
Length: N/A Length: _____ Length: _____ 6
Urban Area: Evansville 7
Total Length of Project: _____ mi. + _____ mi. = N/A mi. 8
Rural Urban Total
Character of Proposed Work to be Accomplished During Program Period: 9
Construction for the installation of automatic signals and gates.
Program Period 92 to 93, FHWA Approval: _____ 10

II Funding Data:

Type of Funding Requested: STP - Surface Transportation Program 11
Appropriation Code: 33M 12
Total Cost for Program Period: 75,000 13
Federal Share of Cost for Program Period: 60,000 14

	PE	PP	ROW	PP	CONSTR	PP	
Total							15
Cost	Previously		N/A		75,000	91	16
Federal							17
Share	Authorized		N/A		60,000	91	18

**INDIANA DEPARTMENT OF TRANSPORTATION
FEDERAL-AID PROGRAM DATA**

I GENERAL PROGRAM DATA:

ID No.: _____ Project No.: _____ 1

Rte. No.: Red Bank Road FAS & Rte. No.: U-E 160 2

Project Termini: Red Bank Road at CSX between Upper Mt. Vernon Road and Minister Lane. 3

Urban Code: 114 Place Code: 22000 Route Mile Point: _____ 4

County: Vanderburgh County: _____ County: _____ 5

Length: N/A Length: _____ Length: _____ 6

Urban Area: Evansville 7

Total Length of Project: $\frac{N/A}{Rural} \text{ mi.} + \frac{N/A}{Urban} \text{ mi.} = \frac{N/A}{Total} \text{ mi.}$ 8

Character of Proposed Work to be Accomplished During Program Period:
Construction for the installation of automatic signals and gates. 9

Program Period 92 to 93, FHWA Approval: _____ 10

II Funding Data:

Type of Funding Requested: STP - Surface Transportation Program 11

Appropriation Code: 33M 12

Total Cost for Program Period: 75,000 13

Federal Share of Cost for Program Period: 60,000 14

	PE	PP	ROW	PP	CONSTR	PP	
Total							15
Cost	Previously		N/A		75,000	93	16
Federal							17
Share	Authorized		N/A		60,000	93	18

INDIANA DEPARTMENT OF TRANSPORTATION
FEDERAL-AID PROGRAM DATA

I GENERAL PROGRAM DATA:

ID No.: _____ Project No.: _____ 1
Boonville-New
Rte. No.: Harmony Road FAS & Rte. No.: S-7682 2
Project Termini: Boonville-New Harmony Road at Conrail between 3
Hwy. 57 and Green River Road.
Urban Code: _____ Place Code: 22000 Route Mile Point: _____ 4
County: Vanderburgh County: _____ County: _____ 5
Length: N/A Length: _____ Length: _____ 6
Urban Area: Evansville 7
Total Length of Project: N/A mi. + N/A mi. = N/A mi. 8
Rural Urban Total
Character of Proposed Work to be Accomplished During Program Period:
Construction for the installation of automatic signals and gates. 9
Program Period 92 to 93, FHWA Approval: _____ 10

II Funding Data:

Type of Funding Requested: STP - Surface Transportation Program 1
Appropriation Code: 33M 2
Total Cost for Program Period: 110,000 13
Federal Share of Cost for Program Period: 88,000 14

	PP	ROW	PP	CONSTR	PP	
Total						15
Cost	Previously	N/A		110,000	93	16
Federal						17
Share	Authorized	N/A		88,000	93	18

INDIANA DEPARTMENT OF TRANSPORTATION
FEDERAL-AID PROGRAM DATA

I GENERAL PROGRAM DATA:

ID No.: _____ Project No.: _____ 1

Rte. No.: Fulton Avenue Bridge FAS & Rte. No.: U-E 300 2

Project Termini: Fulton (Fifth) Avenue Bridge No. 67 over Pigeon 3
Creek just south of S.R. 66 (Diamond Avenue) in Evansville. Approaches
are included in this project.

Urban Code: 114 Place Code: 22000 Route Mile Point: _____ 4

County: Vanderburgh County: _____ County: _____ 5

Length: N/A Length: _____ Length: _____ 6

Urban Area: Evansville 7

Total Length of Project: N/A mi. + N/A mi. = N/A mi. 8
Rural Urban Total

Character of Proposed Work to be Accomplished During Program Period: 9
Construction for replacement of the existing two-lane bridge with a
four-lane structure. This construction includes approach work.

Program Period 92 to 93, FHWA Approval: _____ 10

II Funding Data:

Type of Funding Requested: Bridge Replacement (BRZ) 11

Appropriation Code: 117 12

Total Cost for Program Period: 2,945,855 13

Federal Share of Cost for Program Period: 2,196,684 14

	PE	PP	ROW	PP	CONSTR (Utilities)	PP	
Total					200,000	93	15
Cost	Local Funds		Local Funds		2,745,855	93	16
Federal					(Utilities) 160,000	93	17
Share	N/A		N/A		2,196,684	93	18

**INDIANA DEPARTMENT OF TRANSPORTATION
FEDERAL-AID PROGRAM DATA**

I GENERAL PROGRAM DATA:

ID No.: _____ Project No.: _____ 1

Rte. No.: Franklin Street Bridge FAS & Rte. No.: U-E 290 2

Project Termini: Franklin Street Bridge #4 over Pigeon Creek just north of SR 62 (Lloyd Expressway) in Evansville. 3

Urban Code: 114 Place Code: 22000 Route Mile Point: _____ 4

County: Vanderburgh County: _____ County: _____ 5

Length: N/A Length: _____ Length: _____ 6

Urban Area: Evansville 7

Total Length of Project: N/A mi. + N/A mi. = N/A mi. 8
Rural Urban Total

Character of Proposed Work to be Accomplished During Program Period:
Construction for the rehabilitation of the existing four lane bridge. 9

Program Period 92 to 93, FHWA Approval: _____ 10

II Funding Data:

Type of Funding Requested: Bridge Rehabilitation (BH2) 11

Appropriation Code: 117 12

Total Cost for Program Period: 2,070,000 13

Federal Share of Cost for Program Period: 1,656,000 14

	PE	PP	ROW	PP	CONSTR	PP	
Total							15
Cost	Local Funds		N/A		2,070,000	93	16
Federal							17
Share	N/A		N/A		1,656,000	93	18

I GENERAL PROGRAM DATA:

Program Period 92 to 93, FHWA Approval: _____ 10

	PE	PP	ROW	PP	CONSTR	PP	
Total							15
Cost	Local Funds		Local Funds		1,380,000	93	16
Federal							17
Share	N/A		N/A		1,104,000	93	18

**INDIANA DEPARTMENT OF TRANSPORTATION
FEDERAL-AID PROGRAM DATA**

I GENERAL PROGRAM DATA:

ID No.: _____ Project No.: _____ 1

Rte. No.: Green River Road North FAS & Rte. No.: U-E 340(3) 2

Project Termini: Green River Road North Phase II from Spring Valley Road in the City of Evansville to Hirsch Road in Vanderburgh County. Phase III = Hirsch Road to Heckel Road (1.000 mile). 3

Urban Code: 114 Place Code: 22000 Route Mile Point: _____ 4

County: Vanderburgh County: _____ County: _____ 5

Length: .690 Length: _____ Length: _____ 6

Urban Area: Evansville 7

Total Length of Project: _____ mi. + .690 mi. = .690 mi. 8
Rural Urban Total

Character of Proposed Work to be Accomplished During Program Period:

Phase II (Section B) construction for widening to four travel lanes with a continuous left turn lane from Spring Valley Road to Lynch Road and four travel lanes from Lynch Road to Hirsch Road (.690 mi.). Phase I = Morgan Avenue to Spring Valley Road; previously authorized for CN. 9

Program Period 92 to 93, FHWA Approval: _____ 10

II Funding Data:

Type of Funding Requested: Surface Transportation Program/ Minimum Allocation (STP/MAD/MA) 11

Appropriation Code: 3AA/35C/34C 12

Total Cost for Program Period: 1,725,000 13

Federal Share of Cost for Program Period: 1,380,000 14

	PE	PP	ROW	PP	CONSTR	PP	
Total							15
Cost	Local Funds		Local Funds		Phase II= 1,725,000	93	16
	Local Funds		Local Funds		Phase III= 3,220,000	94	
Federal					Phase I= Authorized		17
Share	N/A		N/A		Phase II= 1,380,000	93	18
	N/A		N/A		Phase III= 2,576,000	94	

**INDIANA DEPARTMENT OF TRANSPORTATION
FEDERAL-AID PROGRAM DATA**

I GENERAL PROGRAM DATA:

ID No.: _____ Project No.: _____ 1

Rte. No.: Lynch Road FAS & Rte. No.: U-E 185 2

Project Termini: Lynch Road Extension - from Oak Hill Road to Burkhardt Road in Vanderburgh County. 3

Urban Code: 114 Place Code: 22000 Route Mile Point: _____ 4

County: Vanderburgh County: _____ County: _____ 5

Length: 2.140 Length: _____ Length: _____ 6

Urban Area: Evansville 7

Total Length of Project: 1.07 mi. + 1.07 mi. = 2.140 mi. 8
Rural Urban Total

Character of Proposed Work to be Accomplished During Program Period:

Stage construction for all grading and fill work to extend the roadway as a four lane facility from Oak Hill Road to Burkhardt Road including work on approaches for two bridges. 9

Program Period 92 to 93, FHWA Approval: _____ 10

II Funding Data:

Type of Funding Requested: Surface Transportation Program/ Minimum Allocation (STP/MAD/MA) 11

Appropriation Code: 3AA/35C/34C 12

Total Cost for Program Period: 4,900,000 13

Federal Share of Cost for Program Period: 3,920,000 14

	PP	ROW	PP	CONSTR	PP	
Total				4,900,000 (Stage I)	93	15
Cost	Local Funds			3,425,965 (Stage II)	94	16
		Local Funds				
Federal				3,920,000 (Stage I)	93	17
Share	N/A			2,740,772 (Stage II)	94	18
		N/A				

**MINUTES
COUNTY COMMISSIONERS MEETING
APRIL 6, 1992**

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened @ 5:30 p.m.	1
Introduction of Staff & Pledge of Allegiance	1
Introduction of New Sheriff's Deputies	1
Health Department/Union Representation	1
Contract with Corroon, Black, etc.	1
Savage Engineering/Contract with Dave Savage	2
E.A.R.C. - Contract Renewal	2
Acceptance of Polling Places for 1992 Primary Election	2
Bockelman No. 3 School	3
Reorganization of the Public Works-County Engineer Department	3
Copy Charges by County Departments	6
County Highway Garage/Training of New Assistant Supv.....	7
County Attorney - Jeff Wilhite	7
Lloyd-Rickard Property/Inverse Condemnation (Approved up to \$1,000 for consulting with real estate appraiser) Condemnation/John & Wanda Koch Property/Green River Rd.	
County Engineer - Dave Savage	8
Acceptance of Rds./Moss Creek Sub Contract w/Donan Engineering - Testing - \$12,000 re County Highway Remediation Project Claims/Union Twp. Contract	
Employee Assistance Program	9
Commission to go on Council Call re funding	
Consent Agenda	9
Old Business	10
New Business	10
Meeting Recessed @ 6:20 p.m.	10

MINUTES
COUNTY COMMISSIONERS MEETING
APRIL 6, 1992

The Vanderburgh County Board of Commissioners met in session at 5:30 p.m. on Monday, April 6, 1992 in the Commissioners Hearing Room with President Carolyn McClintock presiding.

RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

President McClintock called the meeting to order, welcomed the attendees, introduced members of the County Staff and asked the group to stand for the Pledge of Allegiance.

RE: INTRODUCTION OF NEW SHERIFF'S DEPUTIES

The meeting continued with Sheriff Ray Hamner being recognized. He expressed appreciation to the Commissioners for allowing him to appear on tonight's agenda on such short notice. He said he has with him five (5) new members of the Vanderburgh County Sheriff's Department who were brought on the department today. It's taken about year to get them ready to be brought aboard. He subsequently introduced the following:

Robert Goedde
Douglas Daza
Jeffery Dedmond
Kenny Tenbarga
Sam Preston

Sheriff Hamner explained that these individuals come from very diverse backgrounds -- from school teachers to bi-lingual Spanish teachers; former State Trooper -- they bring a lot of expertise with them. He then introduced the three Commissioners to the new Deputies.

Ms. McClintock wished each of the new Deputies good luck and said the Commissioners will look forward to working with them in Vanderburgh County.

Commissioner Borries said that Sheriff Hamner, along with the Merit Commission, has examined the qualifications of these individuals and they truly represent the best that Vanderburgh County can offer in law enforcement. He commends Sheriff Hamner for the professional way he has handled the best selection process.

Sheriff Hamner said he does feel we have a very outstanding group in this group.

RE: HEALTH DEPARTMENT (UNION REPRESENTATION)

Commissioner McClintock said she sees that Dr. Heidingsfelder is in the audience. He is welcome to remain, but she thinks he might like to know that the item on today's agenda with regard to union representation has been pulled from the agenda.

RE: CONTRACT WITH CORROON, BLACK, ETC.

Ms. McClintock said this is a renewal contract in the amount of \$32,000 per year. This figure has not changed since March of 1991.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter the contract was approved, as presented. So ordered.

RE: SAVAGE ENGINEERING - CONTRACT

It was noted by Commissioner McClintock that the Board had approved a contract between the County and Savage Engineering. There was a problem with the contract. Minor changes have been made and the contract has been approved not only by the County Attorney, but by Mr. Savage's attorney.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock the contract, as amended, was approved. So ordered.

RE: E.A.R.C. - CONTRACT RENEWAL

Upon motion made by Commissioner Hunter and seconded by Commissioner Hunter, the contract renewal for the lease of the E.A.R.C. facility in the amount of \$1.00 per year beginning May 1, 1994 thru April 30, 2014. They are trying to get their lease agreements updated and asked that the Commission get the contract extended so they can proceed with some long term plans for that facility. So ordered.

RE: ACCEPTANCE OF POLLING PLACES FOR 1992 PRIMARY ELECTION

It was noted by Commissioner McClintock that the primary changes include St. John's Church, which previously housed two East side precincts -- 1-27 and 1-28. They no longer wish to use the Church as a polling place. B.J. and officials from the Election Office have been all over that precinct in the east side and have been unable to come up with another public building to accommodate these two polling places. As a result, we're going to have to put these two polling places in the gym at Plaza Park School.

Commissioner Hunter said 1-22 and 6-2 were changed to make them accessible to the handicapped, which is a step in the right direction.

Commissioner Borries said he would only want to suggest that will now make four (4) precincts located in Plaza School. If the trends hold up -- and judging by the tenor of the national campaign thus far -- he imagines it will. Voters are going to be somewhat turned off by all the negativism and there are some predictions there will be a light turn out, particularly in Indiana -- since much of the national primary selections will have been over by the time that we hold ours and he doesn't see any problem in the primary if we have a light turnout. But in so far as parking and notification of voters for the fall, he can see where we could have a lot of problems with four precincts in one polling place. So if there is anything even within a reasonable distance of these precincts he would say that perhaps we should contact these people -- because that is a lot of precincts in one polling place.

Both Commissioner Hunter and McClintock agreed, saying that apparently there is very little we can do about the situation. Ms. McClintock said she thinks negotiations should continue with St. John's Church to see if there is something we can do out there.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the list of polling places for the 1992 Primary Election was approved, as submitted. So ordered.

President McClintock said she would also like approval from the Commission for Voters Registration to notify those voters in the precincts where the polling place has changed that they have a new place to vote.

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

RE: BOCKELMAN NO. 3 SCHOOL

Attorney Jeff Wilhite informed the Commission concerning procedures to be followed in order to proceed with moving Bockelman No. 3 School. He said the Westwood Garden Club had expressed an interest in taking the school once we removed it from the real estate. They would agree to pay the moving costs, estimated at \$30,000, in accordance with some very strict historical rules and regulations in terms of moving structures. When he began to draft a contract he realized frankly that, once we remove it, a piece of County property that we're giving to somebody without technically letting the rest of the public know about it. So he thinks that once we remove the school physically from the real estate, it becomes personal property rather than real property and we have to follow the notice procedures which basically say we tell the public we have a school, we're going to remove it and anybody who is interested in it has to let us know. They have to agree to follow these strict historical preservation moving regulations and work with the State people and there are a lot of requirements that the Westwood Garden Club seems to be willing to meet. But technically we need to give that public notice. If the Commission agrees, we need to set some dates. He will need a fair amount of time to draft the notice. There is no rush, because the school will not be physically moved for a while anyway. He asked the Commissioners if they agree that we cannot go forward with what they had already voted on -- to give the school to the Westwood Garden Club -- without going through this public notice procedure. If so, a motion would be in order to issue public notice of the availability of the school at such time as deemed proper by the County Attorney. A draft of the notice will be brought to the Commissioner prior to publication of same.

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

Commissioner Borries asked if this structure has been purchased?

Mr. Wilhite responded, "Not yet. This will all be conditioned on the condemnation proceedings. It is clearly in the area to be condemned -- but it is not yet ours to give away. No action will be taken until such time as that matter has been settled."

RE: REORGANIZATION OF THE PUBLIC WORKS-COUNTY ENGINEER DEPARTMENT

Commissioner McClintock said she has the Organization Chart approved by the Commission at the end of last summer. At that time the then Public Works Director, Mr. Curtis, was to take this chart through the normal procedures -- which would be the Job Study Committee -- to review job descriptions and assess salaries to see if any salary adjustments should be made and to look at the Job Titles proposed in the Organization Chart. Mr. Curtis subsequently left the County. In looking at the priorities of things we wanted to get done before he left, this was not as high a priority as some of the other areas that needed to be wrapped up. Since there has been some discussion concerning this during the last five to six months, prior to taking the time to take all this information to the Job Study Committee and ask them to do that work, she wanted to bring this chart back to the Commission for comment and input. If there are some proposed changes that needed to be made, those could be made at this time. We want to have this firmly in place when we are in the process of interviewing the new Public Works Director-County Engineer so the individuals we are talking to about this particular position are very clear on what the responsibilities are in the Public Works Department and what the responsibilities will be as Director of that department. With that information as background, she would be happy to entertain any comments at this time.

Commissioner Hunter asked if this is basically what was approved six months ago?

Ms. McClintock said that is correct. No action is needed unless the Commission wants to make some kind of change. But if no changes are to be made and this is what we are committed to, then she wants to start the process with the Job Study Committee so we can have the job titles in place and any necessary salary changes made prior to hiring a new Public Works Director.

Mr. Borries said, "If I might speak at this time, when you say we approved it, you approved it. As you know, I did not. I objected at that time to what I saw was a rather ineffective and poorly thought out organizational chart. Not only have we now lost a Public Works Director, I think it's ironic that even under the person -- and a very nice person -- under the Highway Services division as a so-called Highway Service Manager supervises or manages no one. He just manages himself. He has even no one under him. I've always felt that whoever was in charge of the County Highway Garage needed to be just that -- person in charge. A decision maker who could react to emergencies; a decision maker who could give leadership to the County Garage; and a person who could make decisions without having to call an engineer downtown -- at this point. I have felt that through subsequent other actions that have taken place during this past year that that particular aspect still holds. I think that the County Highway is an organization and an entity that must work closely with the Engineering Department -- but I emphasize the word 'with'. I don't think it is a viable thing to give someone a titled (as they did with Greg Curtis) and then all of a sudden expect him to jump over buildings in a single leap and be at the County Highway Garage supervising people who, at this point, take him away from other necessary duties that that particular position entailed. I did not feel at that time that it was carefully thought out in relation to not only did he get a title, but at no additional compensation nor were his responsibilities at that point set up where he could be effective in that particular position. And perhaps the proof is in the pudding, because he is no longer here. Be that as it may, I would strongly suggest that another reorganization continue -- or at least begin -- and that reorganization ought to have a Highway Services Division with a County Highway Superintendent clearly spelled out -- and that there should also be some provision for someone to spell that person as an assistant. That is the way it always was run before and it seemed to be that despite the fact that there were always innuendos and criticisms over past leadership, there were also awards and a highly effective organization that had taken place through many years at the County Highway Garage. No grievances had been filed at that point that I can recall through personnel out there. It seemed to me that a lot of that had to do with the leadership, because you had people in charge who could make decisions and, again, work with the Engineer and not for an Engineer as Public Works Director. I will strongly suggest that this whole organization chart be reviewed and reviewed to the extent that it be reorganized to clearly indicate a County Highway Superintendent clearly in charge. Again, that is why I couldn't support it then and I don't support it now."

Ms. McClintock said, "Rick, I'm sorry, but you confused me. You said a couple of different things. You said you wanted to create a Highway Services Division...."

Mr. Borries interrupted, "I want a County Highway Department. You can call it whatever you want."

Ms. McClintock asked, "Separate from what Scot Davis does?"

Mr. Borries responded, "That is correct."

Ms. McClintock said, "Okay, that is where I was confused."

Mr. Hunter said, "If Commissioner Borries is unhappy with this, I'd kind of like to see his ideas on it."

Ms. McClintock said, "Well, we indicated three weeks ago that this was going to be on the agenda this evening -- because I just said this is something we need to move forward with. If we're going to make a change -- I think what Mr. Borries is proposing is to go back to the old system where we have a Highway Superintendent, where we add back another employee to the County budget (an Assistant Superintendent) and that the Assistant Superintendent report directly to the three part time Commissioners as opposed to a full time Public Works Director. Is that now what you are proposing, Commissioner Borries?"

Mr. Borries responded, "that's correct."

Ms. McClintock said, "So it is just down to whether you liked the old way or the new way. We need to make a decision here and move forward."

Mr. Hunter said, "We haven't even given this a year yet to see whether it is going to work or not. If it doesn't, then we can change it."

Ms. McClintock continued, "Okay. I will entertain a motion to take this organizational chart -- working with the various division managers to make sure that their current job descriptions are accurate -- to the Job Study Committee so they can review those for salaries and make appropriate changes, if necessary."

Commissioner Borries asked, "Who is in charge when Mr. Howard, whom you've now listed as Maintenance Services Manager -- a position that I would assume is a leadership position -- a position that is the Superintendent's position -- when he is not there? Who spells him Who is his assistant according to this?"

Ms. McClintock responded, "He does not have an assistant. We eliminated the assistant position because we felt that considering the number of employees out there that five (5) supervisory employees at the garage supervising the number of employees that we had based upon management charts, was more than ample. If Mr. Howard is not there, there are four other foremen that are supervisory individuals that can be placed responsible for the garage. If Mr. Howard has a question under this system, he calls a full time staff person (hopefully, in the next couple of months) familiar with the operations of the garage and engineering practices for a quick answer rather than trying to find two out of three Commissioners who work part time to try to find out an answer."

Mr. Borries countered, "Well, the learning curve of whoever this new person is again for whatever salary here -- which would have to be for less than what the previous Public Works Director was as per County Council's Salary Ordinance and guidelines and the Job Study -- the learning curve there is going to be of considerable nature that when you're looking for answers you're not going to get any quick or instant answers. So I would certainly question that. Well, I repeat my concern -- if you're going to have an organizational chart you need to separate the Highway and the Engineering Departments. They need to be working with each other in conjunction. But that you need to have a person clearly in charge and, again, a person who does just as you say -- reports directly to the Commissioners -- because I have found there are a few things that the residents and citizens of this community demand accountability for and direct relationship is highway and highway services -- and I just don't see at this point that clearly being defined here. Whether or not you say it works or not over a period of time, well -- you've lost an engineer..."

Ms. McClintock interrupted, "Mr. Borries, you have tried to tie Mr. Curtis' leaving to this organizational chart numerous times. If you would like for me to, I would be happy to invite Mr. Curtis back to a public meeting so he can stand here in front of us and tell us..."

Mr. Borries interrupted, "Mr. Curtis is not going to say some of the things that I have told you because, you know, he has to survive too. And I think the man conducted himself professionally and I think was put into a very difficult situation, frankly, with very little guidelines at that point and, again, a tremendous amount of authority working with some people who not only were not qualified but not cooperative in relation to him carrying out his duties as effectively as he should. So whatever he can say publicly or not, I am also entitled to my opinion too -- whether or not I link it with whatever, that is my call. So that is what I am going to continue to say I feel was a major factor in his leaving."

Ms. McClintock said, "His getting a better job probably didn't have anything to do with it."

Mr. Borries continued, "Well, I think that anybody who had the qualifications and age experience that Greg Curtis had could have gotten jobs wherever when you're a Rose Hulman graduate. Frankly, I'm glad we had the opportunity to have him the short time we did. Again, let me get back to the situation that I would strongly urge this Board to consider a Superintendent and an Assistant so we can get on with a very important function of maintaining quality roads and quality highway services for this County."

In speaking to Commissioner Hunter, Ms. McClintock asked, "Are you going to second Mr. Borries' motion to go back to a Superintendent and an Assistant?"

Mr. Hunter responded, "No, I am not."

Ms. McClintock asked, "Would you like to make a motion to forward this to the Job Study Committee?"

Mr. Hunter responded, "Yes. I will move that the present Vanderburgh County Public Works organizational chart (I was under the impression it was adopted several months ago) be sent to the Job Study Committee."

Ms. McClintock said, "I will second and so order."

Mr. Borries asked, "May I have a roll call please?"

Ms. McClintock, "Mr. Borries?"

Mr. Borries, "No."

Ms. McClintock, "Mr. Hunter?"

Mr. Hunter, "I vote Yes."

Ms. McClintock, "And I vote Yes."

RE: COPY CHARGES BY COUNTY DEPARTMENT

Ms. McClintock said it was brought to the Board's attention at last week's meeting that there may be some departments that are not following State Statute in this regard. The Commission has asked Jeff Wilhite to review specifically the copying charges and same can be found in Item #1 of his report. That answers the question about what we should be doing, but whether or not all county departments are familiar with that statute and not following it or not remains to be seen. The other question raised was what practice individual departments might be following in regards to

charging individual tax payers for Notary services when they come into their offices. Prior to gathering this information she wanted to come to the Commission to ask permission for Lou Wittmer to prepare a memo to go out underneath the Commissioners' signatures to request that each department tell the Commission if they charge for copying, how much, and what their procedures currently are regarding Notary services for citizens coming into the office -- so that information can be brought back to the Commission for review and we can make sure we are complying with State Law. And if we want to set some other standard on Notary services we would have an opportunity to do so with the information that Lou will be able to gather. Ms. McClintock then entertained questions. There being none, she said the Commission just wants to make sure we are following the law and see what they are doing with regard to Notary services. She then entertained a motion for Mr. Wittmer to send out aforementioned memo to County Departments and Officeholders.

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

RE: COUNTY HIGHWAY GARAGE/TRAINING OF NEW ASSISTANT SUPERVISOR

The meeting continued with President McClintock directing the group's attention to Item "h" on the Consent Agenda and saying we have started a new Manager at the County Garage. In order to continue for a couple of more weeks for Mr. David Franklin to remain at the Garage to train Mr. Howard, we need permission from the Commission to do that -- because Mr. Franklin is paid at a different rate.

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

RE: COUNTY ATTORNEY - JEFF WILHITE

Attorney Wilhite said the Board has his written report. He would like to discuss Items #2 and #6. Item #2 concerns an inverse condemnation suit that was brought against the County. We are not yet to the stage where we're having to decide what the property is worth to pay, but we are at a stage where it is being discussed. He needs an expert appraiser to assist him in valuing this land. So he needs the Commissioners' approval before he consults with anyone. We don't have to go through public notice, but he is asking the Commissioners' thoughts on spending a few hundred dollars and is suggesting a maximum of \$2,000 to consult with a real estate appraiser on the value of the Lloyd-Rickard land. Hopefully it will just involve reviewing the landowner's appraisal and advising him as to whether or not that appraisal is reasonable.

Ms. McClintock asked if we could make the maximum limit \$1,000, and Mr. Hunter said he, too, would be more comfortable with that amount -- as did Commissioner Borries.

Mr. Wilhite said this is for land on the levee where our road project went through. It is a small piece of land and he is told the appraisal could be complicated because there is no residue involved. The highest and best use is arguably for our project as opposed to a market value. He would stress that he is not so much interested in a full complicated appraisal as he is in reviewing the landowner's numbers and, hopefully, it will be low enough that we can agree for a few hundred dollars. If not, he can come back for something more complicated later.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the Board authorized an amount up to \$1,000 for consulting purposes. So ordered.

With regard to Item #6 -- United Consulting Engineers on the Green River Rd. project has suggested we file a complaint/condemnation

against John and Wanda Koch at 4000 N. Green River Rd. He thinks perhaps the Commissioners were copied with some correspondence between United Consulting and the Kochs. We tried to deal with some of their concerns. Before he proceeds, he needs to know if the Commission wishes him to proceed. We've not done this in past years, but it would assist in litigation whenever we file a complaint for condemnation if -- he doesn't think the Commission has ever signed or adopted a Resolution that says there is a need for this Green River Rd. project. This is one of the hoops he has to jump through in Court. If he approves this, he will bring with it a Resolution that says we need the project -- it is for the public good, etc. It formalizes the Commission's declaration that there is a need for the project.

Commissioner Hunter addressed Mr. Savage and asked if the meeting scheduled at 4:00 p.m. next Monday has any bearing on this issue? Should we put this on the agenda for the third week in April as opposed to doing this tonight? He would suggest we postpone this until the April 20th Commission Meeting.

Ms. McClintock requested that Ms. Farrell put this on the agenda for that time.

RE: COUNTY ENGINEER - DAVE SAVAGE

Acceptance of Rd./Moss Creek Sub: Mr. Savage said his office has inspected the roads and they have been put in according to plan. It is his recommendation that the roads be accepted.

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

Mr. Borries said he is certain Mr. Savage knows to maintain a record of the accepted roads so we can maintain a file to forward to the Indiana Department of Highways and be reimbursed for the mileage.

Contract with Donan Engineering: Mr. Savage said he has a contract with Donan Engineering re remediation at the County Highway Garage. This was discussed at the February 17 or 18th meeting. The contract was signed at that time for \$60,000 for providing the remediation program or plan attack and there was \$12,000 of testing services -- which were done and billed directly through Donan. There is no increased in cost to the County. There was no contract for that at the time, although it was stated it would be coming. It is now here in the amount of \$12,000 and requires signatures. This is for the testing that goes along with the remediation program.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the contract in the amount of \$12,000 was approved and signed. So ordered.

Claims/Union Township Contract: Two claims were submitted for approval. One for rail relocation expenses in accordance with the Utility Agreement with the railroad in the amount of \$24,816.39 and the other is a progress payment for construction to Blankenberger Bros. in the amount of \$60,624.08. He recommends approval of both claims.

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

Mr. Savage then asked if the Commission wants claims under the bond money, even though they are in accordance with an existing contract? Does the Commission want those to stay on the regular agenda, as opposed to the Consent Agenda?

Ms. McClintock said if Mr. Savage is recommending approval he can

put them on the Consent Agenda.

RE: EMPLOYEE ASSISTANCE PROGRAM

President McClintock said Mr. Lou Wittmer has a report on the Employee Assistance Program.

Mr. Wittmer said he has done a little research on the Employee Assistance Program as requested by the Commissioners and has proposals from Southwest Mental Health, St. Mary's Hospital, Deaconess, and our own Drug & Alcohol Deferral Service. They range in prices from \$21,000 to \$5,000 and just about every price in between the two figures. He had some discussions with Bill McAdams at Alcoa and they have an in house EAP. They don't actually run the psychological division; they do administer it in house and they use the Southwest Indiana Mental Health services and like it very much. They think they are very competent and very professional and they've had several years of good relations with this group. The cost for using SIMH is \$6.00 per employee per year. We have 837 employees which would be \$5,022. At this point, that looks like the better of the programs we've been investigating. To use our own Drug & Alcohol Deferral program, he felt there would be a lot of employees who wouldn't use it because perhaps fear of confidentiality or maybe didn't have a drug or alcohol problem so they shouldn't go to drug and alcohol deferral program. He thinks that is probably pretty logical.

Ms. McClintock said she believes the Commissioners all agree that an EAP would be very beneficial to our employees. If we're interested in pursuing this, we need to go to County Council and get funding in place before we would enter into any kind of contract with Southwest Indiana Mental Health -- if that is the provider we wish to go with for the program. She then entertained comments.

Commissioner Borries said he agrees with the report given by Mr. Wittmer.

Ms. McClintock asked if that is a motion to go to County Council for needed funding, and Mr. Borries said it certainly is.

A second was provided by Commissioner Hunter. So ordered.

RE: CONSENT AGENDA

President McClintock entertained questions concerning the Consent Agenda.

Ms. Farrell said she had a typo on Employment Changes with regard to Barbara Klein. She is appointed twice; the second time listed it should be a release.

Mr. Borries queried Ms. McClintock concerning the Addendum for signatures re the Teamsters & Local Union No. 215.

Ms. McClintock said this is for their 1992 salaries approved by County Council at last week's meeting. She doesn't know why, but we have a special Addendum for that.

Auditor Humphrey said this was at his request. This was simply an Addendum to take the two on Board at Burdette Park -- just a matter of an audit trail. They are all on board and that is the correct pay.

With regard going on Council Call for the County Commissioners, is that the request for the Employee Assistance Program?

Ms. McClintock said that is for C.A.P.E. for the SMILE Bus program.

There being no further questions, a motion was entertained to approve the Consent Agenda.

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

RE: OLD BUSINESS

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

RE: NEW BUSINESS

As a follow up on the Digital Weather meeting held a couple of weeks ago with approximately thirteen people in attendance, Mr. Hunter said they sent out follow up letters and had three or four replies from various groups who are interested in a follow-up session on the digital weather -- so another meeting will be scheduled, probably within the next three to four weeks.

Mr. Borries said he noted we received letter from Mr. Angermeier, are we going to take any action on that today.

Ms. McClintock said she asked Mr. Wilhite to attend the meeting and notify Mr. Angermeier so he can be there. She let Evelyn Lannert know this.

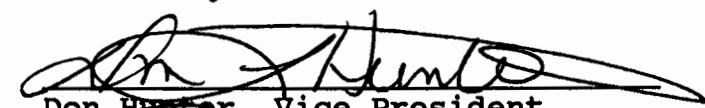
There being no further business to come before the Board, President McClintock declared the meeting recessed at 6:20 p.m.

PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
Richard J. Borries, Member
Jeff Wilhite, County Attorney
Sam Humphrey, County Auditor
Ray Hamner, Sheriff
Robert Getty, Deputy
Doug Daza, Deputy
Jeff Dedman, Deputy
Kenny Tenbarger, Deputy
Sam Preston, Deputy
Dr. Heidingsfelder
Dave Savage, County Engineer
Scott Davis, Engineer's Office
Lou Wittmer, Commission Office
B. J. Farrell, Commission Office
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Carolyn McClintock, President


Don Hunter, Vice President


Richard J. Borries, Member

**MINUTES
COUNTY COMMISSIONERS MEETING
APRIL 20, 1992**

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**MINUTES
COUNTY COMMISSIONERS MEETING
APRIL 20, 1992**

The Vanderburgh County Board of Commissioners met in session at 5:30 p.m. on Monday, April 20, 1992 in the Commissioners Hearing Room with President Carolyn McClintock presiding.

RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

President McClintock called the meeting to order, welcomed the attendees, introduced members of the County Staff and asked the group to stand for the Pledge of Allegiance.

Commissioner McClintock then asked if there are any individuals or groups present this evening who wish to address the Commission that do not find their particular item of interest on this evening's prepared agenda? There was no response.

RE: BUILDING COMMISSION - ROGER LEHMAN

Request for Interim Funding for One Stop Permits: Mr. Lehman said this concerns the remodeling of an area of the Building Commission office to define the area of the One-Stop Permit Center and also to purchase two (2) computers with a single processor for that processing and also one (1) printer for the interconnecting computers for that. The City has approved their portion of the funding and he would like permission to go to County Council to request an appropriation of the funding for the County's share. Total cost is \$11,925, 50% of which would be from the County. Everything is running relatively smooth at this time; they have not been overrun with commercial business. Residential is going out of sight. If it were different, there might be problems -- but right now they're running okay.

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

Emergency Management Agency: Mr. John Buckman, Vice Chairman of Emergency Management Agency Advisory Council, was recognized. Mr. Buckman said he is here to request approval to go to the County Council to request an appropriation to fund a new position in the Emergency Management Agency. Over the last two years this agency has taken a much stronger, more forceful role in emergency planning within this community -- not only natural disasters, which used to be the focus, they've now expanded into hazardous materials and with the hazardous materials incidents on the increase, they have also determined an increased need for additional people within the EMA. They basically have two (2) full time people and these two full time people have accumulated well in excess of 400 hours of overtime just within the last two years. That comes from the number of calls they are getting with the earthquakes of a year ago, as well as the continued planning for the natural and manmade disasters within our community. They feel we owe it to the citizens of Evansville and Vanderburgh County to maintain a highly professional, technically accurate, and advanced emergency management system. With the Commission's support over the past two years as well as in the future, they are reasonably certain this can be done. If they are not able to obtain additional funding the only alternative would be to begin cutting back on the training, education and planning that has brought us this far to date. This request comes from the entire Evansville-Vanderburgh County Emergency Management Agency Advisory Board.

Commissioner Hunter queried Mr. Buckman concerning the qualifications for the position.

Mr. Buckman said they're looking to create an Assistant Director's position. The Assistant Director would take over in the event the Director is out of town or unavailable to help in an emergency. The qualifications would be that the individual be familiar with Emergency Planning. There are certain courses that they take to obtain the education. He doesn't have a job description in front of him -- neither he nor Roger have it with them today. In response to query from Commissioner Hunter as to whether Mr. Buckman is currently the Assistant Director, Mr. Buckman replied he is not -- he is the Vice Chairman of the Emergency Management Agency Advisory Board. They do not currently have an Assistant EMA Director. This is a totally new position. Part of the funding for this new position could possibly come from FEMA, through the earthquake manager program, of which the State of Indiana no longer has one. In some preliminary talks with FEMA they are very receptive to providing some money to the Evansville program. While they discussed the salary today, they really didn't come up with a figure.

Commissioner McClintock noted that \$20,382 is shown in the proposal.

Mr. Lehman said that the current secretary in the office, Jane Snelling, really provides the services of an Assistant Director. In other words, she does everything an Assistant Director does. But the job description through the City Personnel Program has not been changed. She is currently listed as a Secretary IV. What they anticipate doing would be shifting her position to call her the Assistant Director and to hire someone in that would be more of a secretarial-clerical type person that can handle some of the overload of paperwork, reporting that is required, answering the phone, and doing some things to free up Sherman and Jane to do the things they are trained to do. The salary level would probably be moderate secretarial salary in the vicinity of \$12,000 per year. The \$20,000 in the budget -- he provided the breakdown on the back sheet -- it is really a composite for a six months' salary which includes the travel, supplies, etc. for the position. This is an unrecognizable budget, but it is what FEMA requires, and this was preliminarily put together just to determine about how much funding would be required to do this position. This funding would be through September of this year. In other words, it is for a six months budget. An annual budget would be in the vicinity of \$40,000 -- but that includes not only the salary, but the fringe benefits, travel and all that associated with this position.

Ms. McClintock said she thinks we need to decide on the position and decide who is going to be in the position at a later point in time. What EMA is basically asking for today is for six months of funding to initiate the position leaving \$2,500 to \$3,000 in cash from the City and County in actual cash for this six months.

Mr. Lehman said that is correct.

Ms. McClintock said she is assuming they will want 50% of that amount from the County.

Mr. Lehman said the figure is 50%. The \$2,500 to \$3,000 would be from the City and from the County in actual cash. The new person would come in under the secretarial job description that was in place prior to Jane's upgrade. Her salary was upgraded in the middle of last year. Again, she really is performing the duties of a Deputy Director, but she is called an Administrative Assistant. The City calls her a Secretary IV. What they are attempting to do is to bring on a person that is a secretary and elevate the title of the position that is already existing to Deputy Director, which is a salaried position.

Ms. McClintock said what Mr. Lehman wants is three (3) positions, whereas they currently have two (2) employees. Whether or not that person goes to the Assistant Director's position or stays as the secretary and we hire in an Assistant Director (which she thinks should be done competitively in an open market) is a whole separate issue. What they're talking about tonight is giving EMA a new position. No decision is being made as to who goes in those positions. They are requesting up to \$3,000 from the Commission.

Mr. Borries asked if the position is conditional upon their receiving 50% funding from FEMA? No go there, then EMA is not requesting the position.

Mr. Lehman said that is correct.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries approval was given to go on Council Call for funding in the amount of \$3,000 -- so EMA can seek the grant from FEMA. So ordered.

Earthquake Proclamation: Mr. Lehman then submitted a Proclamation declaring April 23 thru April 30 as Earthquake Preparedness Week.

Indiana Geological Survey: Ms. McClintock asked if Mr. Lehman does not want to cover this item tonight.

Mr. Lehman said they had discussed putting this off for a few months.

Ms. McClintock said she will give this request back to B. J. Farrell and she can talk with Mr. Lehman concerning when it might be appropriate to place this on a meeting agenda.

RE: ALEXANDER AMBULANCE SERVICE - SERVICES RENDERED TO COUNTY JAIL

President McClintock said each of the Commissioners should have a copy of a memorandum from Attorney Price concerning this matter. She believes Mr. Mike Klueh of Alexander Ambulance wishes to address the Commission.

Mr. Klueh said, "Thank you very much for the opportunity to address the Commission this evening. As Ms. McClintock indicated, at the Commission meeting in late March or early April there was discussion regarding an ambulance bill that the County Jail received for ambulance transport from the County Jail to Welborn Baptist Hospital. The discussion or criticism -- as you might want to call it -- of the ambulance service and how can it be this high or the rates charged for such a short distance. This is why we wanted the opportunity to come in this evening to discuss this situation and fully explain our position -- if I may proceed.

The first point I would like to make is that the ambulance bill is not going to be based upon distance traveled. It is going to be based upon the services provided. On this particular situation it was an Advanced Life Support run; ALS skills were required for intervention on this patient prior to the transport to Welborn Baptist Hospital Emergency Room, which our paramedic did provide. So even though, yes, it is a short distance -- the services provided were actually an extension of what they would have done in the emergency room in the first few minutes of their treatment there at that facility. When Alexander Ambulance was questioned on the bill, the call came through 911. When a call is placed on 911 it goes into Central Dispatch at that point in time. As you know, it is transferred to the ambulance service if it is a medical call. Being a City 911 call, all the billing is facilitated through the City of Evansville. I might add that the rates the City of Evansville does charge -- they are reasonable and very conservative. They are very fair -- there is no criticism that

could be directed toward the City. That brings me down I guess to what conflict or what criticism is there that I may be able to resolve in the Commissioners' minds regarding the ambulance service provided."

Commissioner Borries said, "Thank you for coming to respond. Mike, in a memo that Mr. Price prepared -- apparently he had talked with you or someone from Alexander. There's a statement in here that he was advised by Alexander Ambulance that neither the City nor the BCounty subsidize any of the services performed by Alexander. Could you explain that a little bit more?"

Mr. Klueh responded, "I'm not sure. You're catching me somewhat at a disadvantage because I am not sure who made that statement. I'd have to say that that statement probably did not come from Alexander's, because as you know we do have a subsidy from the County."

Mr. Borries interrupted, "I do, and that is why..."

Mr. Klueh continued, "And we also ..."

Mr. Borries again interrupted, "This is a memorandum and I'll read it. I don't want to take it out of context. This is to the Vanderburgh County Commissioners from Gary K. Price regarding Ambulance Bill. 'At your request I reviewed a certain bill received by the County for ambulance services rendered to a County Jail inmate. In researching this bill I discussed same with Alexander Ambulance Service. I was informed by Alexander Ambulance that this bill was not theirs, but a bill of the City of Evansville ambulance service. Currently, Alexander Ambulance Service has a contract with the City and the County. Alexander Ambulance Service negotiated a flat rate with the City, but not with the County. I was advised by Alexander Ambulance Service that neither the city nor the County subsidize any of the services provided by Alexander. Regarding this particular bill the facts are as follows:' -- and then he goes on and tells about March 15th, etc. I was not aware -- I mean, I thought we were involved in some kind of subsidy."

Mr. Klueh commented, "Yes, you are -- the County is involved -- but those are on County 911 calls only. That would not involve the County Jail which is within the City Limits of Evansville. They did call City 911; we did respond; and we are bound under contract for the City of Evansville that those run reports are all to be turned over to the City Controller's office for their billing -- and they do pay us a flat fee for the services provided. If we do not provide a service -- by that if we are called to respond and upon arriving at the scene the patient refuses service or the patient has left the scene, we are not reimbursed any for that run."

Mr. Borries asked, "What would you say then, if there is a County subsidy, what does it go for?"

Mr. Klueh responded, "The County subsidy goes for County 911 calls outside the Corporate City Limits of Evansville. If it comes through 911 in the County, a County address whatever the case may be, but outside the Corporate City Limits of Evansville, that is what the subsidy covers. It does not cover runs within the City Limits."

Mr. Borries continued, "And the rate that they said that the City was billed was \$191.00 and then he goes on to talk about the County billing of \$350.80. Now, are you saying that if we had a flat rate negotiated in a future contract that the County would have been billed then ultimately \$191.00 rather than \$350.80?"

Mr. Klueh responded, "No Sir, I am not saying that -- because the \$191.00 was a rate negotiated five (5) years ago. As you will be

reading probably shortly in the paper, we are up for review of our contract this year in 1992. I'm not at this moment in time able to give you what that contracted rate will be -- but we will attempt to negotiate -- so I cannot sit here and make a statement that the \$191.00 will be in lieu of the \$350.80. The \$191.00 also has to take into consideration -- it's a bumbled rate. The rate includes ALS and BLS services and also has to take into consideration things such as bad debt on the runs that we are not getting paid on. So there are a number of factors that go into play in how the \$191.00 was originally derived five or six years ago when the existing city contract was drafted."

Ms. McClintock asked, "Mike, why can't the County have the same kind of situation that the City has?"

Mr. Klueh replied, "Oh, I'm not saying that the County can't -- you know, we would be open to that type of negotiation. I am not at all indicating or implying that the County cannot have a similar type of an agreement."

Mr. Borries asked, "Could you explain a bit again without having to read the whole thing -- there was some aspect that they could not charge the \$191.00 because other clients like Medicare would consider fraudulent for the City to bill the County less than the rate the City would charge Medicare for the same services. So you're saying that the City would have ultimately had to charge Medicare \$350.80?"

Mr. Klueh replied, "The City -- any Medicare provider that will bill for Medicare services has to be very careful and cautious on how they structure their billing. If you bill one Medicare recipient a certain amount, you need to be consistent with that to other Medicare recipients. If you're billing one recipient less than another recipient, then that can be construed in the eyes of Medicare as fraudulent abuse. Therefore, the City could be if that was the case. But to say at this point in time that they had billed their stated rates -- again I will mention that their rates are fair, conservative. I'd also like to introduce Becky Fitzsimmons. Becky is our Chief Financial Officer and she has been dealing with the Medicare issues from day to day and she may be able to give you additional insight with regard to that."

Ms. Fitzsimmons said, "One of the things I want to point out -- when you mention the \$191.00 that we billed to the City and the City pays us, the \$350.80 that was then issued by the City as Mike said, is a very fair and conservative rate. Don't construe this that the City's cost on this particular run is \$191.00, because while the city billed \$350.80 on this run, the next run they may only bill \$130.00. They also may bill the next one for \$350.00 and not collect a dime. So their rates are structured to incorporate not only their costs to us, but also their collection expense on those charges which are difficult to collect; any bad debt expense; any administrative expense and processing. There are a lot of things that affect their rates. So although they only paid us \$191.00 on this run, you cannot construe that the difference between \$350.80 and \$191.00 is their profit, because it is not. As I said, it is very, very conservative. If you compare rates across the State of Indiana or even in the Tri-State, you will find that their rates are very, very conservative. What Mike said, insofar as billing someone differently, we have to be very, very careful -- because what Medicare looks for is any type of unfair discounting. Any discounting the provider gives to anyone must be given to every Medicare patient. If you give a free ambulance ride, then Medicare is going to come in and they are going to question that -- and you have some exposure there with Medicare. We are very, very careful when it comes to Medicare. Medicare is a very large percentage of our service -- those beneficiaries. So as you can see, this is not something we take very lightly. We've done a lot of research -- any contract we're involved with, Medicare is at the foremost,

utmost concern in our minds to make sure we are in compliance. As far as the subsidy that we receive from the County, as Mike said, that does not have anything to do with this run -- because it is in the City Limits. And that is something the County and the city would need to work out."

Mr. Borries asked, "And your contract with the City lasts through calendar year 1992?"

Mr. Klueh responded, "Through September 30, 1992."

Mr. Borries asked, "How does your budget work then through the City? Is it January? Or, in other words, should you sign a new agreement with the City of Evansville in September 1992? Would that become budgeted immediately? In other words, would you begin to receive payments immediately?"

Mr. Klueh said, "Well, yes. I'm not sure but maybe there is some misunderstanding. The \$191.00 we do receive from the City is received based upon services provided. It's not a flat monthly that we're going to get "X" number of dollars. If we do ten runs and we transport, then we'll get 10 runs times the \$191.00. So the \$191.00 rate will be in effect through September 30, 1992. And whatever the new contracted rate will be in effect October 1, 1992."

Mr. Borries said, "Well, that was my question -- because normally the City's budget would operate the same as the County's. You'll have budget hearings that will begin shortly and they go on and on and on -- then you have to set your budget and it then goes to the State and the State Board of Accounts and the State Board of Tax Commissioners and everybody looks at it, and then finally your budget kicks in in January -- because we go from calendar year. We do not operate on a fiscal year basis -- so that is why I was wanting to know. So yours then, I guess the City of Evansville would have to provide some additional monies if you say you're negotiating a new fee that would go into effect as of October. I could foresee that they would not have that money budgeted. That's my point."

Mr. Klueh said, "Again, that is a City of Evansville consideration. That is beyond the scope of what we do and that is for them to decide."

Ms. McClintock entertained further questions. There being none, she entertained a motion.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the bill in the amount of \$350.80 was approved for payment. So ordered.

Mr. Hunter said he also thinks we need to get something worked out with the City so we don't get stung on this twice. He cited the last page of Mr. Price's letter indicating that perhaps we need to negotiate a flat rate similar to that the City has.

Mr. Klueh expressed appreciation to the Commissioners for the opportunity to come to tonight's meeting, and said if the Commissioners have concerns or questions in the future, please do not hesitate to call and Alexander Ambulance will be happy to cooperate one hundred percent.

Ms. McClintock asked if she is to assume that the other two Commissioners wish the County Attorney to look to a similar agreement that the City has.

Commissioner Borries said he thinks the County Attorney needs to understand that we are paying a subsidy. On the first page of his

memo he is incorrect if he is saying he was advised that neither nor the County subsidize any of the services performed by Alexander, because that is the whole point. That is the reason why they were here tonight and that is why we're talking about this whole situation. Mr. Borries said he thinks we definitely need to pursue communications with the City very quickly if this matter is to be decided through their jurisdiction by September 30th.

RE: COLLECTIONS - GLENN DEIG

Ms. McClintock said we've had a problem with Mr. Chuck Phillips regarding an event he had at Burdette Park. Attorney Glenn Deig and his legal assistant, Ms. Cobb, are requesting that we compromise on a settlement of \$52.50 to get this situation resolved. Each of the Commissioners should have a copy of the communication from Mr. Deig's office. There have been several telephone conversations. Mr. Phillips is indicating he lost \$135.00 plus \$48.00 due to problems at the Park and he is willing to pay half the bill which is \$52.50. Judging from the list of complaints she doesn't think that is asking a lot. Ms. McClintock then entertained a motion.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the Board approved settling for the amount of \$52.50. So ordered

RE: SIGECO'S LOAD MANAGEMENT PROGRAM

Commissioner McClintock explained that SIGECO is embarking on the implementation of a Residential Load Management Program beginning in late April 1992. This program called "Peak Performers" is one of the Indiana Utility Regulatory Commission approved Demand Site Management Programs. These programs modify or reduce the overall use of energy while allowing customers to save money and maintain comfort levels. The implementation of our full complement of DSM programs ultimately saves 138 megawatts of capacity -- enough to supply the needs of thousands of additional customers. Utility costs are kept low by delaying the need for new power plants and the air stays cleaner and healthier for ourselves and future generations. Peak Performers will be a pilot project during 1992 targeting customers in the 47715 zip code area east of Evansville and Vanderburgh County. SIGECO plans to install radioactivated load management switches according to the national electric code on 1,000 homes with central cooling systems and 500 electric water heaters between late April and mid-June. Customers will allow SIGECO to safely cycle these appliances for a few minutes each half hour during the times of peak energy demand. The cycling will occur only a few days year, normally during afternoon hours. The program may be expanded in subsequent years. SIGECO is requesting that the Evansville-Vanderburgh County Building Commission establish a reduced fee of \$10.00 per permit with a maximum annual cumulative permit fee of \$5,000 for obtaining the electrical permits for the implementation of our voluntary residential load management program. They reviewed the agreement with Roger Lehman and he is in agreement with establishing modified permitting arrangement for this specific program. All load management switches will be owned and maintained by SIGECO. All switches will be installed under manufacturers' specifications by fully trained Indiana licensed electrical contractor under the direction of a SIGECO Project Manager.

Ms. McClintock said this sounds like a good deal to her and subsequently entertained questions. There being none, a motion to approve was entertained.

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

RE: UPDATE/USI OVERPASS PROJECT

Mr. Tom Bernardin of Bernardin-Lochmueller & Associates said he is present to answer any questions the Commissioners might have with regard to any of the design projects BLA has.

USI Overpass Project: Ms. McClintock entertained questions on the USI Overpass project.

Mr. Hunter asked when the groundbreaking will be.

Mr. Bernardin responded, "I thought that might come up. As far as we're concerned it is right on schedule. We're showing that the bid letting would happen in early 1993. We're showing January and February for the actual bid document processing -- the letting, the advertisement, the reception of the bids and the final awarding of the contract can take one to two months. So then we're looking at actual commencement of the job in either April or May of 1993 as the actual groundbreaking. The right-of-way work is right on schedule. I checked just before I left and we have finished most of the right-of-way engineering work. It will be going to the appraiser for his scoping of the appraisal problem work at the end of this week on most of the parcels. We're scheduled for July and think actually it will be in June to commence our formal appraising and buying work. According to this schedule here, we're running about a month ahead of time with the right-of-way activities."

Ms. McClintock said this is good news.

Ohio Street Bridge: With regard to this project Mr. Bernardin said, "We submitted the first submittal to the State -- the hydraulic review -- on March 23rd. We've not yet heard back from them on this. We have gone ahead and proceeded with the drilling work for the Phase II audit. The drilling work, as I understand it, was being concluded today or tomorrow. The laboratory work will then be done within the next two week period to determine whether they've encountered any hazardous materials."

Mr. Hunter asked how quickly we'll know that.

Mr. Bernardin said they will have a report within a couple to three weeks on the hazardous materials. That will tell a lot as to whether we have to do more work in terms of remedial measures and planning and hazardous waste.

"As we had shown, the actual construction in 1994 -- and I think if we look at the schedule a great deal of that is review time at the State. I would say that the effort needs to be put on culling that review time with the State. I don't think as far as the actual time it is in our shop and working is a problem at all. If you look at the chart we have that is in the minority time wise. We are saving a little time up front. Initially I had shown that linearly we would do the report to the State and then wait to hear back to make sure they didn't change the bridge location and then proceed with the drilling work. But we felt we could go ahead and proceed with the drilling work -- that normally the State does not ask you to move the location of the bridge from where you've designed to lay it out. As I understand, the drilling for the hazardous waste is not -- you pick some selections generally where you think you may encounter problems -- so it is not as specific as the geotechnical drilling work for design. We have to know exactly where that pier is going to go and drill down so you can design your pile and all of that. I think we're saving a couple of months here from what we are showing on the schedule. And we're well aware that the focus needs to be on putting pressure on the State to cull these review times down. With that in mind I don't have a real good answer for you as to an exact date for construction at this point -- other than we're strongly targeting to make it sooner than what is showing on the schedule, which was early 1994 for completion of the plans.

President McClintock entertained further questions.

Commissioner Hunter said, "Assuming for a second that the audit is the worst scenario. Will the State, in turn, bill you for what they want you to do in terms of remediation? Or will you have to put together some sort of plan to submit to them?"

Mr. Bernardin responded, "My understanding is that -- and I'm not an expert in this area -- this is something that the County must do to protect themselves from liability and Jeff may know more about this. But my understanding is that you're not really trying to answer to any particular State agency in terms of the environmental has formally been approved -- and what we are trying to do here is protect the County and limit your liability. So what you need to do is satisfy yourselves. As far as how we interact with the State agencies and pleasing them, I think there will be some interaction, but there is no formal approval where they have to stamp it and say 'this is to our satisfaction'. I've asked

Dr. Servone and Dave Isley numerous times for a clarification on this. In some respects it is somewhat new ground, you know, with this law and all of that. Maybe Jeff can shed some light on that."

Attorney Wilhite said, "I concur that environmental audits in any type of real estate work or transactions while it is new it is becoming quite common and ordinary now for the liability for the reasons now discussed."

Mr. Bernardin continued, "So if we do encounter it, the remediation has to satisfy the County that they're well idemnified against any future liabilities. So we're keeping our fingers crossed that nothing is encountered but old concrete and a few bricks."

Ms. McClintock asked if Attorney Wilhite wants to continue.

RE: RESOLUTION ADOPTING THE ATTACHED REQUEST FOR PROPOSALS
CONCERNING BOCKELMAN SCHOOL NO. 3

Attorney Wilhite said the Commissioners have in front of them a copy of a separate Resolution adopting the attached Request for Proposals concerning Bockelman School No. 3. "As Tom just mentioned, we're getting into the right-of-way acquisition phase and whether it is through negotiation or a Court condemnation proceeding this Resolution and Request for Proposals says that when we obtain ownership of it we're offering to anybody the opportunity to let us know if they're interested in Bockelman School No. 3. The unique to this Resolution that I would direct your attention to would be actually on the Request for Proposals -- Items #1, 2, 3, and 4. Those are the variables that this Resolution and Request says that you will consider. Primarily, #1 -- and they are treated in this order from importance if you agree to pass this Resolution tonight -- #1 says that primarily your consideration on who to transfer the school to once we obtain ownership of it will be to someone who will arrange for it to be generally accessible to the public and it will be moved in accordance with certain historic buildings guidelines that the State historic people have made us comply with. Secondly, you will see that anybody who rehabs the building has to do it in accordance with certain guidelines. The third concern is the liability insurance. And fourth, of course, is there is any money offered to us for the transfer. I just wanted to point that out because those are items that certainly aren't standard in a Request for Proposals. This is a rather uniquely drafted request and before you voted to adopt it I wanted to remind you that those are the four things that my office put in and I think it is reasonable. I don't think it is really controversial, but I want to point out that by approving the Resolution tonight those are the variables in that order that you will consider to anyone who requests the school be transferred to them. And if you pass this Resolution tonight, you need to fill in a date and time on the Request for Proposals. Anyone who wants to

respond will have to do a fair amount of work in preparing for it, so I would suggest nothing too soon -- within 30 days probably."

Mr. Borries asked if Mr. Bernardin has seen this?

Mr. Bernardin said he suspects this ties in to satisfying this Memorandum of Agreement with the State. I'm sure Dave was handling that area. I spoke with Dave just before I left and he feels we're in very good shape at this point. This final memorandum is in order and it's just a matter of getting the signatures now from the State. They are happy with it. Once we get that back we can submit the final Addendum for the environmental, the 106 and 4F statements to go off to the Federal Highway and it should all clear nicely. I do not see that in the critical path time wise in terms of getting it to letting.

Ms. McClintock entertained further questions of Mr. Bernardin. There were none.

President McClintock then entertained questions of Mr. Wilhite with regard to the proposed Resolution or Request for proposals. There being none a motion was entertained.

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

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the Request for Proposals was approved, with due date established as Monday, June 1, 1992 by no later than 5:00 p.m. So ordered. (In response to query from Commissioner McClintock, Attorney Wilhite advised this needs to be advertised twice.)

RE: PETITION TO VACATE TWO PUBLIC UTILITY EASEMENTS ON CLARENDON DRIVE

Ms. McClintock said the next item of business on the agenda is the subject matter. She said these were filed with Joanne Matthews in the Auditor's Office and she has no idea what this is for and does not feel she can vote on it until somebody is present to explain what they're doing.

Ms. Matthews said the Petition was filed and she talked with Mr. Phil Heston last Thursday and he was informed the Petition had been placed on today's agenda and indicated he would be present to answer any questions the Commissioners might have prior to the Board's setting a hearing date.

In response to query from Commissioner McClintock, Attorney Wilhite said he wouldn't vote on it until he knows more about it.

Ms. McClintock advised B. J. Farrell that she would put the petition back in her packet, so she can call them and ask them to have representation at the next Commission meeting.

RE: COUNTY CORONER/REQUEST FOR LEGAL REPRESENTATION

President McClintock said the Coroner is seeking legal representation in a suit filed by the Evansville Courier Company against the Coroner and his office re the Gibson autopsy matter. Mr. Althaus has provided each of the Commissioners with a copy of the suit. He cannot be represented by either of the firms that represent Vanderburgh County, because both of those firms also represent the Evansville Courier Company. Therefore, we have to hire another attorney to represent Mr. Althaus. She is assuming we'd want to do that at the same rate that is currently being paid other County Attorneys (\$70.00 per hour). She then asked for suggestions or a motion.

Commissioner Borries moved that the firm of Bowers, Harrison, Kent & Miller be employed on an hourly basis to enter into defense for the County Coroner.

Mr. Hunter asked, "They don't have any attachments to any of this?"

Ms. McClintock stated, "I don't think so."

Second to the motion was made by Commissioner Hunter. So ordered.

RE: APPOINTMENT - BOARD OF ZONING APPEALS

Ms. McClintock said Mr. Byron Warren resigned from the Board of Zoning Appeals, since he is running for State Representative. She would like to place the name of Jeff Hatfield, a local real estate developer, for nomination to replace Mr. Warren. That term expires December, 1992.

Upon motion made by Mr. Hunter and seconded by Commissioner Borries, Mr. Hatfield was appointed to serve on the Board of Zoning Appeals. So ordered.

RE: COUNTY ATTORNEY - JEFF WILHITE

Leasing of Property at 4723 Green River Court: Attorney Wilhite said the only item not discussed yet which was not in his report concerns leasing of the property at 4723 Green River Court. This was the house Koester Equipment had asked to use as a Field Office. He had advised the Commission that we needed to get proposals on that publicly before we gave it to Koester. We advertised an RFP requiring that the proposal be submitted with \$300 and certain other conditions. He has attached to his written report what we got from Koester Equipment Co. dated April 5, 1992. It says, "We propose to rent the house at 4723 Green River Court for \$200 per month." This is the only proposal we received at all and, frankly, it is not responsive at all to the Request for Proposals. He thinks everyone assumes that Koester needs it and should get it -- no one else wants it. But technically under the Request for Proposals statute they just are not responsive at all and he doesn't think we can go to them and discuss changing it under the statute. Therefore, he doesn't think we can accept that proposal or any others. In his mind we have to reject it as it is and there is nothing wrong with issuing another Request for Proposals at this time and making sure Koester or anyone else who wants it complies with the Request for Proposals.

Ms. McClintock entertained a motion to reject the proposal from Koester Equipment.

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

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the Board authorized advertising another Request for Proposals with regard to the property at 4723 Green River Court. So ordered. (Ad will be published on Friday, April 24th, and Friday, May 1, with proposals due on Monday, May 11, 1992.)

RE: COUNTY ENGINEER - DAVE SAVAGE

Utility Easement Request from Indiana Bell: Mr. Savage explained that this is on the property that the County purchased on Kansas Rd. east of the Interstate as part of the abandonment of Kansas Rd. Indiana Bell needs the utility agreement; it would hook up with an existing easement that the County has already given and he would recommend approval.

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

Change to State-County Agreement for Columbia-Delaware Bridge Rehabilitation Project: Mr. Savage said that in January the Commissioners signed this agreement. There was a new estimate coming out, so he held on to it so the agreement could reflect the revised estimated cost. The local share has been increased by \$32,200, and a total increase of \$161,000 to the project. It is an 80%-20% match. He would recommend approval. It will require the Commissioners' initials where old figures were scratched and the correct information inserted.

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

Mr. Borries asked when this will start.

Mr. Savage said the letting is scheduled for next month. Assuming another month for an award and some miscellaneous things they have to go through if they do get good bids, it could start in late spring or early summer.

Railroad Agreement for Columbia-Delaware Bridge Rehabilitation Project: Mr. Savage said this agreement is for the same project. The railroad has the right-of-way underneath that bridge, so we have to reimburse them for the work they incur due to the project and this \$4,851.00 is included in that previous adjustment. He would recommend approval of the agreement with the railroad.

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

Extra Work Agreement/Green River Rd. Project: Mr. Savage submitted an Extra Work Agreement in the amount of \$5,160.00. It's for a traffic signal control cabinet that was specified in the wrong size on the plans and that correction cost \$100, plus an additional manhole was needed. He would recommend approval of this agreement at that time.

Ms. McClintock commented that those manholes are really expensive.

Mr. Savage said it is a big one -- for 42 inch pipe.

Ms. McClintock entertained motion to approve the manhole and control cabinet.

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

Mr. Savage said that as the Commissioners are probably aware, we've had a number of foremen from the County Highway Garage absent recently and there is one road foreman on sick leave which may continue for an indefinite period. We're getting into the busy season and he is requesting permission to seek a temporary replacement for that position.

Ms. McClintock said the Commission will have to go on Council Call to get the money transferred, so the money will be available. Last week one foreman was out sick and they have no idea when Mr. Hayden will be back. Mr. Higgs' daughter is terminally ill in Indianapolis and we have no idea when he will be back. There is one foreman on vacation, which was granted long before we knew everything else was going to happen. That left us with one (1) foreman and one garage superintendent. So we are prepared in the future, if we do need to place somebody out there through the summer is why this request is being made.

Motion to approve was made by Commissioner Hunter, with a second

from Commissioner Borries. So ordered.

County Line Rd.: Mr. Savage said the end of County Line Rd. in Vanderburgh County is in the process of being paved under last year's paving contract and they are currently doing ditch work. It is going to require the relocation of two (2) utility poles, which are on an easement outside the right-of-way -- which means we need to reimburse the utility to do that. It clearly needs to be done. If the Commissioners want things of this nature brought to them, then he would like to get their approval. The cost will be \$2,076 to replace the poles.

Ms. McClintock said the Commission does like to know.

Motion to approve the relocation of the poles at a cost of \$2,076 was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

Interviews/Public Works Director: Ms. McClintock reminded Mr. Savage that he was going to provide the Commissioners with names of individuals to be interviewed.

Mr. Savage said he has those applications to leave in the Commission Office. There were twelve (12) applicants in total and he has recommendations for five (5) -- which the Commission may want to increase or decrease.

Ms. McClintock requested that he give those to B. J. Farrell so interviews can be scheduled. If each of the Commissioners could get to the Commission Office this week and thoroughly review the applications, then B. J. could set up the interviews. If they are out of town, then perhaps some telephone screening could be done. Mr. Savage commented that probably four or five are within driveable distances.

RE: LEGAL AID

With regard to Item #3 under Item #6, Sue Hartig has requested that this matter be deferred to May 4th.

RE: CONSENT AGENDA

Burdette Park/Visa Card Application: Commissioner McClintock said the use of Visa Cards at Burdette Park has already been approved, but the paperwork is now submitted for signatures.

Council Call/Insurance Consultant: Commissioner Borries questioned the \$12,000 for Insurance Consultant under Council Call for Commissioners.

Ms. Farrell said that this is for Mr. Norris Robinson. Per Councilman Taylor, she has to ask for appropriations for the whole year (rather than from just now until the end of the year) and then transfer money back into the account so we can pay him for this year.

There being no further questions concerning the Consent Agenda, Ms. McClintock entertained a motion to approve same.

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

RE: OLD BUSINESS

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

RE: NEW BUSINESS

COMMISSIONERS MEETING
April 20, 1992

14

Commissioner McClintock entertained matters of New Business to come before the Board. There were none.

There being no further business to be brought before the Board at this time, Commissioner McClintock declared the meeting recessed at 6:45 p.m.

PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
Richard J. Borries, Member
Jeff Wilhite, County Attorney
Sam Humphrey, County Auditor
Dave Savage, County Engineer
Lou Wittmer, Commission office
B. J. Farrell, Commission office
Roger Lehman, Building Commissioner
Taylor Payne (Candidate)
Pam Martin, Chamber of Commerce
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Carolyn McClintock, President


Don Hunter, Vice President

Richard J. Borries, Member

**MINUTES
COUNTY COMMISSIONERS MEETING
APRIL 27, 1992**

I N D E X

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County Dress Code	2
Petition to Vacate Drainage & Public Utility Easements in Burch Industrial Center - Jack Schroeder	2
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**MINUTES
COMMISSIONERS MEETING
APRIL 27, 1992**

The Vanderburgh County Board of Commissioners met in session at 5:30 p.m. on Monday, April 27, 1992 in the Commissioners Hearing Room with President Carolyn McClintock presiding. Commissioner Borries was absent.

RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

President McClintock called the meeting to order. She noted that Commissioner Hunter called and will be late, but she will proceed with the meeting at this time with items requiring no vote. She then welcomed the attendees, introduced members of the County Staff, and asked the group to stand for the Pledge of Allegiance.

She then asked if there are individuals or groups present who do not find their particular item of interest on today's agenda.

RE: STEVE STOCKER

Mr. Steve Stocker of 3606 Hogue Rd. said that he previously appeared before the Board with a request concerning an alley in Tekoppel Subdivision. It is in the 3600 block of West Franklin and runs north and south and deadends into a private alley. The alley has never been constructed in accordance with County specifications and thus has never been accepted by the County for maintenance. He requests information concerning improvements to this alley to meet County specs so it can subsequently be accepted by the County for maintenance.

Mr. Stocker was also interested in verifying that the aforementioned private alley is indeed a private alley. The Commissioners had asked him to submit information to Attorney Wilhite so he could check this out. Attorney Wilhite subsequently provided a letter verifying that the alley is indeed a private alley.

With regard to the alley in Tekoppel Sub which runs north and south and deadends into the subject private alley, Mr. Scott Davis of the County Engineer's office is to provide information, including specs, etc., to bring the alley up to County standards prior to requesting that the alley be accepted for County maintenance.

RE: BILLING OF SERVICES PROVIDED BY
ALEXANDER AMBULANCE COMPANY

Ms. Joanne Matthews, Secretary, noted that she has a statement from Commissioner Rick Borries with regard to the services provided by Alexander Ambulance Service which he asked be read into the record at today's meeting. With the Board's permission she will do so at this time. Permission having been granted, she proceeded to read the statement. (Copy attached hereto as part of the formal minutes.)

Commissioner McClintock stated she met with representatives of Alexander Ambulance Service on Thursday, April 23rd, concerning a joint contract and they hope to have something to submit to the Board for consideration by the middle of May.

RE: PETITION TO VACATE TWO PUBLIC UTILITY EASEMENTS
ON CLARENDON DRIVE (GREEN RIVER ESTATES) - PHIL HESTON

Mr. Phil Heston, the Petitioner, submitted the Petition to the Board, noting that the file also contains letters from the Water &

Sewer Department, Indiana Bell, United Artists Cable T-V, and SIGECO indicating they have no objections to the vacation of these easements.

Ms. McClintock stated this is the First Reading, and entertained a motion.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock the request was approved on First Reading.

Ms. McClintock advised the Second and Third Readings will be held at the next meeting (May 4, 1992).

(Subsequent to the Commission Meeting, it was determined that Mr. Heston will need to re-file the Petition due to the 30 day statutory limitation re such matters, the necessary legal advertisement, etc. The re-filed Petition will be scheduled for First Reading on Monday, May 4th, at which time the Commissioners will be asked to schedule the Hearing on Monday, May 18, 1992.)

RE: COUNTY DRESS CODE

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the Board of Commissioners approved a County Dress Code. (Copy attached hereto as part of the formal minutes.)

RE: PETITION TO VACATE DRAINAGE AND PUBLIC UTILITY EASEMENTS IN BURCH INDUSTRIAL CENTER - JACK SCHROEDER

Mr. Jack Schroeder, representing Wabash Plastics, submitted the above-mentioned Petition and requested that the Commissioners schedule a hearing regarding this matter at 5:30 p.m. on Monday, May 18, 1992. (He will advertise the hearing.)

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock the hearing was scheduled, as requested. So ordered.

RE: VOTING PLACE/PRIMARY ELECTION FOR WARD 6, PRECINCT 2 MOVED BACK TO FULTON SQUARE COMMUNITY CENTER

President McClintock noted that originally the voting place for Ward 6, Precinct 2 was the Fulton Square Community Center. It was subsequently changed to the Salvation Army and so advertised. The change was made due to reported problems with late openings of the polling place by a custodian in the Primary and General Elections in 1991. In response to concerns expressed because of this change subsequent conversations with the proper individuals in charge of the Fulton Square Community Center now offer assurance that the same problems will not be experienced on May 5th. Thus, the Board needs to go ahead and pass a motion to move the polling place back to the Fulton Square Recreation Center. This will have to be advertised in accordance with proper procedures.

Prior to the meeting, County Treasurer Pat Tuley had submitted a statement in behalf of Commissioner Borries, which Mr. Borries had requested be read and made a part of the formal record of today's meeting. (Copy of statement attached hereto.)

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the voting place for Ward 6, Precinct 2 will be moved back to the Fulton Square Community Center, since it is a public place located in the precinct and we have been assured it will be open at the proper time on Election Day. So ordered.

RE: COUNTY ATTORNEY - GARY PRICE

Attorney Price said he has submitted their written report and he does not believe there are any action items on the report.

Addendum to Norris Robinson's Employment Agreement: Ms. McClintock asked Mr. Price if he knows when we will be getting the addendum to Mr. Norris Robinson's agreement. That will need to come to a Commission meeting.

Attorney Price said he can have it for the next meeting (May 4th).

RE: COUNTY ENGINEER - DAVE SAVAGE

Road Cut Permit from BFI Mr. Savage said he has the subject permit. It is to install forced main inside the right-of-way on Wimberg Rd. He then proceeded to show the layout to the two Commissioners. He said this will be maintained as a private forced main and he recommends approval of the permit.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock the permit for the road cut was approved. So ordered.

Request for Vacation/Clarendon Drive/Green River Estates: Mr. Save said this matter has already been taken care of.

Request for Proposals/Construction Engineering on Lynch Rd/Phase I: Mr. Savage said he has prepared this RFP for Construction Engineering. This is scheduled for bid letting in November 1992 and in order to meet all the mileposts for approval we need to receive those proposals soon. He's asked for the proposals to be received May 18th and he needs approval to advertise.

Motion to approve the RFP and advertise same was made by Commissioner Hunter, with a second from Commissioner McClintock. So ordered.

Claim/Dave Savage: Ms. McClintock said that while Mr. Savage is here she wants to note for the record that the Board received a claim to Mr. Savage for his services from March 2nd thru April 24th (which she figured out according to our agreement could have been 80 hours and Mr. Savage billed the County for 69 hours.

Mr. Savage said it has been a lot heavier during the last month -- this right-of-way stuff on Green River Rd. is eating up quite a bit of time. If that continues we could have a problem with the 10 hours ceiling. He assumes the Commissioners want him to go ahead and take care of this.

Ms. McClintock said he is about 11 hours ahead right now.

Mr. Hunter said, "For the record I want to thank you for what you have been doing, because I know you're working beyond what you originally anticipated."

Mr. Savage said, "Well, I appreciate the opportunity to work with you."

RE: SUPT. OF COUNTY BUILDINGS -LOU WITTMER

Copying Charges: Mr. Wittmer said he worked up information re copying charges throughout the County, as well as Notary Fees. He did not, however, make any recommendation as to what to do to get them all in line -- which he assumes is what the Commission is anxious to do. As can be seen from the information provided, these charges vary quite a bit from No Charge to \$1.00 to \$2.00, etc.

Ms. McClintock asked if Mr. Wittmer provided Auditor Humphrey with a copy. (A copy was then handed to Mr. Humphrey.)

President McClintock said she just had an opportunity to look at this prior to walking into today's meeting. We don't want to give the impression that we want to start charging individuals who are doing business with the County for either copying or getting their documents notarized. However, we've had an increasing number of requests -- particularly in the Commissioners and County Council offices by members of the media and by political candidates for public record information, which we are happy to provide. But we feel there should be some kind of fair and reasonable charge for providing that information. She suggested to Mr. Wittmer that he take the information he has gathered and come up with a recommendation for next week's meeting. It doesn't seem that we have the problem with the Notary Fees that had been indicated to the Board in a meeting.

Mr. Wittmer said he will do some research on the actual cost and plug into this recommendation as to what we should charge.

Ms. McClintock continued, "And, maybe whom. I mean I think maybe our problem is we've had, for example, one Commissioner candidate that wanted copies of all the Commission minutes from last year. Well, you're talking about somebody taking an awful lot of time and money to do that. So it sort of gets down to what is reasonable. I mean, I don't mind making anybody a couple of copies, but..."

Auditor Humphrey interrupted, "For the record, I think the charge you were referring to on Notary Fees that was either \$5.00 by my office -- I believe that is what was said. We've ~~never~~ charged \$5.00 for any Notary Fee and we've never..."

Ms. McClintock interrupted, "Now I didn't say that, Sam."

Mr. Humphrey responded, "I understand that. I think I'm referring to the time it was brought up. I'm not suggesting you did."

Ms. McClintock countered, "Right."

Auditor Humphrey continued, "And for the record we never charged \$5.00 and we never notarize a bid proposal ever. Period. End of it."

Ms. McClintock asked, "Sam, just out of curiosity, for your copying charges (12 cents to 50 cents) do you charge everybody that comes in and sometimes it is 12 cents and sometimes it is 50 cents?"

Mr. Humphrey said, "It depends. Certified copies are 50 cents and 12 cents is like a normal copy. What we charge is taken directly from the State Board of Accounts list of charges allowed. Here is the list. The maximum charge for Notary Fees is \$2.00 for each notarial act. (I.C. 33-16-71). IC-36-2-7-11 covers fees by County officer other than County Clerk or Recorder. So, it's 50 cents for each certificate under seal; 35 cents per page for preparing or proofing a submitted copy of a transcript (and tells how you handle it), etc."

Ms. McClintock, "And the money is all to be deposited into the General Fund?"

Auditor Humphrey confirmed that this is correct. (He also noted there is no charge for any official County Department document needed.)

RE: 1993 BUDGET PACKETS

President McClintock asked if Auditor Humphrey has sent out the budget packets?

Auditor Humphrey said he believes those went out today.

Ms. McClintock said this is her understanding. She then asked if Auditor Humphrey remembers when those were due back to the Auditor.

Auditor Humphrey said they are due back June 1st. They'd like to have them back by May 1st -- but they know they are not going to get them.! He does have one back already, however.

Ms. McClintock said it is her understanding from the State Statute that the Commission is supposed to receive and review and vote on those budgets before they go to County Council -- not officeholder budgets, but all the budgets that are under the supervision of the County Commission. She wants Lou to send a memo out to those departments and ask that those be due by May 15th, then have them to the Auditor's office by June 1st. This would give the Commission enough time to review the budgets and vote on them.

Mr. Humphrey said this would be fine.

Ms. McClintock entertained a motion authorizing Mr. Wittmer to send the subject memo out to the various departments, requesting that they have them returned by May 15th.

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

RE: BURDETTE PARK - MARK TULEY

Mr. Tuley noted that Mr. Bob Schucker was supposed to be here today -- and he's assuming he got held up for some reason. He is the owner of his own company.

Recommendations from Burdette Park Advisory Board re Aquatics Fees and Operating Recommendations for 1992: Mr. Tuley proceeded to go over this list with the Board. (Copy attached hereto as part of the formal record. The user fees reflects a 50 cent increase in the General Admission. The slide fee will be left the same. During discussions, there was a unanimous decision that once the County goes on and finishes the improvements reflected in the 5-year Master Plan, they felt at that time it would be easier for the public to swallow the one price fee and it would be justified when they walked in and could see all the new improvements. They felt the time to do that was either in 1990 (when the attractions were put in) or in the future with future attractions.

Motion to accept the user fees as recommended by the Burdette Park Advisory Board was made by Commissioner Hunter, with a second from Commissioner McClintock. So ordered.

Pool Hours/Burger King Promotion: The Board recommends staying open until 10:00 p.m. on Fridays (previously hours were from 10:00 a.m. - 6:00 p.m.)

which will probably start the second week of June when school is out. The cost for swimming and the water slide after 3:30 p.m. would be \$3.50 per person. This will be advertised as a Family Night. We're doing a promotion with Burger King, wherein you can get a coupon allowing you to come in on Fridays with that coupon for \$2.50 after 3:30 p.m. The Board felt that would be very inexpensive entertainment for the citizens of Vanderburgh County.

Motion to extend the pool hours on Friday evening until 10:00 p.m. and charge \$3.50 per person after 3:30 p.m. or \$2.50 per person with the Burger King coupon was made by Commissioner Hunter, with a second from Commissioner McClintock. So ordered.

Season Pass/Admission Only: The Board recommends an Adult Season Pass for \$49.95 (age 12 and over) and children's season pass would be \$39.95 (age thru 11). Season Pass would be good Monday thru

Friday all summer long. (If they want to use the water slides, they would pay the \$3.25 additional charge.)

Motion to approve the Season Passes, as recommended, was made by Commissioner Hunter, with a second from Commissioner McClintock. So ordered.

Group Rates: A motion was made to discount the Admission Price of \$1.00 for an organized group of fifteen (15) or more.

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

Security: Commissioner Hunter asked if Mr. Tuley anticipates a security problem or a lot of additional costs by keeping the pool open until 10:00 p.m. on Friday nights?

Mr. Tuley said the way they are going to advertise and market this is for the "family". They usually have two (2) deputies working on Friday nights during the summer and they do not at this time plan to hire any additional security. They will handle this with Burdette staff employees and the two deputies. If it becomes a problem or this promotional item doesn't work, then he'd like to be able to come back to this Board and say this isn't going to work. They've had a lot of letters requesting a family night over the years -- and he thinks it will go over well. One of the Radio Stations is willing to promote this and they are trying to get one of the T-V. stations to co-promote it. If we promote it right, he thinks it will do well.

Ms. McClintock said she thinks the Family Night sounds like a good idea. Would it be possible to close out the registers at 3:30 p.m. and open them back up and keep that as a separate revenue stream -- for comparison purposes.

Mr. Tuley said they won't have to do that. The registers are already set up to monitor by the hour. The Advisory Board wanted to do this, too. This is why he wanted to wait until the weather gets a little warmer, etc. They will probably close the Family Night down around August 1st -- when the nights start cooling down a bit. He will report back to the Board re the Family Night on a monthly basis. They've found that the private pool party nights are beneficial to the park and he believes the Family Night will.

The Advisory Board wanted to offset some of the minimum wage increase and this prompted the General Admission increase. At the same time, they also wanted to offer families a day that they could come out to Burdette at a very reasonable rate. (Two people going to a movie would cost more than a family of four coming out to Burdette to swim and slide and have the slide included -- and he thinks that is very fair.)

The Commissioners asked Mr. Tuley to express their thanks to the Advisory Board.

Opening/Gift Shop: Mr. Tuley said the Gift Shop and the Main Office are coming along very well and it looks like the target date for opening will be May 9th. The Commissioners are invited to come out and look at same; he believes they will be very impressed. It looks like a surf shop you might see in some tourist location.

RE: CONSENT AGENDA

Sam's Wholesale Club: Ms. McClintock said Mr. Wittmer has worked up an opportunity for County employees to join Sam's Wholesale Club. (Copy attached hereto as part of the minutes).

Auditorium/Surplus Property: It was noted by Ms. McClintock that she will go ahead and declare the list of items from the Auditorium as surplus, but other departments should have an opportunity to see this list before we sell the items at auction. For example, the Auditorium has a calculator, typewriter -- items that might be of use to a County employee. Also, she doesn't know what type of equipment is at the County Garage, but from previous discussions it is probably awful -- but there might be something of value there to somebody.

Glenn Deig: Ms. McClintock said that she wants reflected in the record the letter from Attorney Glenn Deig with regard to collections. As some may recall, the County changed the way they have done collections in the County -- because we really did not have a good idea of what was happening with expenses versus revenues. She is happy to report that through approximately the first year of the new system we have collected \$13,122.94 versus paying out \$14,550.00. Although that still represents a loss at this point, we have the records indicating that the majority of the cases originally assigned to Glenn Deig were several years old and uncollectible and we had to pay the same flat rate for each of those -- because we didn't have a real grasp of where we were. If anyone would like to see all of that she will give the information to Joanne Matthews to include in the record. They anticipate that by the end of the summer we will be ahead of revenues to expenses -- so that program is working.

Travel/Education: It was noted there is an addition to the Travel/Education requests. Auditor Sam Humphrey is now on the Association of Indiana Counties Board of Directors (Congratulations, Sam!) and he is requesting travel for Board Meetings on May 15, June 10, August 11, September 13-15 for the Annual Conference, and December 9.

There being no further changes or additions, upon motion made by Commissioner Hunter and seconded by Commissioner McClintock the Consent Agenda was approved. So ordered.

RE: OLD BUSINESS

Interviews/County Engineer Candidates: President McClintock reported that B. J. Farrell has set up interviews with five (5) County Engineer Candidates for this coming Thursday afternoon from 1:00 p.m. to 4:00 p.m. She asked B. J. to let Rick Borries know. The Commissioners can't interview the candidates together -- they have to do it separately.

Ms. McClintock entertained other matters of old business to come before the Board. There were none.

RE: NEW BUSINESS

President McClintock then entertained matters of new business to come before the Board.

Apology from Commissioner Hunter: Commissioner Hunter said he first would like to apologize for being ten (10) minutes late in arriving at today's meeting. Normally he doesn't like to start meetings late. However, he thinks everybody in the meeting room is acquainted with the name "House of Como" and George Hage and he was invited to go to the "House of Como" and there were probably 150 people there to say hello and goodbye to George, because he has been one of the outstanding food establishments in this community for a long, long time. Quite frankly, it was worth being ten minutes late to see the look on George's face when he walked in out of his kitchen and saw the people. Again, he apologizes for being late -- but it was a good late.

Absence from Meeting: Secondly, Commissioner Hunter said he will

not be present for next week's meeting. He has been invited by the State to serve on the Board of Examiners to evaluate a teacher training program at a small college in the northern part of Indiana -- so he will be up there most of next week. He apologizes for missing the Commission meeting -- but he is also looking forward to the opportunity offered by the State to serve on the Board of Examiners.

There being no further business to come before the Board at this time, President McClintock declared the meeting recessed at 6:27 p.m. with an announcement that the Drainage Board will convene immediately.

PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
Sam Humphrey, County Auditor
Gary Price, County Attorney
Pat Tuley, County Treasurer
David Savage, Acting County Engineer
Scott Davis, County Engineer's Office
Steve Stocker
Phil Heston
Jack Schroeder, Attorney
John Schroeder, Wabash Plastics
Lou Wittmer, Commission Office
Mark Tuley, Manager/Burdette Park
Others (Unidentified)
News Media

ABSENT: Richard J. Borries

SECRETARY: Joanne A. Matthews


Carolyn McClintock, President


Don Hunter, Vice President

DATE: April 27, 1992
STATEMENT FROM: Richard J. "Rick" Borries
RE: CHANGE IN VOTING LOCATION
FOR WARD 6 PRECINCT 2

(TO BE READ INTO THE RECORD AT COMMISSION MEETING
OF APRIL 27, 1992 BY PAT TULEY)

* * * * *

I have been contacted by several persons regarding the change of the precinct location in Ward 6 Precinct 2 from the **Fulton Square Community Center** to the **Salvation Army Building** located in Ward 6 Precinct 3. When I called Mrs. B. J. Farrell on Wednesday, April 22, 1992 in the Vanderburgh County Commission Office, I was initially told that the change was made because of handicap accessibility. Approximately ten (10) minutes later, she called me and gave the following reasons.

Apparently, the Republican Election Board member, Susie Kirk, had noted that the precinct opened at 7:00 a.m. in the Primary Election of 1991 and at approximately 6:30 a.m. in the General Election of 1991. When I asked for a reason, Mrs. Farrell said that Mrs. Kirk had talked with two (2) Republican officials who had said that the building was locked at 6:00 a.m. and that a janitor had failed to show up to open the building. Also, Mrs. Kirk had said that the building manager did not want the precinct "back" at that Fulton Square location.

I asked Mrs. Farrell if she or Mrs. Kirk had personally talked with the building manager. Mrs. Farrell said she had not and did not know about Mrs. Kirk.

On Thursday, April 23, 1992, I personally inspected both sites and make the following observations:

1. The **Fulton Square Community Center** is a public building located in the middle of Ward 6, Precinct 2. It is clearly in conformance with handicap accessibility because it has ramp constructed on the front of the

building.

2. The **Salvation Army Building** is located in **another** precinct -- Ward 6 Precinct 3. It is **not** handicap accessible in the front of the building. There are four (4) steps to the Fulton Avenue entrance.
3. The late openings have not been the fault of either Election Board nor have there been any documented disputes with these members. The late openings were the result of a custodial person who failed to show up on time.
4. There is no documented conversation in which the **Fulton Square Manager** did say that the precinct "could not be located" there.
5. If any change was to be made, it should have been done with direct contact between the Election Board members and the Vanderburgh County Commissioners' Office and the Fulton Square Community Building Manager.
"Heresay" conversations are not a valid reason to move a precinct.
6. The Ward 6 Precinct 2 location should be returned to the Fulton Square Community Center -- a location that clearly conforms to all Indiana Statutory requirements: - a public place, handicap accessible and located in the precinct.

**MINUTES
COUNTY COMMISSIONERS MEETING
MAY 4, 1992**

I N D E X

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Old Courthouse Preservation Society - Faye Gibson (Request for Funding)	1
Clarendon Drive/Request for Vacation/Hearing Scheduled on May 18, 1992 at 5:30 p.m.	3
County Attorney/Gary Price/Written Report	3
Cumulative Bridge Fund/Hearing Scheduled May 26, 1992 at 5:30 p.m.	3
Burdette Park/Thong Bathing Suits/Gary Price to research and report back to the Commission	4
County Engineer/Dave Savage Right-of-Way Parcels/Lynch Rd. Project Change Order/Green River Rd. Project	4
Executive Session/Scheduled May 12, 1992 at 2:30 p.m. for purposes of interviewing applicants for Director/ Public Works Department (Subsequent to meeting, also scheduled Executive Session at 3:30 p.m. on May 13, 1992)	5
Job Descriptions/Public Works Department (To be reviewed by Commissioners Hunter & Borries and voted on by Commission on May 18th for forwarding to the Job Study Committee)	5
Legal Aid/Request for Increased Funding (Approved subject to Legal Aid Extending Office Hours to 4:30 p.m.)	5
Consent Agenda Approval of Minutes for 4/27 - deferred County Employee Discount @ Burdette Gift Shop Auction at County Highway Garage/May 16th	9
Old Business Condemnation/Green River Rd./American Wholesalers	10
New Business (None)	10
Meeting Recessed @ 6:25 p.m.	10

MINUTES
COUNTY COMMISSIONERS MEETING
MAY 4, 1992

The Vanderburgh County Board of Commissioners met in session at 5:30 p.m. on Monday, May 4, 1992 in the Commissioners Hearing Room, with President McClintock presiding. (Commissioner Don Hunter was absent.)

RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

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

Ms. McClintock then asked if there is any group or individual present who wishes to address the Commission who do not find their particular area of interest on this evening's agenda. There being none, the meeting continued with the action items on the meeting agenda.

RE: OLD COURTHOUSE PRESERVATION SOCIETY - FAYE GIBSON

It was noted by Commissioner McClintock that Ms. Faye Gibson, Executive Director of the Old Courthouse Preservation Society, is here this evening with her funding appropriations.

Ms. Gibson said that as the Commissioners will recall, last August the Old Courthouse Preservation Society submitted to the Commission for consideration a \$50,000 grant request. They went through several review processes regarding that money and at the December 16th Commission Meeting \$17,500 of the \$50,000 was approved and appropriated. At that time they were requested to submit an itemized list of how the other \$32,500 would be spent. That has been mailed previously and again brought to tonight's meeting. (See attachments hereto.) Continuing, Ms. Gibson said she has again brought with her a list of restoration projects that they've targeted. This list was originally put together in January 1990. Approximately six of the projects have been accomplished and have therefore been marked off the list. Highlighted in yellow are projects they want to work on this year. In addition to the itemization for the \$32,500, the Commissioners will see that this goes hand-in-hand with the five year restoration plan at the Old Courthouse. She also brought a Financial Statement which reflects the financial condition of the organization for the First Quarter of the year. They have done better than originally budgeted. However, it is to be noted that they still spent approximately \$6,800 more than the money taken in by the organization during the First Quarter. She then entertained questions.

Commissioner Borries said when Ms. Gibson was here the last time, he had requested that at some time she be able to provide some information -- is she doing any kind of exit interviews with those persons who have left the Old Courthouse? She mentioned there is some space that has not been used. Have we identified for what reasons people are not using the Old Courthouse?

Ms. Gibson asked, "Specifically, tenants?"

Mr. Borries said that is correct. If we're going to increase our income over our expenses, it would seem we'd have to generate more income through more rentals.

Ms. Gibson said that is correct -- and in actuality over the last two years that is where the biggest decline in income has occurred. She basically sees two things occurring. The type of business or tenant that they attract to the building is the typical small business -- something like the incubator would attract -- the

fledgling. They usually sign a year's lease and after the end of that year one of two things occurs. Either they have gone out of business and no longer need office space -- or they have actually outgrown the Old Courthouse. It was a good place to start -- but now maybe they can afford a high rent district and they move on. She can honestly say there have been no negative overtures to any of the departures. For instance, Ed Curtis of the Curtis Company was a tenant in the building and started off with 900 sq. ft. Within six months he went to 1,800 sq. ft. in the building and then went out and purchased his own building and left the Old Courthouse. Ed said wonderful things about his office space -- but he literally outgrew them.

Mr. Borries asked what kind of strategies we're looking to in the future to add money to the income side of the financial statement.

Ms. Gibson responded, "Well, we continue with marketing for the small type businesses. What we need obviously is an anchor tenant, if you will. That is why I have discussed with several County department heads the possibility of one or two County offices wanting to move into the building -- so that we have some stability -- someone who won't leave after a year's lease. I have talked with representatives from the Health Department; I recently talked with the County Engineer; I've talked with Sherman Greer of the Emergency Management Agency. We would like to see that type of cooperation."

Commissioner Borries said, "I would, too -- and I'm sure the other members of the Board -- Carol will want to speak -- and however Don feels. I guess my last point is though, in terms of a critical situation here which we seem to be facing, I just don't see the exterior floodlights as being critical to the operation of this building. If we're talking about dedicating monies to replace window casings or painting or refurbishing restrooms here, that I can understand. Frankly, I don't know how much night business you are going to be doing anyway -- but I just don't see a lot of direct relationship between increasing our income and enhancing the use of the building by installing floodlights on the outside. I have a problem with that."

Ms. Gibson said, "Quite frankly, Rick, there are people on the Board who would agree with you. There are others who contend that the purpose of that would be to add to security for the building. We do have two theaters in the building that use the building frequently during the evening hours. Security as far as lighting the building in the evening has been a topic of concern."

Commissioner McClintock asked, "But your request before us is for the window repairs, room repairs, electrical lighting needs and safety-security needs? It does not include the lighting of the exterior of the building?"

Ms. Gibson replied, "You will see in the column headed OCPS funds that the money for the lights still needs to be raised. The President of our Board is currently looking at a type of capital campaign to accomplish that. The \$10,000 in electrical/lighting being requested from the County is to upgrade the interior electrical wiring."

Commissioner Borries said he can certainly support those types of things and supports Ms. Gibson's efforts. However, he would be interested in seeing some more strategies and he thinks all the Commissioners will look to see what County space needs they get which might be viable long term. And, again, if Ms. Gibson can assure him that we're not talking about installing exterior floodlights, then he'd seriously consider supporting her funding request. His personal feeling is that she needs to raise that money on her own. He is more concerned about the building and the guts of the building and how she maintains a quality operation from

that standpoint.

Commissioner McClintock said she agrees with Commissioner Borries. She then entertained a motion.

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

RE: CLARENDON DRIVE VACATION

With regard to this matter, Commissioner McClintock said all the Board needs to do this evening is to set a hearing for 5:30 p.m. on Monday, May 18, 1992.

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

RE: COUNTY ATTORNEY - GARY PRICE

Attorney Price submitted his written report and stated there are no action items on the report.

Ms. McClintock entertained questions concerning the written report. There were none.

RE: CUMULATIVE BRIDGE FUND

President McClintock said that in order to make sure that our Cumulative Bridge Fund can continue so that we can continue to repair our bridges and construct new bridges we need to adopt a new Ordinance for the Cumulative Bridge Fund. In order to do that we need to advertise for that on the 7th and 14th of May. She asked Ms. Matthews if she would have time to get that in. Ms. Matthews responded she does not think there is any way that she can get it in for publication on the 7th.

Ms. McClintock asked Auditor Humphrey if we can hear the Ordinance on May 26th -- would that get us within the time frame.

Attorney Price said there is no way we can get it in on May 7th -- no way. It's already May 4th.

Ms. McClintock again asked Auditor Humphrey if May 26th will be okay?

Auditor Humphrey responded, "If we don't have any problems -- and I don't look for any problems."

Attorney Price interjected, "No procedural problems, right?"

Auditor Humphrey stated, "Remonstrance problems."

Ms. McClintock said, "Okay. Because if we have remonstrants we have to have another hearing, right?"

Auditor Humphrey said, "I think it's all right."

Ms. McClintock said, "So we need to advertise it for Tuesday, May 26th (the Tuesday after Memorial Day) and Sam has the advertising requirements -- so you can just give those to Joanne."

Ms. Matthews asked, "And that will be the final reading?"

Attorney Price responded, "Yes -- and we need to advertise it twice -- one week apart, with the final advertisement three (3) days prior to the hearing."

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the hearing was scheduled for 5:30 p.m. on Tuesday, May 26, 1992 and Ms. Matthews was instructed to so advertise. So ordered.

RE: BURDETTE PARK - THONG BATHING SUITS

The meeting continued with President McClintock stating she is sure everyone read about the thong bathing suit controversy at Burdette Park. She spoke with Mark Tuley this afternoon and he had polled the Advisory Board by telephone. They were not going to meet until early next week. Their unanimous request was to ask the Commission to go ahead and authorize Attorney Price to research this and make sure we wouldn't get ourselves into some kind of legal quagmire by going ahead and banning thong bathing suits prior to conducting the legal research.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock this matter was referred to the County Attorney. Ms. McClintock said hopefully we will have something on this by May 18th.

Attorney Price asked if he is to respond to the Advisory Board or to this Commission.

Ms. McClintock said he is to respond to the Board of Commissioners by May 18th.

RE: COUNTY ENGINEER - DAVE SAVAGE

Right-of-Way Parcels/Lynch Rd. Project: Mr. Savage noted he has several right-of-way parcels with regard to the Lynch Rd. project that require signatures and he will go through them one by one. The first four -- this is the first step after the appraisal; this is the fair and just appraisal according to the appraisers and by approving this we are authorizing them to offer this amount of money for the parcel.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, those parcels known as Parcel 26, Parcel 11, Parcel 23 and Parcel 12 were approved for the selling price as advertised. So ordered.

Mr. Savage said the other two parcels along the Lynch Rd. project are acceptance of the right-of-way grants. The offer has been made and accepted by the property owner and there is a claim that has been prepared for approval. Specifically, Mr. Savage said we need a minute for this week's meeting that the parcels were accepted.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock Parcels #1 and #5 (right-of-way grants) were accepted. So ordered.

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

Change Order/Green River Rd. Project: Mr. Savage submitted a Change Order on the Green River Rd. Project. Since the project was started several years ago there has been a change in the Federal Funding Guidelines and relocation of utilities owned by locally governmentally-owned utilities are eligible for Federal reimbursement. To get that reimbursement it needs to be included in the construction contract. Over the last few weeks plans have been made and estimates obtained to do a major relocation of a 16 inch water line on this project. It conflicted with a number of the drainage structures and was high enough close to the pavement that it conflicted with the work. The total amount of the change is \$240,743.54. Seventh-five percent (75%) of that is reimbursable

by the Federal Highway Administration and the 25% local money (\$60,185.00 approximately) would be borne according to the formula negotiated with the City for the construction contract, which is \$79,021. The County's portion of the total \$240,000 is \$47,546.85 and the City's portion is just a little over \$12,600. It's a big one.

Mr. Borries asked if this then corrects some of the drainage problems?

Mr. Savage responded, "It corrects the conflicts between the existing waterline and the drainage structures that are needed to drain the project properly. The beehives, the curve drains and the trunk lines that will carry the water down the road and into Pigeon Creek. This work would have to be done in any case. The difference is that instead of local money in the form of utility bills (water bills) it will be paid 75% by the Federal government. He would recommend approval. There is one item that might change somewhat and that is the maintenance and traffic item. Honestly, they had intended to have that included in this and he doesn't know if it was not included because it will be zero change to the contract or if there is another small change outstanding. If it was, it should be in the order of a few thousand dollars -- so that possibly could come in next week on that; but this is the bulk of it. We need to get this moving so we can obtain State approval and get the material ordered.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock the change order was approved. So ordered.

RE: EXECUTIVE SESSION - INTERVIEWS FOR DIRECTOR
OF PUBLIC WORKS

It was noted by Commissioner McClintock that she and Commissioner Hunter interviewed five (5) individuals for the position of Director of Public Works on Friday afternoon. There were some excellent candidates. They are now going to try to narrow that down to three or four candidates. She has given B. J. Farrell her top three candidates and she is going to get those from Don and Rick, as well. Ms. McClintock said she would like to set an Executive Session for purposes of interviewing these potential candidates on May 12, 1992 at 2:30 p.m. This would give all three Commissioners an opportunity at one time to interview and ask questions with, hopefully, a selection being made at the Commission Meeting on Monday, May 18th.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock the Executive Session was so scheduled and Joanne Matthews was instructed to advertise same. So ordered.

RE: JOB DESCRIPTIONS/PUBLIC WORKS DEPARTMENT

President McClintock said she has the job descriptions for the Director of the Public Works Department and the four (4) Managers within that department. It is her understanding that these were originally prepared by Greg Curtis and David Savage has done the final work and they are now ready to go to the Job Study Committee. She has reviewed same. She wonders if Commissioner Borries would have a chance to review them and then pass them on to Don Hunter for his perusal so the Commission can vote on these on May 18th and then get them to the Job Study Committee.

RE: REQUEST FROM LEGAL AID FOR INCREASED FUNDING

The meeting continued with President McClintock recognizing Sue Hartig, Director of Legal Aid. Ms. Hartig said that as the Commissioners know, Legal Aid is contemplating expanding their office and they are here tonight to make a brief presentation in that regard. She would like to defer to Brian P. Williams,

President of their Board, who will make a few comments and introduce the other people here with them.

Mr. Williams said the Legal Aid Board has been in existence in Evansville since 1958. In fact, Judge Matthews, who announced his retirement for this summer and was the Gresham Award recipient, was the first attorney for the Legal Aid Board back in 1958. After thirty some odd years they now see a tremendous need for the addition of an attorney and a staff member to support that attorney. They've been through a study of that. Dan Carwile was the Chairman of the Committee that ultimately culminated in this recommendation which they are currently pursuing. Also present this evening is Pattie Muencher, the newest Board member for the Legal Aid Society, as well as Sue Hartig, the Executive Director. Carl Heldt, the Evansville Bar Association President, is also present. Dr. Warren Hankins from Deaconess Hospital and Chairman of the United Way Allocation Panel is also present this evening. Therese Wallace, one of the staff professionals with United Way is also on hand. Mr. Williams then asked that Dr. Hankins offer comments.

Dr. Hankins expressed his appreciation for the opportunity to speak on behalf of United Way and the Legal Aid Society. He directed the Commissioners' attention to an information packet and went through various items, saying he has worked with the United Way Allocations Review Panel since 1988 for protective and legal services. This includes Legal Aid, CASA, Y.W.C.A. and Albion-Bacon. He is Chairman of that Committee. The Legal Aid Society has historically been an overworked and understaffed service provider. The two attorneys on staff currently serve nearly twice the 70 caseload recommended by the American Bar Association and one of those attorneys serves as Administrator of the Legal Aid Society. At the end of March 1992 Legal Aid 216 cases pending for individuals who qualify for legal aid by virtue of being destitute. In the meanwhile, there was an additional 141 applicants who had already been rejected this year because they were not destitute enough. Legal Aid's counterpart, the Legal Services Organization, uses 125% of Federal poverty guidelines as a qualifier for service. Legal Aid's staff capacity forces the agency to limit service to those individuals who fall well below the Federal guidelines. Raising Legal Aid's income guideline creates a dilemma. With the current staff, the agency could never meet the increased demand for services. Additional resources are needed for Legal Aid. United Way of SouthErn Indiana's Board of Directors has made a commitment to seriously consider increased funding in 1993 for the Legal Aid Society. Any funding increase is, however, contingent on the joint commitment of the government of Vanderburgh County, City of Evansville and the availability of funds from the United Way campaign. The facts, he believes, support their belief that civil legal assistance can mean the social and economic survival of families -- specifically women and children. The governments of Vanderburgh County and the City of Evansville have traditionally supported the Legal Aid Society, along with the United Way of Southwestern Indiana. At this time, United Way believes the critical need for this service in our community warrants a further commitment. Therefore, they ask that the Board of Commissioners support with the United Way the Legal Aid Society expansion request. He believes that Legal Aid is asking for funding for an additional clerical position, an attorney and supplies and all related to that.

Mr. Williams asked that Attorney Carl Heldt speak to the Evansville Bar Association's support of this project.

Attorney Heldt voiced their support for this request, noting the EBA was in on the ground floor of the Legal Aid Society when it was founded in the 50's and they've lent considerable support to it since that time. He, personally, thinks the Legal Aid Society is one of the best things that we do as a community -- between the

private sector in their charitable giving and through the County and City governments, and the support of the lawyers in town. One of the mission statement goals of the Bar Association is to try to help provide affordable legal services to everyone in the community. They think they do this not only through the Legal Aid Society but also through their pro bono program, through which a number of lawyers in town provide free legal services to those persons who the Legal Aid Society can't handle for one reason or another -- whether in terms of overload or conflict of interest or simply the people who can't afford legal services but can't make the guidelines of the Legal Aid Society. Thus they are trying to participate to see that people get legal services -- but obviously neither they nor the Legal Aid Society can do it alone. He believes everyone will agree that the Legal Aid Society have been good stewards of public money, as well as charitable money and he thinks they are well deserving of the Commissioners' support.

The meeting continued with Mr. Brian Williams citing year end statistics for 1991. The requests for help in 1992 numbered 5,260. Of that number, 2,620 are what had to be classified as unmet need -- those who were slightly above income guidelines or the need could not be met for other reasons. Of the 5,260 cases, 2,640 cases were taken. Ironically, you can't get much closer than a 50-50 split between those cases they could take and those case they could not take. So, roughly they take half the cases they receive. Of those cases taken in 1991, if divided by 12 you will note that 220 cases comes in monthly if averaged over the year -- and roughly that is the number of cases they dispose of monthly. As the Board looks at the productivity of the two staff members, he feels confident that the public-private dollars that fund this two-attorney office are being spent well. As they look at the American Bar Association standards, they see that there should be a 70 case load per attorney standard -- assuming no administrative duties -- and in reality both of the attorneys have administrative duties. If we look at the advertisements for other similar positions throughout the country we see advertisements in the 60 to 80 caseload per attorney type advertisements -- both in state and out of state. Therefore the Board feels relatively confident that the productivity of the office is excellent. Likewise, they turn then to what are the income guidelines. We see there has been no substantial change since 1980. In fact, there is a sliding scale for those -- but if we have an individual or family of one, the income guidelines are \$100 net income per week. Obviously, that would be \$5,100 net income per year. Few of us would like to try to live on \$5,200 net income per year -- and that is the maximum someone can make and still qualify for Legal Aid assistance. If we look at what the gross Federal poverty level is for one person, it is \$128.00 per week. So we see that the Legal Aid guidelines are less than the Federal poverty level. If we look at the Legal Services Organization guidelines, theirs for a single individual is \$159.00 per week. So if we look at any of those indicia of how well the Legal Aid Society is keeping up, we see that we're rapidly dropping behind. We all know that if we increase our guidelines our caseload will increase -- and it appears from all objective standards that we cannot have any additional increase for our attorneys. Finally, recently one of the Commission members was present when Legal Aid had a press conference releasing the statewide legal aid report. He knows that has been made available to the Commission -- and it outlines the critical need that there is in this community as well as throughout the state for additional services of legal help for the poor. The Board has struggled with -- and part of the long range plan was to get a member of this Commission, a member of the City Council, a member of the County Council, a member of United Way to sit down together and look at all the alternatives. Dan Carwile was Chairman of that group and they did an excellent job. After reviewing all the alternatives the feeling of that Committee was that if a change was going to be made, the most cost effective, economical way was to add one (1) full time attorney to the staff; one full time person plus a staff

person -- and that is why the Commissioners have their budget request seeking the additional funding from the County. The same request will be made of the City. The United Way Board has already committed their funds contingent, of course, upon receiving the City-County funding.

In conclusion, Mr. Hankins said if we try to look at what this community does in terms of service for the poor in our community, we have approximately 350 attorneys who are members of the Evansville Bar Association. Only two of those 350 devote their full time to the civil legal needs of the poor and roughly that is 1/2 of 1%, he believes, of the attorneys in this area. He thinks all of us know that the poor in our community number well above 1/2 of 1%. This community can be very proud of the fact that we have a pro bono committee through the Evansville Bar Association. We are only one of eight counties in the State that have such a group. This means there are 84 counties in the state that don't have such a group -- so Vanderburgh County is well ahead of the rest of the state in that area. The members of the Bar Association in this community have funded approximately \$8,000 in contributions that are currently being held and can likewise go to purchase of the equipment needs if we make this additional staffing change. The capital needs can at least then be funded in part from the contributions which primarily have come from the local Bar Association to make this project possible. In 1958, there were few such organizations in the country. Only in Chicago, New York City and other such large cities did such organizations exist. It wasn't until the 60's that we saw the U. S. Supreme Court making decisions of the needs for helping the indigent. So we can see that Evansville has been at the forefront -- both the City, the Bar Association and the County -- in making this assistance available. After 30 years, he thinks it is time we try to find the funding in our stretched tax dollars to add third staff attorney and a third staff person to assist in these needs critical in our community.

Commissioner Borries said he does have a comment and he needs to be very careful how he says this -- because certainly Legal Aid has given an excellent presentation today and there are people in the audience whom he very much respects. He worked on United Way committees for many years and had the privilege of serving on that Board -- so he knows what an outstanding job that United Way does in this community. He wants to be very clear that he supports the mission of Legal Aid. Obviously, in these times the need for legal services for the poor is critical. He guesses his concern is this, "It is almost like an attitude here. This Board debated about a year ago about setting County hours. I lost on that vote. That's fine. We at one point extended them to try to make them uniform with the City -- 5:00 p.m. Now they've been moved back to 4:30 p.m. At that time there were members from the Legal Aid Society who came to ask for a variance -- even from the 4:30 p.m. hours, saying that at that point there just wasn't a lot of business and a lot of things going on up here. Frankly, I have a problem with that -- not with the legal aid -- but with the hours. I would want this Board -- if we consider this kind of request -- to make sure that we are truly serving that mission of the poor by extending the hours of that particular office to serve the public -- if we are talking about increased cases; if we are talking about the kinds of things that involve more work. What he would like to see is even have the time maybe -- if they are going to close at 4:00 p.m. -- to have another half hour or another kind of time there to get away from the phones to do some of the work that sometimes in a very hectic environment you can't do. And that is something I do feel very strongly about. I believe that the mission -- if we are truly going to get this mission of serving those people who need it -- those people oftentimes don't know what kind of hours there are. I would think that if they are discouraged and beaten down to begin with -- why would we want to add more to that burden by having them walk up here and try to find an office -- only to find out that it is closed earlier than other offices? True, we could say this

involves the Courts and everything else. But I am saying that if it indeed does have a unique mission of providing legal services to the poor, then that mission ought to be understood to have the same kind of hours that the rest of the County offices do. End of speech. And, again, that is just a subtle kind of thing. I support the mission -- I want to emphasize that. But I feel strongly that the hours ought to be modified to serve the people."

Dr. Hankins said Commissioner Borries' comments are well taken and the Board struggles with the need and how they communicate the availability of these services to the poor and they are open to any suggestion that can better communicate that word. If you call in, they limit by virtue of necessity when applications can be taken and that is limited to a portion of the day, no matter what hours they keep -- so they can focus that function in a portion of the day. The concern that Commissioner Borries raised with regard to hours is one that the Board would be open to. Part of the problem is they certainly have part of the work that they do and part of the work that the attorneys do goes past what the public open hours are. He is sure Commissioner Borries knows that, as his own work goes well beyond that. He thinks the Board would be willing to work with a multitude of solutions. Part of the hours issue was to match what the Courthouse hours were. He knows that was certainly a concern -- since they have attorneys who have to sometimes be in the Courthouse at 7:30 a.m. Some of the Judges start at 7:30 a.m. and the attorneys are going to be there if they have matters scheduled then. But he thinks this issue can be open to discussion. He thinks we need to get the availability of the service out to as many people as possible -- as long as we have the staff to meet that need -- and, of course, that is our critical problem right now. He then asked if Ms. Hartig wants to add to his comments.

Ms. Hartig said one Court starts every day at 8:00 a.m. -- so Legal Aid is there well before 8:00 a.m. to be in that Court prepared and with their clients. Another Court routinely starts all of its afternoon matters at 12:00 noon. Therefore, it is not at all unusual for them to go straight through from 8:00 a.m. until that 4:00 p.m. time -- without any kind of a break -- and the stress, if you will, if this kind of caseload is one thing they considered when they made that decision.

Commissioner Borries said he is not saying they do not have work to do. But he does feel that in the best interest of serving the people if we're going to talk about adding to the staff, then we need to talk about uniform hours.

Ms. Hartig said if they have three people, maybe they can stagger the shift so they can accomplish that.

Following further brief questions, a motion was entertained.

Motion was made by Commissioner Borries, based on the comments of Mr. Brian Williams, that the Board support the request for additional funding.

Ms. McClintock requested that Mr. Borries amend his motion to require that the Legal Aid Office be open until 4:30 p.m.

Commissioner Borries amended his motion to this effect and Commissioner McClintock seconded. So ordered.

RE: CONSENT AGENDA

Approval of Minutes: President McClintock said that approval of the minutes of April 27th will be deferred a week, since Commissioner Hunter was present for that meeting and he is not here today. Commissioner Borries was not present on April 17th.

County Employee Discount at Burdette Gift Shops: Ms. McClintock said that Mark Tuley had come to the Department Head meeting last week and suggested that since we're opening these new gift shops at Burdette that we might want to offer our County employees (with their County I.D. card with photo) a 10% discount in the gift shop to encourage their use of same and to also give the County employees yet another benefit of employment with Vanderburgh County. She suggested he make that request to the Commission.

Auction at County Highway Garage/May 16th: It was also noted by Commissioner McClintock that the Auction of Surplus Items to be held at the County Highway Garage on Saturday, April 16th at 9:30 a.m.

There being no further comments or questions concerning the Consent Agenda, a motion was entertained.

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

RE: OLD BUSINESS

Condemnation/Green River Rd.: Attorney Price said he has a letter which Attorney Jeff Wilhite asked him to distribute which has to do with the condemnation matter on Green River Rd. (Copy of letter attached hereto as part of the formal minutes.) Ms. McClintock said we're currently getting ready to go into Court on a condemnation case involving American Wholesalers and Attorney Wilhite is representing the County in this matter. American Wholesalers has retained Kahn, Dees, Donovan & Kahn in a matter before the National Labor Relations Board, so their partner Tom McGann has advised them on some labor and employment related issues. He is informing the County that if we have a problem with that, they will not undertake representation of American Wholesalers.

Commissioner Borries said he wouldn't have a problem with their taking on whomever they want to represent. Couldn't Gary Price's firm represent the County in this particular proceeding? Would that solve the problem?

Attorney Price asked how far along the American Wholesalers case is?

Ms. McClintock said they are going to Court tomorrow.

Attorney Price said that would be a problem.

Ms. McClintock asked if we want to tell them our preference is to settle the County case before they would take on this client?

Mr. Borries said he would.

Attorney Price agreed.

Ms. McClintock said they may settle the case tomorrow and then it's no big deal.

RE: NEW BUSINESS

Ms. McClintock entertained matters of new business to come before the Board. There were none.

There being no further business to come before the Board, Ms. McClintock declared the meeting recessed at 6:25 p.m.


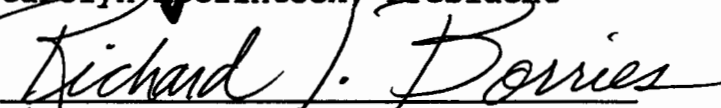
PRESENT:

Carolyn McClintock, President
Richard J. Borries, Member
Sam Humphrey, County Auditor
Gary Price, County Attorney
Faye Gibson, Old Courthouse
Dave Savage, Acting County Engineer
Sue Hartig, Legal Aid Society
Carl Heldt, Evlle. Bar Association
Dr. Warren Hankins/Deaconess Hospital
Therese Wallace, United Way
Dan Carwile/Legal Aid
Pattie Muencher/Legal Aid
Brian P. Williams/Legal Aid
Billie Stewart Ahmad/People for Equal Justice
Lou Wittmer, Commission Office
B. J. Farrell, Commission Office
Others (Unidentified)
News Media

ABSENT:

Don Hunter, Vice President

SECRETARY: Joanne A. Matthews


Carolyn McClintock, President

Richard J. Borries, Member



**BOARD of
COMMISSIONERS**
of the County of Vanderburgh

CAROLYN McCLINTOCK
DON L. HUNTER
RICHARD J. "RICK" BORRIES

AGENDA

VANDERBURGH COUNTY COMMISSIONERS

MAY 4, 1992

5:30 P.M.

FINAL

1. **CALL TO ORDER**
2. **INTRODUCTION**
3. **PLEDGE OF ALLEGIANCE**
4. **ANY GROUP/INDIVIDUAL WISHING TO ADDRESS THE COMMISSION**
5. **ACTION ITEMS**
 - a. Faye Gibson/Old Courthouse
re: Letter sent regarding funding/appropriations
 - b. Clarendon Drive/Request heard last week
re: set hearing date of May 18, 1992 at 5:30 p.m/ vacate
6. **DEPARTMENT HEADS**

Gary Price ----- County Attorney
Dave Savage ----- County Engineer
Sue Hartig ----- Legal Aid
7. **CONSENT ITEMS**
 - a. Travel/Education Request:
Health Department (13)
County Clerk (3)
 - b. Monthly County Treasurers Report

c. Claims to be paid:

David M. Griffith and Associates, Ltd.....13,125.00
Donan Engineering Co., Inc.....21,260.83
Perry Gostly.....60.00
(Burdette Park claim to reimburse)

d. Acceptance of April 27, 1992 minutes

e. Burdette Park/Permission to grant County Employees 10% discount in gift shop with proof of employment-county I.D. card.

f. Employment Changes:

Pigeon Township Assessor/Appointment:

Patricia Schnur/Deputy.....14,180.00/YR
5/11/92

County Commissioners/Appointment:

Billie J. Farrell/Administrative Assistant.....18,708.00/YR
5/4/92 (Six month step increase)

County Commissioners/Release:

Billie J. Farrell/Administrative Assistant.....17,841.00/YR
5/4/92

g. Scheduled Meetings:

Tues	May 5	ELECTION DAY -- BUILDING CLOSED	
Wed	May 6	County Council	3:30 PM RM 301
Mon	May 11	County Department Head Meeting	3:30 PM RM 303
		Solid Waste Committee (County)	4:30 PM RM 307
Mon	May 18	County Commissioners	5:30 PM RM 307
		Rezoning	7:00 PM RM 307

8. OLD BUSINESS

9. NEW BUSINESS

10. MEETING RECESSED

PUBLIC WORKS DEPARTMENT

AGENDA

MAY 4, 1992

- | | | |
|----|--|-----------------------|
| 1. | Lynch Road Project - Right of Way | |
| | Approval of Certificates of Just Comp. | |
| | - Kissel (Parcel 26) | \$4,500.00 |
| | - Bauer (Parcel 11) | \$38,200.00 |
| | - Winkle (Parcel 23) | \$15,000.00 |
| | - Ryan (Parcel 12) | \$21,000.00 |
| | Acceptance of R/W Grants and Claims | |
| | - Bethel (Parcel 1) | \$1,433.00 |
| | - Butterfield (Parcel 5) | \$10,000.00 |
| 2. | Greenriver Road North - Sec. A. | |
| | Change Order | \$240,743.54 Increase |



P.O. BOX 7081
NURRENBERN ROAD
EVANSVILLE, IN 47712
TELEPHONE (812) 424-9535

May 1, 1991

County Commissioners
Civic Center Complex
Evansville, IN 47708

Dear Commissioners,

We are requesting permission to give all Vanderburgh County employees a 10% Discount on merchandise purchased at the new shops at the park.

Employees must show their Vanderburgh County I.D. Card to receive their discount.

Respectfully,

A handwritten signature in cursive script that reads "Mark T. Tuley".

Mark T. Tuley
Burdette Park Manager

MTT/jm

Old Courthouse Preservation Society

Old Vanderburgh County Courthouse
201 Northwest Fourth Street, Suite 114
Evansville, Indiana 47708-1356
Telephone: 812-423-3361

M E M O R A N D U M

January 31, 1992

Agenda
3/16 5/4

TO: Carolyn McClintock, Commissioner
Vanderburgh County
506 S.E. Riverside Drive
Evansville, Indiana 47713

Donald L. Hunter, Commissioner
Vanderburgh County
38 Oak Meadow Road
Evansville, Indiana 47711

Richard J. "Rick" Borries, Commissioner
Vanderburgh County
7517 Taylor Circle
Evansville, Indiana 47715

FR: Faye M. Gibson, Executive Director
Old Courthouse Preservation Society, Inc. ("OCPS")

RE: 1992 \$50,000 Appropriation Request

I write in regard to the Old Courthouse Preservation Society's 1992 appropriation request for \$50,000 (submitted in August, 1991). At the December 16, 1991 County Commissioners meeting, you recommended that \$17,500 of this request be appropriated immediately to offset the operating deficit the OCPS experienced in 1991 and projected for the first quarter of 1992. Concurrently, you requested an itemization delineating repairs and maintenance expenses to account for the remaining \$32,500 to be appropriated in 1992.

Therefore, **per your request**, please find enclosed for your review a repairs and maintenance itemization, which is formatted in three columns: "Projected Costs," "Projected OCPS Funds," and "Projected County Funds Utilization." You will see that several repairs and maintenance items are needed in 1992. Please note that OCPS funds have been secured for said projects; we are requesting use of county funds only to augment these projects. Please reference Section 7 of the OCPS FACT BOOK, which was submitted to you with our appropriation request, for more details on these projects.

On behalf of the OCPS Board of Directors and volunteers, thank you for your support and help. Your assistance will enable us to continue the maintenance and restoration of Vanderburgh County's greatest historic monument. Please call me to advise if and when I should appear for hearings on the appropriation of this remaining \$32,500 in funds sought.

/sb

Old Courthouse Preservation Society

REPAIRS AND MAINTENANCE ITEMIZATION OF 1992 \$50,000 APPROPRIATION REQUEST¹ SUBMITTED TO COUNTY COMMISSIONERS

	<u>Projected Costs</u>	<u>Projected OCPS Funds</u>	<u>Projected County Funds Utilization</u>
<u>GENERAL OPERATIONS (1991 and 1992)</u> ²	\$269,600	\$252,100	\$ 17,500
<u>REPAIRS AND MAINTENANCE (1992)</u> ³			
<p>. <u>Window Repairs</u></p> <p>Repair, rebuild, and/or replace windows, as identified, to effect a savings in utility costs; paint the exterior of all windows.</p>	\$ 52,348	\$ 42,348	\$ 10,000
<p>. <u>Room Repairs</u></p> <p>Within identified areas, restore completely to original, i.e., replastering, repainting, restoring hardwood floors, refinishing woodwork, etc. Also would include renovating and/or replacing room furnishings, i.e., basins, trash receptacles, etc.</p>	\$ 20,500	\$ 13,000	\$ 7,500
<p>. <u>Electrical/Lighting Needs</u></p> <p>Upgrade electrical wiring, replace fixtures, install new exterior lighting, etc. High priority due to age of present wiring and the need to upgrade and enhance the lighting of the building.</p>	\$ 30,000	\$ -0- (to be raised)	\$ 10,000
<p>. <u>Safety/Security Needs</u></p> <p>To begin addressing safety hazards in the building, i.e., upgrade fire extinguishers, install emergency exit signs, smoke detection, etc.</p>	\$ 25,000	\$ -0- (to be raised)	\$ 5,000
<u>TOTALS</u>	<u>\$397,448</u>	<u>\$307,448</u>	<u>\$ 50,000</u>

¹ Submitted August 1991; reference OCPS FACT BOOK.

² 1991 and 1992 OCPS operating budgets; reference 12/16/91 handouts.

³ 1990-94 OCPS restoration plan; reference OCPS FACT BOOK.

Old Courthouse Preservation Society

FINANCIAL STATEMENT
Period Ending March 31, 1992

Current Assets

Old National Bank checking account \$9,890.76 (unrestricted)

INCOME

	MONTH				YEAR-TO-DATE			
	Budgeted	Actual	Variance		Budgeted	Actual	Variance	
			Amount	Perc.			Amount	Perc.
Rental Income	\$3,908.00	\$4,033.36	\$ 125.36	3.2%	\$11,724.00	\$11,850.08	\$ 126.08	1.1%
Parking	\$ 575.00	\$1,475.00	\$ 900.00	156.5%	\$ 1,725.00	\$ 2,425.00	\$ 700.00	40.6%
Rental Rooms	\$ 350.00	\$ 550.00	\$ 200.00	57.1%	\$ 1,250.00	\$ 2,250.00	\$1000.00	80.0%
Soft Drinks	\$ 288.00	\$ 189.00	<\$ 99.00>	<34.4%>	\$ 720.00	\$ 636.00	<\$ 84.00>	<11.7%>
Memberships	\$ 500.00	\$ 420.00	<\$ 80.00>	<16.0%>	\$ 3,000.00	\$ 2,455.00	<\$ 545.00>	<18.2%>
Special Events	\$1,000.00	\$2,507.00	\$1507.00	150.7%	\$ 7,000.00	\$ 7,929.50	\$ 929.50	13.3%
Donations	\$ -0-	\$ -0-	\$ -0-	-0-	\$ -0-	\$ -0-	\$ -0-	-0-
Haunted House	\$ -0-	\$ -0-	\$ -0-	-0-	\$ -0-	\$ -0-	\$ -0-	-0-
Baum Prints	\$ 200.00	\$ -0-	<\$ 200.00>	<100.0%>	\$ 520.00	\$ 100.00	<\$ 420.00>	<80.8%>
Interest	\$ 50.00	\$ 61.39	\$ 11.39	22.8%	\$ 150.00	\$ 235.40	\$ 85.40	56.9%
Other Income	\$ 10.00	\$ 20.00	\$ 10.00	100.0%>	\$ 30.00	\$ 29.00	<\$ 1.00>	<3.3%>
TOTALS	\$6,881.00	\$9,255.75	\$2374.75	34.5%	\$26,119.00	\$27,909.98	\$1790.98	6.9%

EXPENSES

	MONTH				YEAR-TO-DATE			
	Budgeted	Actual	Variance		Budgeted	Actual	Variance	
			Amount	Perc.			Amount	Perc.
Salaries	\$5,112.00	\$4,918.64	\$ 193.36	3.8%	\$15,304.00	\$14,817.62	\$ 486.38	3.2%
Fringe Benefits	\$ 719.00	\$ 702.67	\$ 16.33	2.3%	\$ 2,190.00	\$ 2,157.07	\$ 32.93	1.5%
Repairs/Mtnc.	\$ 850.00	\$ 125.00	\$ 725.00	85.3%	\$ 2,550.00	\$ 790.66	\$1759.34	69.0%
Grounds Mtnc.	\$ -0-	\$ -0-	\$ -0-	-0-	\$ -0-	\$ -0-	\$ -0-	-0-
Bldg. Supplies	\$ 200.00	\$ 184.39	\$ 15.61	7.8%	\$ 600.00	\$ 551.38	\$ 48.62	8.1%
Insurance	\$ 532.00	\$ 532.00	\$ -0-	-0-	\$ 1,212.00	\$ 1,212.00	\$ -0-	-0-
Contr. Svcs.	\$ 375.00	\$ 374.00	\$ 1.00	0.3%	\$ 1,125.00	\$ 1,122.00	\$ 3.00	0.3%
Utilities	\$4,000.00	\$3,185.52	\$ 814.48	20.4%	\$12,500.00	\$10,826.19	\$1673.81	13.4%
Telephone	\$ 230.00	\$ 227.28	\$ 2.72	1.2%	\$ 690.00	\$ 610.81	\$ 79.19	11.5%
Postage	\$ 75.00	\$ 68.22	\$ 6.78	9.0%	\$ 405.00	\$ 360.50	\$ 44.50	11.0%
Office Supp/Eqpt	\$ 95.00	\$ 103.13	<\$ 8.13>	<8.6%>	\$ 240.00	\$ 240.61	<\$ 0.61>	<0.3%>
Promo/Advert.	\$ 25.00	\$ -0-	\$ 25.00	100.0%	\$ 370.00	\$ 352.10	\$ 17.90	4.8%
Subs/Dues	\$ 8.00	\$ 7.85	\$ 0.15	1.9%	\$ 74.00	\$ 73.55	\$ 0.45	0.6%
Travel/Entert.	\$ 20.00	\$ 69.00	<\$ 49.00>	<245.0%>	\$ 60.00	\$ 92.10	<\$ 32.10>	<53.5%>
Soft Drinks	\$ 144.00	\$ -0-	\$ 144.00	100.0%	\$ 360.00	\$ 246.00	\$ 114.00	31.7%
Special Events	\$1,000.00	\$ 707.93	\$ 292.07	29.2%	\$ 1,000.00	\$ 1,249.93	<\$ 249.93>	<25.0%>
Profess. Fees	\$ -0-	\$ -0-	\$ -0-	-0-	\$ -0-	\$ -0-	\$ -0-	-0-
Miscellaneous	\$ 10.00	\$ -0-	\$ 10.00	100.0%	\$ 30.00	\$ -0-	\$ 30.00	100.0%
TOTALS	\$13,395.00	\$11,205.63	\$2189.37	16.3%	\$ 38,710.00	\$34,702.52	\$4007.48	10.4%

INCOME OVER

EXPENSES <\$ 6,514.00><\$1,949.88><\$4564.12> <\$12,591.00><\$ 6,792.54> \$5798.46

Old Courthouse Preservation Society

REPAIRS AND MAINTENANCE ITEMIZATION OF 1992 \$50,000 APPROPRIATION REQUEST¹ SUBMITTED TO COUNTY COMMISSIONERS

	<u>Projected Costs</u>	<u>Projected OCPS Funds</u>	<u>Projected County Funds Utilization</u>
<u>GENERAL OPERATIONS (1991 and 1992)</u> ²	\$269,600	\$252,100	\$ 17,500
<u>REPAIRS AND MAINTENANCE (1992)</u> ³			

Preface: Due to the magnitude and exorbitant costs involved with these projects, the Society must approach them in phases, i.e., successive steps toward total completion of the projects. The following targeted projects represent a phase of that succession.

<u>Window Repairs</u>	\$ 52,348	\$ 42,348	\$ 10,000
Repair, rebuild, and/or replace windows, as identified, to effect a savings in utility costs; paint the exterior of all windows.			
<u>Room Repairs</u>	\$ 20,500	\$ 13,000	\$ 7,500
Within identified areas, restore completely to original, i.e., replastering, repainting, restoring hardwood floors, refinishing woodwork, etc. Also would include renovating and/or replacing room furnishings, i.e., basins, trash receptacles, etc.			
<u>Electrical/Lighting Needs</u>	\$ 30,000	\$ -0- (to be raised)	\$ 10,000
Upgrade electrical wiring, replace fixtures, install new exterior lighting, etc. High priority due to age of present wiring and the need to upgrade and enhance the lighting of the building.			
<u>Safety/Security Needs</u>	\$ 25,000	\$ -0- (to be raised)	\$ 5,000
To begin addressing safety hazards in the building, i.e., upgrade fire extinguishers, install emergency exit signs, smoke detection, etc.			
<u>TOTALS</u>	<u>\$397,448</u>	<u>\$307,448</u>	<u>\$ 50,000</u>

¹ Submitted August 1991; reference OCPS FACT BOOK.

² 1991 and 1992 OCPS operating budgets; reference 12/16/91 handouts.

³ 1990-94 OCPS restoration plan; reference OCPS FACT BOOK.

OLD COURTHOUSE PRESERVATION SOCIETY
BUILDINGS AND GROUNDS COMMITTEE
1990 - 1991

January 7, 1992

~~December 1991~~

The Buildings and Grounds Committee shall investigate, identify, and prioritize buildings/grounds maintenance needs within the parameters of historic preservation/restoration and adaptive utilization. (Jan. 1990)

GOAL - Maintain buildings/grounds to preserve their historical integrity.

OBJECTIVE - Investigate, identify, and prioritize maintenance needs list by March 31, 1990.

RESULTS

PROPOSED 5-YEAR RESTORATION PROJECTS

<u>Project</u>	<u>Anticipated Completion Date</u>	<u>Estimated Cost</u>	<u>Funding Source</u>	<u>Revised/Actual Completion Date</u>	<u>Revised/Actual Cost</u>
(1) Restore Cupola	5/6/90	\$25,000	County Council	7/8/90	\$33,648
(2) Repair Outside Steps	Fall 1990	\$30,000	CDBG Funds	November 1991	\$29,800
(3) Install Ext. Floodlights	End of 1990	\$ 6,000	Corporate Donations	End of 1992	~ \$25,000
	End of 1991	\$30,000	CDBG Funds	Funding Denied	~ \$30,000
(4) Refurbish Room 100	Fall 1991	\$12,000	State Dept. of Hist. Pres.	Funding Denied	
		\$12,000	CDBG Funds	Funding Denied	
		\$13,000	Newman Foundation	Spring 1992	~ \$15,500
(5) Replace (21) Window Casings	Fall 1991	\$12,000	State Dept. of Hist. Pres.	Funding Denied	
		\$12,000	CDBG Funds	Summer 1992	\$12,348
(6) Window Painting	End of 1991	\$40,000	CDBG Funds	Summer 1992	(granted) \$30,000
(7) Rebuild Vine St. Parking lot	Summer 1991	\$10,000	CDBG Funds	Funding Denied	
		\$10,000	OCPS Auxiliary	October 1991	\$10,773
(8) Repave 4th St. Parking Lot	Summer 1990	\$35,000	CDBG Funds	Funding Denied	
(9) Plaster (6) Restrooms	Summer 1991	\$20,000	CDBG Funds	December 1991	\$20,000
(10) Minor Roof Repairs	Summer 1991	\$ 2,000	CDBG Funds	December 1991	\$ 1,991
(11) Repair Marble in Hallways	Fall 1992	\$ 4,000	OCPS Funds		
(12) Repair Wrought Iron Rails	Fall 1992	\$ 1,200	OCPS Funds		
(13) Landscaping (i.e. rose garden)	---- on-going ----	Operation City Beautiful "Adopt-A-Spot" Summer 1991			
(14) Central AC/Heat	1993-1994	\$250,000	Capital Campaign		
(15) Jail/Sheriff's Residence	1994-1995	\$250,000	Capital Campaign		
Refurbish all restrooms	End of 1992	\$12,000			

ZIEMER, STAYMAN, WEITZEL & SHOULDERS
ATTORNEYS AT LAW

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

TELEPHONE (812) 424-7575
TELECOPIER (812) 421-8089

JOHN E. EARLY
(1912-1983)

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

April 27, 1992

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

RE: Report of County Attorney to Regular Meeting of
Commissioners (April 27, 1992); Status of Various Legal
Matters

Dear Ms. McClintock:

Herewith I submit to the Vanderburgh County Commissioners my
report as Vanderburgh County Attorney on the status of various
legal matters as of the Regular Meeting of the Vanderburgh County
Commissioners held April 27, 1992:

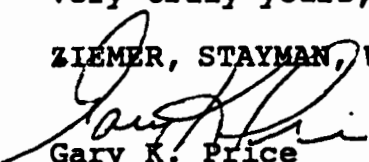
1. At the request of the Commissioners Office, this office prepared an Addendum to the Employment Agreement between Vanderburgh County and H. Norris Robinson.
2. This office has had discussion with the Vanderburgh County Veterans Services regarding the Veterans Pension Benefits issue. To date, all interested persons, to our knowledge, have been contacted, and Release documents were prepared by this office and executed, allowing access to needed records contained within the Veterans Services Office. We are now awaiting response from the insurance carrier.
3. In connection with the suit filed by DPF, Inc. against Vanderburgh County, a Motion for Summary Judgment and supporting Brief was filed by this office, on behalf of Vanderburgh County Commissioners, in the Vanderburgh Superior Court, a hearing on the same will be scheduled.

Ms. Carol McClintock
President
Vanderburgh County Commissioners
April 27, 1992
Page 2

4. The Vanderburgh County Treasurer has been named a defendant in a mortgage foreclosure action filed by Cynthiana State Bank vs. Kramer Group, Inc., in Vanderburgh Superior Court as Cause No. 82D03-9202-CP-587. The County Treasurer's records indicate that real estate taxes are due and owing to Vanderburgh County by virtue of the subject matter of the cause of action. An Answer was filed on behalf of the County Treasurer on March 31, 1992.
5. The Vanderburgh County Treasurer has been named a defendant in a mortgage foreclosure action filed by C.E. Alvey vs. David L. Woods, in Vanderburgh Superior Court as Cause No. 82D03-9204-CP-761. An Answer on behalf of the County Treasurer will be filed.
6. In connection with the Orchard Road Bridge condemnation matter, a Withdrawal of Payment of Damages, and Order for the same, was prepared and filed in the Vanderburgh County Circuit Court. As such, this condemnation matter is closed.
7. At the request of various property owners abutting the Cranza Sewer Project, this office was in contact with the Vanderburgh County Health Department, and prepared an Opinion Letter as to whether certain property owners must tap-in to the public sewer.
8. At the request of the Vanderburgh County Coroner, this office prepared a denial of access to the Evansville Courier of certain autopsy reports and records.
9. At the request of the Vanderburgh County Auditor's Office, this office prepared Quitclaim Deeds for the surplus real estate purchased by Steve Stocker at public meeting.

Very truly yours,

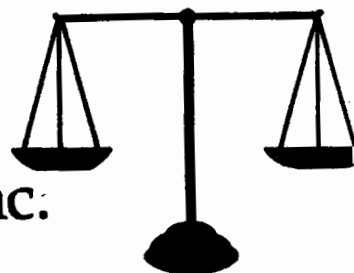
ZIEMER, STAYMAN, WEITZEL & SHOULDERS


Gary K. Price

GKP/js
Enc.

Legal Aid Society

of Evansville, Inc.



ROOM 200, CIVIC CENTER COMPLEX • 1 NW MARTIN LUTHER KING, JR. BLVD. • EVANSVILLE, INDIANA 47708
(812) 426-5173

April 1, 1992

County Commissioners
Civic Center Complex
1 N.W. Martin Luther King, Jr. Blvd.
Evansville, Indiana 47708

Dear Commissioners:

The board of directors of the Legal Aid Society, along with representatives of the Evansville Bar Association and the United Way of Southwestern Indiana, Inc. would like to be placed on the commissioner's agenda during the month of May to make a brief presentation concerning the proposed expansion of the Legal Aid office. We would like to make this presentation before city, county, and United Way budgets are submitted.

Please let me know what the best date will be in May for us to be on your agenda. Thank you.

Sincerely,

Sue Ann Hartig
Sue Ann Hartig
Executive Director

SAH:kgp
cc: Brian Williams
Roger Frick
Warren Hankins
Dan Carwile
Evansville Bar Association

coco.doc

RECEIVED

APR 2 1992

VANDERBURGH COUNTY
COMMISSIONER'S OFFICE

Legal Aid Society of Evansville, Inc.



ROOM 200, CIVIC CENTER COMPLEX • 1 NW MARTIN LUTHER KING, JR. BLVD. • EVANSVILLE, INDIANA 47708
(812) 426-5173

TO: County Council: James Lindenschmidt, James Manning, Betty
Hermann, James Raben, Curtis Wortman, William F.
Taylor, Bettye Lou Jerrel
City Council: James Landers, James Price, Steve Bagbey, Steve
Melcher, David Koehler, Sr., David Mosby, Mary
Tiemann, Michael Scales, Gail Riecken
County Commissioners: Don Hunter, Richard Borries, Carolyn
McClintock
Therese Dawson and Roger Frick at United Way
Legal Aid Society board of directors: Albert Folden, Brian
Williams, Kim Johnson, James Casey, Dan Carwile,
William Deems, Stephan Weitzel, John Staser, Gerald
Elliott, Orvietta Shannon
Warren Hankins
Mayor Frank McDonald

FROM: *SAH* Sue Ann Hartig, Executive Director

DATE: April 1, 1992

Enclosed is a preliminary tentative budget proposal that I have put together for 1993. It has not yet been approved by the Legal Aid board of directors. However, I did want to get it to you right away for your comments.

Our original long term plan proposal, which we distributed to you, showed that we would need \$81,472 in new dollars.

We are asking for \$72,097 in new funds from the city, county, and United Way. We hope to cut as many corners as is possible in making this transition. We have asked Bristol Myers if they can once again supply us with office furniture and we have \$8,000 in savings which we can spend on computers and other office equipment.

The board of directors is scheduled to approve this budget on Wednesday, May 6, 1992. Please let me know if you have any comments you would like for me to present at that time. Also, please call me if you have any questions. Thank you.

omem.doc

CITY AND COUNTY BUDGET

ACCOUNT	SPENT 1991	BUDGET 1992	# PROPOSED 1993	TOTAL SALARY
1110 Ex Director	32,425.00	32,925.00	34,929.00	42,092.00
1130 Staff Atty	28,012.00	31,236.00	33,013.00	37,311.00
1170 Staff Atty	0.00	0.00	22,622.00	30,163.00 *
1140 Jr. Leg Sec	5,541.00	7,733.00	8,673.00	19,750.00
1180 Jr. Leg Sec	0.00	0.00	12,552.00	16,737.00 *
1150 Sr. Leg Sec	17,134.00	19,666.00	20,745.00	22,657.00
1900 Fica 7.65%	6,300.61	7,005.00	10,138.00 @	
1910 Retirement 7%	7,105.83	8,121.00	11,810.00	
1920 Gr. Insur.	15,261.36	17,536.00	42,657.00 +	
1930 Unemploy.	0.00	381.00	1,688.00 %	
1940 Work. Comp.	377.00	450.00	550.00	
2600 Off. Supply	1,134.43	1,000.00	1,200.00	
3000 Bond & Insur.	0.00	100.00	175.00	
3010 Other Insur.	250.00	250.00	300.00	
3120 Postage	2,100.00	2,000.00	2,500.00	
3130 Travel	0.00	500.00	750.00	
3140 Telephone	1,097.56	1,755.85	2,605.00	2 new incoming lines
3250 Law Books	650.00	750.00	750.00	
3280 Audit	0.00	0.00	0.00	
3410 Printing	752.50	600.00	700.00	
3450 Yellow pages	780.00	850.00	1,200.00	
3520 Equipment Repair	0.00	300.00	500.00	
3540 Main. Agree.	1,018.00	2,700.00	3,000.00	
3600 Rent	12,350.00	12,350.00	18,350.00	
3680 Malpractice	1,872.00	2,431.00	2,722.00	12% increase
3700 Dues and Sub.	625.33	750.00	800.00	
3730 Continue Ed.	781.80	1,000.00	1,000.00	
3990 Miscellaneous	0.00	0.00	0.00	
4210 Furn & Fix	0.00	0.00	1,000.00	
4220 Off Mach	791.57	0.00	2,000.00 &	
Total	\$136,359.99	\$152,389.85	\$238,929.00	

The city and county each pay 50% of the total or \$119,465. This is an increase of \$43,270.00 for each entity over 1992. However, \$1,000 of that is a "paper transaction" for the rent. \$1688 is a "paper transaction" for unemployment. Of the \$119,465, \$55,354 is attributable to the salary, PERF, FICA, and group insurance for the two new employees, and \$11,000 is for health insurance for current employees.

* Salaries may be more under county job study if employee has existing seniority.

This presumes a 5% increase in salaries.

% We hope to obtain donated office furniture. We have raised \$8,000 from donors for new office equipment.

% We are told this figure should be 1% of gross, but the money is never disbursed.

+ Figure from Karen Joest (would be 28,416 for 4 people)

UNITED WAY BUDGET

ACCOUNT	SPENT 1991	BUDGET 1992	PROPOSED 1993
1110 Ex Director	7,165.00	7,165.00	7,165.00
1130 Staff Atty	4,298.00	4,298.00	4,298.00
1170 Staff Atty	0.00	0.00	7,541.00
1140 Jr. Leg Sec	11,077.00	11,077.00	11,077.00
1180 Jr. Leg Sec	0.00	0.00	4,185.00
1150 Sr. Leg Sec	1,912.00	1,912.00	1,912.00
1900 Fica	1,871.00	1,871.00	2,767.00
1910 Retirement	0.00	0.00	0.00
1920 Gr. Insur.	0.00	0.00	0.00
1930 Unemploy.	0.00	0.00	0.00
1940 Work. Comp.	0.00	0.00	0.00
2600 Off. Supply	600.00	400.00	1,300.00
3000 Bond & Insur.	0.00	0.00	0.00
3010 Other Insur.	0.00	0.00	0.00
3120 Postage	400.00	300.00	1,000.00
3130 Travel	200.00	300.00	600.00
3140 Telephone	0.00	0.00	0.00
3250 Law Books	300.00	500.00	700.00
3280 Audit.	1,000.00	1,250.00	1,500.00
3410 Printing	100.00	0.00	400.00
3450 yellow pages	0.00	0.00	0.00
3520 Equipment Rep.	0.00	0.00	0.00
3540 Main. Agree.	0.00	0.00	0.00
3600 Rent	0.00	0.00	0.00
3680 Malpractice	0.00	0.00	200.00
3700 Dués and Sub.	700.00	900.00	1,500.00
3730 Continue Ed	700.00	1,000.00	1,500.00
3990 Miscellaneous	399.52	563.45	1,500.00
4210 Furn & Fix	0.00	0.00	1,000.00
4220 Off. Mach.	<u>3,920.00</u>	<u>1,000.00</u>	<u>2,000.00</u>
Total	\$34,642.52	\$32,536.45 **	\$52,145.00 *

* \$21,035 for expansion, \$12,623 of which is for salaries and FICA.

** Allocation = \$31,110.00; carry over = \$1,426.45



RESOURCE AGENCY DEAF & HARD OF HEARING

1018 LINCOLN AVE., EVANSVILLE, IN 47714
Phone: (812) 425-2726 TTY: (812) 425-2841

March 31, 1992

To Whom It May Concern:

This letter is written in support of the Legal Aid Society of Evansville, Inc. expanding their office to include another full-time attorney and secretary.

Clients from our Agency have utilized the Legal Aid Society for legal assistance and received quality legal advice. However, as the economic conditions of individuals continues to decline, the need for legal services is greater the waiting lists grow longer.

A larger staff at the Legal Aid Society of Evansville, Inc. is warranted to meet the increasing legal needs of low income residents of Vanderburgh County.

Sincerely,

Ali S. Blaylock
Ali Steinhart Blaylock
Executive Director

PARTIALLY FUNDED BY UNITED WAY AND INDIANA DEPARTMENT OF HUMAN SERVICES



April 1, 1992

118 Vine Street
Evansville, Indiana 47708
Phone (812) 422-1191

Sue Ann Hartig, Executive Director
Legal Aid Society of Evansville, Inc.
1 N. W. Martin Luther King, Jr. Blvd.
Civic Center Complex, Room 100
Evansville, IN 47708

Dear Ms. Hartig:

I wish you the best of luck in securing funding that would allow you to add an attorney and secretary to your staff in 1993.

As you know, the YWCA has referred clients to you on numerous occasions who were in abusive situations. Without the help of Legal Aid, most of these women would have few other sources of legal assistance.

You have also had to turn away many of our clients who were on the borderline in terms of income but who, nevertheless, needed assistance.

It is our hope that increased funding will allow you to expand your income guidelines so that additional low-income people who desperately need legal assistance can get it.

Your agency offers a critically needed service in our community; unfortunately, because of your limited staff, not everyone who needs your services can be assisted.

The YWCA wholeheartedly supports your efforts for increased funding.

Sincerely,

A handwritten signature in cursive script, reading 'Sylvia Neff Weinzapfel'.

Sylvia Neff Weinzapfel
Executive Director

**MINUTES
COUNTY COMMISSIONERS MEETING
MAY 18, 1992**

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MINUTES
COUNTY COMMISSIONERS MEETING
MAY 18, 1992

The Vanderburgh County Board of Commissioners met in session at 5:30 p.m. on Monday, May 18, 1992 in the Commissioners Hearing Room, with President Carolyn McClintock presiding.

RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

The meeting was called to order by President McClintock, who subsequently introduced members of the County Staff and asked the group to stand for the Pledge of Allegiance.

Ms. McClintock then asked if there are any individuals or groups present who wish to address the Commission, but do not find their particular item of interest listed on today's agenda. There were none.

RE: VANDERBURGH AUDITORIUM

Commissioner McClintock asked if representatives from Vanderburgh Auditorium are present today? There being no response, she said the Commission had requested that they provide an update after their first month or so of activities. Each of the Commissioners should have a copy of their written report. We will ask them to come to next week's meeting. In the interim, the Commissioners can review the report.

RE: AUTHORIZATION TO OPEN PROPOSALS RE PROJECT ME-185
(LYNCH RD. EXTENSION, PHASE I)

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, Attorney Mike Schopmeyer was authorized to open the proposals. So ordered.

RE: POLLACK AVENUE PROJECT

Commissioner McClintock said that on March 30, 1992, the Commission heard a report from Rose Zigenfus (EUTS) regarding the need to push forward the Pollack Avenue project. At that time we asked Rose to assist the County Engineer's department in preparing the Request for Proposals. The RFP was prepared and mailed to thirty odd engineers on our approved engineers list. We did not go back and advertise for those proposals. She asked Mike Schopmeyer to look into that this afternoon and he indicates to her that since it is a professional service we do not have to place a legal ad in the newspaper. We do have a number of proposals and could do one of two things: We can -- since we discussed it in a public meeting, we did prepare the RFP and we did mail the RFPs out -- go ahead and open those and take them under advisement in the same manner that we're doing the Lynch Rd. project. Or, if you prefer, we could advertise for additional RFPs, not open the ones we have -- hold those to see if any additional one come in, and open them all at the same time -- whatever the Board's preference. We're talking a couple of weeks additional time.

Commissioner Borries said he would be in favor of the second option because he had asked Ms. Zigenfus to prepare some kind of statistics regarding this particular project. Things change -- and because of the Interstate 164 that is now completed, he has seen some dramatic decreases on this particular project -- at least this particular route. There could be others; for example, Burkhardt Rd. north of the Lloyd Expressway - which might have much more pressing kinds of problems than Pollack Avenue at this time. To the best of his knowledge, Ms. Zigenfus has not talked about any

kind of numbers or revised figures -- so he'd like to see those before he votes on this. Therefore, he'd like some kind of delay to perhaps ask others to bid and also get that information from Ms. Zigenfus.

Commissioner McClintock asked if Mr. Borries would like for her to ask Ms. Zigenfus to come to the next Commission meeting before authorizing the bidding?

Mr. Borries responded affirmatively, and Ms. McClintock asked B. J. Farrel to so notify Ms. Zigenfus and ask her to provide the requested information -- and the proposals received to date will be held unopened.

Interim County Engineer Dave Savage said he had spoken with Rose Zigenfus concerning this. He believes the Commissioners had asked for some traffic counts on Pollack. Prior to Covert and the Interstate it was running around 3,000 per day in that area. In the fall of 1991, it was running around 1,600 per day -- which is a significant decrease. They also discussed (and she asked him to pass along) that the proposal has been recommended as a safety improvement, not as a congestion-related improvement and that the safety matter is there regardless of the traffic count. He had suggested to Rose -- and they have decided that after the proposals are opened (whether this week or next month) to have some type of scope of work meeting to define a bit more what we want to do on that project. It may not be necessary to go the full tilt Federal guidelines type thing. We may just want to take the section where the ditch is -- which he thinks is the biggest hazard -- and move it out and the Commissioners would, of course, be involved in that.

Ms. McClintock said, "So, Dave, she has provided you with this information and that is the extent of her..."

Mr. Savage interrupted, "Unless you require some further detail, this would be, I think, what she intended to submit."

Ms. McClintock asked Mr. Borries if he would like for Ms. Zigenfus to go ahead and come next week.

Mr. Borries replied, "I certainly accept Dave's idea there. Again, I would like further information about this project before I make any commitments at this time -- because those figures are dramatic. That is half of what was envisioned and, again, it certainly looks like the scope of this particular project needs to be looked at very carefully before we make any commitments. Yes, I would like more information from her if possible."

RE: REQUEST FOR VACATION OF PUBLIC UTILITY EASEMENTS
ON CLARENDON DRIVE

It was noted by Commissioner McClintock that this is the public hearing concerning this matter. Is there anyone present who wishes to speak to this request? There being no response or comments, a motion was entertained.

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

RE: REQUEST FOR VACATION OF PUBLIC UTILITY & DRAINAGE
EASEMENTS IN BURCH INDUSTRIAL CENTER

Commissioner McClintock noted this was originally brought before the Commission to provide for an opportunity for the expansion of Wabash Plastics. Mr. Jack Schroeder is here representing the Petitioner.

Attorney Schroeder said there has been no question about this and

he has copies of letters from utility companies, etc., for the County files.

Attorney Mike Schopmeyer said the record needs to reflect that the County Attorney has a conflict of interest here. Kahn, Dees, Donovan and Kahn represents Wabash Plastics, as well as the seller of this property.

Commissioner McClintock entertained questions. There being none, a motion was entertained.

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

RE: COUNTY SURVEYOR - ROBERT BRENNER/PERMITS FOR
COUNTY VEHICLES

The meeting continued with Commissioner McClintock stating she doesn't see Robert Brenner, County Surveyor. Is there anyone from his office present? There was no response.

Ms. McClintock said Mr. Brenner is requesting that their office be issued two (2) parking permits for the Vanderburgh County Auditorium for the two County vehicles that come and go. She suggests that these be referred to the Auditorium so the Commission can get a report on the number of spaces already allocated -- because she honestly doesn't know where we are and who is in those spots. The Commissioners need to look at this information and then act on this next week.

RE: COUNTY CLERK - BETTY KNIGHT SMITH/EXPANSION REQUEST
RE ELECTION OFFICE

Having been recognized, Ms. Smith said she passed out a packet to everyone that is here. Due to the fact that it is very, very crowded in the back room (we've increased by 28 precincts) and when the people are working back there -- they have no room. Pat Tuley agreed to give her some of his space. They asked Mr. Utley to obtain some bids. The total cost will be \$8,730.00. Pat said he doesn't need the space and this summer would be the ideal time to accomplish the work. Therefore, she is requesting this space and the designated amount of money.

Commissioner McClintock said the Commission can approve the space request, but she needs to get the money from County Council.

Ms. Smith said she has already filed this request with the Council. Her two co-managers are present today, as well as her Chief Deputy in the Election Office -- and they will all tell the Board that it is very hard to work in the back room with no more space than they have.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the requested space allocation was approved. So ordered.

RE: HIRING OF DIRECTOR OF PUBLIC WORKS - STEVE SHERWOOD

Commissioner McClintock said the Commissioners have spent approximately the last three to four weeks in a search for a new Public Works Director. We advertised regionally in newspapers and in major metropolitan areas, as well as in our own tri-state area and in the professional magazines. Twelve (12) applications were received and she asked Dave Savage to go through those and look at the technical skills and abilities of the applicants in order to come up with a recommended five (5) applicants. That is where the Commissioners started with their selection process. They ended up with two (2) applicants who were interviewed last week in Executive

Sessions and those applicants were Steve Sherwood and Richard Trombley. Since then we have received -- and each Commissioner has been provided with -- a copy of their career profile/personality profile tests and each Commissioner has also received a copy of their list of references and has had an opportunity to call those references to obtain additional information on the two candidates. Both candidates have excellent qualifications and it really comes down to a decision on really strong technical capabilities over really strong managerial skills. We have two excellent people.

Commissioner Hunter agreed and said he spent two or three hours on the telephone yesterday afternoon calling references, trying to verify some of the things we had been told -- as well as going through the profile tests that the applicants were given. He also wants to thank David Savage, who was a tremendous help in the screening process and sitting in with the Commissioners on the technical end of this. It was very, very helpful. Commissioner Hunter then moved that the Board offer this position to Mr. Steve Sherwood.

Ms. McClintock entertained a second to the motion for purposes of discussion.

Mr. Borries seconded the motion.

Ms. McClintock entertained comments or questions.

Commissioner Borries said he is pleasantly surprised with that choice, because he believes from a local perspective and a person who is active in the field -- he thinks that is a good choice.

Ms. McClintock there is a motion and a second to offer the position to Steve Sherwood. This does depend upon the Commissioners discussion with him regarding relocation. He just bought a house in Warrick County and now has to relocate back to Vanderburgh County. They need to work out a time table agreeable to the Commission, as well as negotiate a salary that is agreeable to the Commission and the County Council. With all of this in mind, she will so order. She will get in touch with Mr. Sherwood first thing tomorrow morning -- maybe even this evening.

RE: JOB DESCRIPTIONS/PUBLIC WORKS DEPARTMENT

While it is not on today's agenda, Ms. McClintock said the Board last week provided the new job descriptions for the Public Works Department for Commission review. The Board needs to get those approved so they can to the County Council to the Job Study Committee so we can determine whether those salaries are going to stay the same or whether there is going to be some realignment in those salaries -- because those adjustments had not been made after we reorganized the department. She then entertained comments or suggested changes on any of the individual job descriptions for the personnel in the Public Works Department. The job descriptions were initially prepared by Greg Curtis and Scot Davis did some updated information following six months in the newly formed department. She thinks both Greg and Scot did an excellent job and they also have been reviewed by Dave Savage.

Motion was made by Commissioner Hunter to approve the job descriptions and forward same to County Council.

Mr. Borries seconded the motion.

Ms. McClintock so ordered.

Commissioner Borries interrupted, "No, I wanted a roll call vote -- the reason being that my objections to this whole procedure have been a matter of record, and I'm not going to go back through that. But I am not going to support at this point what I still see is not

a very effective use of the personnel we have nor what I see, at this point, a very long and not what I would see as a very effective way to reorganize the department. So I would ask for a roll call vote and I vote no."

Ms. McClintock said, "So ordered -- and we need to get those to Sandi Deig."

RE: BOCKELMAN NO. 3 SCHOOL - DAVID ISLEY/BERNARDIN-LOCHMUELLER

Mr. Isley said this regards the USI Interchange and historic schoolhouse in the northwest corner. As the Board will recall, Historic Preservation would like to see us move that and we have to file the Section 106 regulations, of which this memo agreement I've submitted to you is a part of that. There are eight (8) stipulations here and the County Attorney has looked through them. Basically it involves the County purchasing the property, offering it to whatever interested party might want to move the schoolhouse (that is basically in Statements 2 and 3) and in stipulation #4 the schoolhouse would be documented, following all the procedures on historic buildings and archival photographs. With regard to Stipulation #5, hopefully a party will consent to move the building onto the property at USI. Stipulation #6 refers to upgrading that -- rehabilitating the building. Stipulation #7 talks where they'd like a little marker put by the new structure to tell where the old one was, the historical significance of that, etc. Stipulation #8 states that if no one comes forward to move it and if it is not possible to move it, then we can actually demolish it with the approval of the State Historic Preservation Officer, the Indiana Department of Transportation and the Federal Highway Administration. Hopefully, the Commission will agree to sign this and we'll move it on to David Rice for his signature. They will start the process of going to the State, Federal Highway and Historic Preservation in Washington, D. C. Hopefully we can get everyone to sign and then we'll get through this process regarding the historic building at the Interchange.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the Memorandum of Agreement was approved and signed. So ordered.

RE: COUNTY ENGINEER - DAVE SAVAGE

Acceptance of Street/Folz Lane (off St. Joe): Mr. Savage said this has been inspected by Mr. Scot Davis. This is a gravel street that has been brought up to County standards.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, Folz Lane/Extension (\$240 l.f.) was accepted for County maintenance. So ordered.

Acceptance of Streets/Green River Estates, Section D-2: Mr. Savage said these streets have been inspected and everything is in order. Mr. Heston asked a question he was not able to answer. Do they have separate acceptance for drainage matters by the Drainage Board?

Ms. McClintock responded affirmatively.

Mr. Savage continued by saying the paperwork Mr. Davis has filled out addresses only the street portion. He assumes the drainage would have to be addressed through the Surveyor's office.

At the recommendation of Mr. Savage, upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the

streets in Green River Estates, Section D-2 were accepted for County maintenance. So ordered.

Road Plans/Brookview Subdivision: Mr. Savage said that during the construction period it became apparent that the street needed to be shortened by about 3-1/2 ft. and he has a modified road plan that Morley & Associates has submitted. This was originally approved in 1986, he believes. No signatures are required -- just a minute in the record that the revised sheet dated March 6, 1992 is approved. Mr. Savage said it is his recommendation that this be approved.

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

Nesbit Rd./Pipe Drainage Structure: Mr. Savage said this is listed as a Change Order, but it really is not a change order. This, he believes, once the right-of-way deal that is being signed by the property owner now is put to rest -- will be the last item that needs to be dealt with on this. There was a pipe drainage structure that became apparent once construction started that there would no longer be enough room to get a planter around this pipe. So we needed to replace it. The property owner that it is on -- the fellow who offered the right-of-way for construction -- with no charge. He wanted to increase the size of the drain at his own expense. Mr. Savage said he felt the easiest thing to do would be to get a price from the contractor to replace what is there in kind and pay that amount of claim to the property owner and let him do whatever he wants size wise, location wise, etc., with the pipe. Today he is asking Commission approval to proceed with this. To replace the drain that is there that would no longer work would cost \$1,128.00.

Ms. McClintock entertained questions. There being none, a motion was entertained.

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

Proposals re Lynch Rd. Extension, Phase I: Mr. Savage said it is his recommendation that the proposals received on this project be taken under advisement. He will try to screen them in a preliminary fashion and get them back to the Commissioners.

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

Claims/Bond Issue/Union Township Overpass & USI Interchange: It was noted by Mr. Savage that he has a few claims concerning the bond money for the Union Township Overpass and the USI Interchange, as follows, and he recommends approval of same:

Blankenberger Bros. (UTAP)	\$270,004.45
Bernardin, Lochmueller & Assoc. (USI)	\$ 2,122.90
and	\$ 9,975.44

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

Agreement for Reimbursement for Railroad Relocation Expenses on Columbia-Delaware: Mr. Savage said the Commission approved this agreement a few weeks ago. The State sent them back and advised there is a signature line for the County Legal Counsel. They need to sign, as indicated. It was a little bit confusing to his office, also. If the Commission has any questions they can call Mr. Scott Davis -- he is the one who talked to the State about it.

Green River Rd. Project: Mr. Savage said the Commission has been negotiating with Bill Spurling, who is developing a project in that area to avoid a future problem with alignment at Spring Valley Road. That has been proceeding and we've now reached the point where we have some dollar figures assigned to that and we need to address two items. He guesses that is the way the changes will be paid for and then the road plans need to be approved by the

remind department heads and office holders that we want them to use the Legal Counsel of the County and encourage that use so that we're well protected, but that they should be the individual contacting the County Attorneys' offices as opposed to other individual employees within the County and/or private contractors doing business for the Public Works Department or the Auditorium, or whatever group it might be. That has always been the policy, but I think we need to remind them that is the procedure.

Mr. Borries asked, "To what -- contact this office?"

Mr. Hunter responded, "It comes through us at some point."

Ms. McClintock asked, "That is what you want then?"

Mr. Hunter responded, "Yes."

Ms. McClintock instructed Lou Wittmer to do a letter to that effect.

RE: CONSENT AGENDA

Commissioner McClintock entertained questions concerning any of the items included on the Consent Agenda.

Claims/Account Numbers: Ms. B. J. Farrell said she would like some clarification from Auditor Humphrey concerning a claim from Alexander Ambulance Service that does not have any account numbers on it. Is that to be paid out of the Emergency Medical account? (Further comments were inaudible, as Ms. Farrell was speaking from a table at the rear of the room.)

Ms. McClintock said Ms. Farrell can look back at Mrs. Meeks' previous records to get the account number.

Mr. Hunter said, "Let's do that."

Ms. Farrell said, "I didn't know. I didn't have a chance to certify it. But they had sent it in and asked that it be paid."

Mr. Humphrey said, "There is one down there from Given & Spindler for May management -- and we will pay it, but not until after June 1st.

Ms. McClintock asked Ms. Farrell to make a note that this claim will be paid after June 1, 1992. We're taking off the payment to Alexander Ambulance Service until we get an account number on that claim.

Approval of Minutes: Ms. McClintock said the Commission needs to accept the minutes of May 4, 1992 and April 27, 1992.

Employment Changes: Ms. McClintock proceeded to read Employment Changes received **after** the agenda had been prepared -- in addition to the employment changes already listed on the Consent Agenda:

Treasurer (Appointments)

Virginia Wallace	Part Time	\$5.00/Hr.	5/7/92
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Treasurer (Releases)

Margaret Effinger	Part Time	\$5.00/Hr.	5/7/92
Lanelle Brenner	Part Time	\$5.00/Hr.	5/7/92

Health Department/WIC (Appointments)

Ingrid Weatherford Clerk \$14,238/Yr. 5/4/92

Health Department/WIC (Releases)

Ingrid Weatherford Clerk \$13,584/Yr. 5/1/92

Prosecutor/DLEP (Appointments)

Jonathon J. Parkhurst Dep. Pros. \$36,000/Yr. 5/4/92

Prosecutor/DLEP (Releases)

Jonathon J. Parkhurst Dep. Pros. \$35,000/Yr. 5/4/92

Ms. McClintock said there is a slip for Teresa Wargel, but it has no salary on it, so that one will be held.

The foregoing include all the changes and additions she has to the Consent Agenda. She then entertained a motion to approve.

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

RE: OLD BUSINESS

Copying Charges: Commissioner McClintock noted it was brought up some time ago that a copy machine had been purchased for the Commission Office and there was a need to come up with some kind of charge for copies. She thinks the general feeling is that we did not want to charge for copies to the general public or members of the media who needed copies to get our information to the public. However, they've had several requests from candidates for public office who would like some relatively extensive copies made -- or to come up and make the copies -- for them. In an effort to oblige that request she would like some kind of recommendation or motion on what the Commission feels is fair per copy for letter size and legal size so we can begin to accommodate these requests. The Auditor's office charges from 12 cents to 50 cents. Lou Wittmer did this research about a month ago with the various offices. She believes Lou Wittmer made a recommendation when he did this -- that 10 cents would cover the letter size and 12 cents would cover the legal size.

Mr. Wittmer said that is correct.

Ms. McClintock asked if that is a motion.

Mr. Hunter said, "It sure is."

Ms. McClintock asked Mr. Borries if this is agreeable to him.

Mr. Borries said, "Second."

Ms. McClintock continued, "I will so order -- so it's 10 cents for letter size and 12 cents for legal size."

Mr. Taylor Payne, a Commissioner candidate asked, "Is there a base amount of copies for which there would be no charge that would not be considered extensive? In other words, would minutes from this meeting be considered extensive?"

Auditor Humphrey interrupted, "As far as my office, we have our copy charges established and whatever they are -- they are."

Mr. Payne said, "No, I was talking about the Commission office. They indicated they provide certain things to the public and the press at no charge that are not considered extensive."

Mr. Hunter said, "No, no, no, no."

Ms. McClintock commented, "Yes, I just said all of that. That we're not going to charge the press and we're not going to charge Mr. Heston if he comes in."

Auditor Humphrey interrupted, "We charge the Press, Lady."

Ms. McClintock said, "You do. We're talking about the Commissioners office. We're not talking about the Auditor's office. I don't know. Taylor, quite frankly, you've thrown me for a loop. I guess I didn't know you were going to stand up and ask that -- so...."

Mr. Payne countered, "Well, I didn't know you were going to make the comment that you would provide copies free of charge to the press and the general public copies that are not considered excessive. There are a number of things I want copies of and I'd like to be able to get those that are provided to the general public at no charge...
(inaudible comments, because Candidate Payne was speaking from the last row in the room, without benefit of the microphone)..."

Commissioner Hunter interrupted, "My feeling is that in all fairness, no matter which political party is involved they are going to pay 10 cents and 12 cents per sheet."

Commissioner Borries noted, "Well, we provide minutes if there are some that would pertain to a recent meeting. But if you're going back and talking several years of information, I think that there'd have to be some type of charge for those types of copies."

Mr. Payne said he wanted whatever the general public was being given free of charge. Other than that....

Commissioner McClintock stated, "What Rick is saying is that from this day forward if you want copies of the minutes as they come out, he thinks that sounds reasonable. But, not to go back -- and in your case, Rick has been on the Commission twelve years and that would probably be an unreasonable request. And I think as long as we are consistent and follow the same kind of policy with both parties -- does that sound reasonable? And if we have a problem and there is a complaint, we can address that."

Commissioner Borries said that is fine.

Green River Rd. Property: Ms. McClintock said that once again Mr. Koester submitted an envelope for a bid for rental of that property. Who knows why, but he did not bother to ask anybody to initial it or date it when it came in. (It was just in her mail box. Ms. Farrell does not know when it arrived or who brought it.. So once again we need to advertise for the use of that house for the field office for the Green River Rd. project. (And the price is going to go up if we have to advertise this one more time.)

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

Ms. McClintock instructed Ms. Farrell to call Koester and tell them that when they bring it in to bring it to her, so she can date it.

Commissioner McClintock entertained further matters of old business to come before the Board. There were none.

RE: NEW BUSINESS

Department of Defense Finance & Accounting Activities Center: In providing an update concerning this matter, Commissioner McClintock said individuals have been working on this for the past week and a

half. She met with Posey and Warrick County officials last Thursday and with Gibson County officials on Friday. Tomorrow morning at 11:15, she and Ken Robinson are going to the Gibson County Council meeting to make a presentation to the Council to ask for their support in this project -- both financially and otherwise -- however else they can assist us. We are continuing our talks with Warrick County and Posey County. What we've asked them to do at this point is to set up a special meeting for their Councils. Those are really the groups that have to approve the fiscal amounts. We do not have our numbers yet. We're supposed to have firm numbers tomorrow morning (we have to have) to take to the meeting in Gibson County in an effort to ask them for their financial contribution. She and Ken Robinson worked over the end of last week and over the weekend preparing a Resolution that she had Lou Wittmer make a copy for each of the Commissioners prior to today's meeting. We need to enact this -- if we want to -- prior to June 1, 1992. So they wanted to provide the Commissioners with a copy of the Resolution and would ask that it be placed on the agenda for next week's meeting -- so that it can be approved at that meeting so it can be included as part of the packet.

The big thing that is not in there is the dollars. As soon as she gets the dollar amount, she will have B. J. Farrell contact each of the Commissioners, indicating the dollar amount. After the Commissioners review the Resolution, if there is other information they need. Again, she will have the financial information tomorrow -- a financial breakdown on each County. We will give each Commissioner and each Council member a packet of that information. If either of the Commissioners want anything placed on the Resolution or changed, please let B. J. know so she can get those additions or changes made prior to next week's meeting. Ms. McClintock then entertained questions. There were none.

Ms. McClintock asked if either Commissioner Borries or Commissioner Hunter would like to go to Posey County or Warrick County when they get these meetings set up? They just got the Gibson County meeting set up today. Would they like for B. J. to call them to see if they're available?

Both Commissioners indicated they would be interested in being called.

Rummage Sale/Parking Problems: Commissioner Hunter said that last Saturday the residents of Evergreen Acres decided to have their annual rummage sale. It was so successful that it took five (5) Sheriff's deputies' vehicles and a lot of work to unravel the traffic jam. He thinks a couple of things became very apparent. First, we need to get some kind of a handle on sales of that size. The more frightening part of it -- and he lived through this a few years ago in a similar situation -- to where traffic was so backed up that people had parked on both side of the road. Our County roads generally are not wide enough for parking on both sides -- and emergency vehicles could not get in and out if there was an emergency. That does frighten him. He thinks we need to look into that.

The other thing that came to light was that the only type of parking ticket that the Sheriff's Department has the authority to issue is a \$62.00 parking ticket, which is kind of heavy. He asked Lou Wittmer to contact Allen County, St. Joe County, and counties roughly the same size as ours -- and find out how they deal with their rummage sales. This one must have been humongous -- and with very limited planning or forethought, at least for traffic control. Secondly, find out what type of ordinances they have passed dealing with parking citations in the County. Mr. Hunter then asked Mr. Wittmer to have something for the Commission by next Tuesday night -- and asked Ms. Farrell to place this on next week's agenda.

Commissioner McClintock then entertained further matters of new business to come before the Board. There were none.

* * * * *

R E Z O N I N G P E T I T I O N S

F I R S T R E A D I N G S

VC-1-92/Petitioner, Greg Kirves: Property is located at 4140 Old Henderson Rd. Petitioner is requesting change from Agricultural to C-4. Present existing land use is residential. Ms. McClintock asked if anyone is present to speak to this petition.

Commissioner Borries said the Rezonings were advertised for 7:00 p.m. We need to waive the rules at this point, since they are First Readings. On Third Readings you could have several people wishing to speak to the rezoning -- but he doesn't think there is any problem tonight. Therefore, he would move that the two First Readings (VC-1-92 and VC-2-92) be heard on First Reading at 6:30 p.m.

Motion was seconded by Commissioner Hunter. So ordered.

In proceeding, Ms. McClintock again asked if there is anyone to speak to this petition. There being no response, she entertained a motion to approve on First Reading for forwarding to the Area Plan Commission.

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

VC-2-92/Petitioners, Tim Furbie & Larry Koester Subject property is located at 6700 Darmstadt Rd. Petitioners are requesting Agricultural and R-1 to C-2. Present existing land use is vacant land and they want to construct a convenience store and a service station.

Motion to approve on First Reading and forward to the Area Plan Commission was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

There being no further business to come before the Board at this time, Commissioner McClintock entertained a motion to adjourn.

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

PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
Richard J. Borries, Member
Mike Schopmeyer, Attorney
Sam Humphrey, County Auditor
Dave Savage/Interim County Engineer
Betty Knight Smith/County Clerk
Alberta Matlock/Asst. Chief Deputy/Elections
David Isley/Bernardin-Lochmueller & Assoc.
Jon Hill/Voter's Registration
Susan Kirk/Voter's Registration
Lisa Daugherty/Spurling Construction
Bill Spurling/Spurling Construction
Phil Heston/Green River Estates
Jack Schroeder/Attorney
John R. Schroeder/Wabash Plastics, Inc.

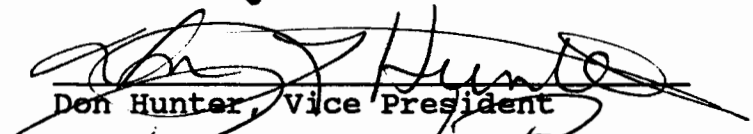
COMMISSIONERS MEETING
May 18, 1992

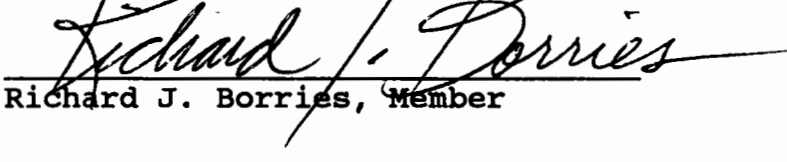
14

Marjarie Scharpf/Attorney
Taylor Payne/Commissioner Candidate
Pam Martin/Chamber of Commerce
Lou Wittmer/Commission Office
B. J. Farrell/Commission Office
Alan Julian/Evle. Courier
Mark Mayhew/WIKY
Warren Korf/WBKR
Jim Bretz/WYNG
Eileen Faxas/WEVV-TV
Others(Unidentified)

SECRETARY: Joanne A. Matthews


Carolyn McIntock, President


Don Hunter, Vice President


Richard J. Borries, Member



**BOARD of
COMMISSIONERS**
of the County of Vanderburgh

CAROLYN McCLINTOCK
DON L. HUNTER
RICHARD J. "RICK" BORRIE

AGENDA

VANDERBURGH COUNTY COMMISSIONERS

MAY 18, 1992

5:30 P.M.

FINAL

- 1. CALL TO ORDER**
- 2. INTRODUCTION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. ANY GROUP/INDIVIDUAL WISHING TO ADDRESS THE COMMISSION**
- 5. ACTION ITEMS**
 - a. Bid Openings**
re: Project No. ME-185 (1)
(Lynch Road)

re: Project (Pollack Avenue)
 - b. Vacation regarding Clarendon Drive/hearing**
 - c. Vacation regarding Wabash Plastics/Gregory G. Kempf**
re: hearing
 - d. Robert Brenner/County Surveyor**
re: permits for county vehicles
 - e. Betty Knight Smith/County Clerk**
re: request for rebuilding and expanse of the Election
Office

f. Board of Public Works
re: Discussion and hiring of County Engineer

g. David Isley/Bernardin Lochmueller
re: Bockelman School Memorandum

6. DEPARTMENT HEADS

Jeff Wilhite ----- County Attorney

Dave Savage ----- County Engineer

7. CONSENT ITEMS

a. Acceptance of April 27, 1992 minutes

b. Taylor Payne for County Commissioner/JoDee Curtis
re: Request to use county roads for 5K Road Race on June 6

c. Travel/Education Request

County Commissioners (1)

Weights and Measures (1)

Health (3)

Knight Township Assessor (2)

County Clerk (4)

Perry Township Assessor (3)

d. Invoices for payment:

1)	Given and Spindler Management	
	April Management fee.....	3333.33
	May Management fee.....	<u>4000.00</u>
	Total	7333.33

- 2) Alexander Ambulance Service, Inc.
1992 Vanderburgh County Subsidy for ambulance
service for 1/1/92 - 3/31/92.126,136.78
- 3) Ziemer, Stayman, Weitzel & Shoulders
April fees.....6905.52

Checks Received:

Centurion Federal Credit Union
Refund of overpayment to Centurion (Check # 303765)
Amount of refund.....40.03

St. Mary's Medical Center/Refund.....75.99

Indiana State Coroners Association.....125.00
(Refund/Mr. Althaus did not attend)

United Artists Cable.....37,247.26
First quarter 1992 franchise fee

- e. County Garage
re: Permission to purchase a used trailer
(Please refer to enclosed letter)

- f. Employment Changes

County Highway/Appointment

John A. Hilderbrandt/Summer Crew.....5.00/HR
5/6/92
James A. Griffin/Summer Crew.....5.00/HR
5/6/92

County Highway/Release

John A. Hilderbrandt/Summer Crew.....5.00/HR
5/7/92

Knight Township Assessor/Appointment

Joe B. Gries/Deputy.....5.00/HR
5/18/92

Prosecutor/Appointment

Andrea Baus/Part time.....5.00/HR
5/11/92

County Commissioners/Appointment

Camille Goebel/Intern.....5.00/HR
5/11/92

Cumulative Bridge/Release

Delbert Pinkston/Inspector.....19,267.00/YR
6/6/92

Election Office/Release

Mary Lee Bassemier/Deputy Clerk.....6.00/HR
4/8/92
Nancy Kleiman/Deputy Clerk.....6.00/HR
4/8/92
Jane Wilkie/Deputy Clerk.....6.00/HR
4/6/92
Pamela A. Daniels/Deputy Clerk.....6.00/HR
4/6/92
Lynne M. Provost/Deputy Clerk.....6.00/HR
4/4/92
Audrey F. Schiff/Deputy Clerk.....6.00/HR
4/4/92
Elmer Tornatta/Ballot Aid.....6.00/HR
4/6/92
Casey Randolph, Jr.....6.00/HR
4/6/92
Donald Cassidy/Ballot Aid.....6.00/HR
4/5/92
John Jones/Ballot Aid.....6.00/HR
4/5/92

Superior Court/Appointment

John Schwentker, Jr./Transportation Officer..... 11,233.00/YR
5/11/92
Kendra K. Grammer/Small Claims Sec'y.....17,775.00/YR
5/4/92 (Six month step increase)

Superior Court Release

Kendra Grammer/Small Claims Sec'y.....16,952.00/YR
5/4/92
Denzil Reed/Transportation Officer.....11,233.00/YR
5/8/92

Burdette Park/Appointments

Patti K. Schaffer/Gift Shop Manager.....5.50/HR
5/4/92

All jobs listed are part time ground crew for \$ 4.25/HR

Jason K. Lauer 4/22/92
Alan W. Scheu 4/22/92
James Townsend 4/22/92
Ben Moran 4/22/92
Jeffrey Camarco 5/4/92
Susan K. Bernhardt 5/3/92
Brent K. Redman 5/2/92
Quan Bui 5/2/92
Tan D. Bui 5/2/92
Patrick S. John 4/28/92
Heather Lehr 4/28/92
Jeremy S. Kieffner 4/28/92
Daniel Clayton Marx 4/28/92
Teri Webster 5/6/92
Kevin J. Reis 4/23/92
Lisa D. Wilks 5/6/92
Robyn J. Papaioannou 5/6/92
Robert R Parson 5/6/92
Angelia C. Bell 4/30/92
Shawn M Helmer 4/22/92
Kerry A. Knowles 4/23/92
Kowana N. Pagett 4/28/92
Billie Jo Heppner 4/27/92
Beau R. Shumate 4/25/92
Missy Ann Muensterman 4/25/92
Richard F. Jackson 5/6/92
Angela M. Redman 5/6/92

g. Go on Council Call/Commissioners

h. Scheduled Meetings

Tues May 19 Steering Committee 2:30 PM RM 303

Mon May 25 Building Closed.....Memorial Day Holiday

**Tues May 26 County Department Head 3:30 PM Rm 303
County Commissioners 5:30 PM RM 307
Drainage Board.....Immediately Following**

8. OLD BUSINESS

9. NEW BUSINESS

10. MEETING RECESSED

******* 7:00 PM REZONINGS*******

First Readings:

**VC-192 Old Henderson Road
Agriculture to C-4
Petitioner/Greg Kirves**

**VC-2-92 4520 State Road 65
Agriculture and R-1 to C-2
Petitioners/ Tim Furbie and Larry Koester**

VANDEBURGH AUDITORIUM MANAGEMENT UP-DATE REPORT:

May 18, 1992

New policies:

- * Lobby concessions - All product is being counted prior to sales. Also before event group leaves, starting inventory sheets are compared with final inventory in order to collect correct amount of dollars from event group. Example: Seame St 1992 produced 25% more than 1991.

Any drink/snacks are also counted prior to and after event. Example: 1991 Seame St. thru a local catering company paid VCA approx. \$200 for four shows and approx. 8000 people. 1992 thru VCA concession operator paid us approx. \$350 for the same amount of people selling less product and less period of operation time due to lack of product.

- * Equipment Rental - In the past table, chair, riser rental fees were not enforced. Nor was a check-out check-in policy. Inventory was not accounted for under the old way. See attached memo on new policy.
- * Proof of Insurance per event - all proof of insurance are logged with up-dating are needed. A copy of policy is sent to G & S office as up-dated ones are received by VCA.

Discoveries:

- * Vee Corp. Seame St. in the past was billed as a not-for-profit event because someone used their federal ID # as a In. exempt #. In 1992, Vee Corp. was charged sales tax and do realize that the not-for-profit status is no longer applied.
- * Local caterer indicated that a concession contract was entered into between company and Vee Corp. Contact consisted of a 1989 letter with one line stating " You have permission to sell refreshments at the event."
- * Auditorium sound system - six years ago or so work was done on the new sound system. A large main amp located above the stage area was disconnected. By asking questions of Bud Pitt and Don Chambliss (staff) the equipment was inspected to find that because of the disconnect, the old amps were overriding the new experience system. Also, due to neglect of service and cleaning of the new experience mixer board, it was only producing 25% . A sound company was called to repair the problems at a cost of less than \$200.00.

- * Contract Policy - actually there was not a policy written. Current policy is: (1) Letter of "Thank You" with info.
- or (2) letter of confirmation one week following tentative booking, and
- 1/3 dep (3) 120 days prior to event letter and contact sent for signature, proof of ins, tax exempt certificate, and indicating that if a written 30 day notice of cancellation is not received, the security deposit is non-refundable.

Accomplishments:

- * Major cleaning schedule has been given to all staff members. all leather items in Walnut, main lobbies and Mez. have been washed with soap and water vs windex, all carpets have been cleaned, some storage areas have been cleaned, organized, all standing ash trays have been washed, all inside windows have been cleaned with outside in near future.
- * Painting of dressing room hall walls
- * Some storage areas cleaned of 10 year old trash.
- * Brown trash dumpsters installed
- * Old files back to 1971 organized and request made to discard all dead files not needed.
- * Inventory almost completed of every thing not attached to building.
- * Bids taken for the improvement of the wallpaper condition in all lobbies.
- * Bids began for improvement of exterior curb appeal in all planting areas available.
- * All half dead trees and scrubs have been removed.
- * Work schedule for one person has been changed to 7am in order to have the parking and grounds clear of all trash prior to 7:45am.
- * Computerize the booking system.
- * Developed set-up sheets for the Aud & Gold room for the staff.
- Developed a event/work schedule for the staff on a weekly basis.
- * Have developed a in depth spread sheet to assist in the development of a top flight catering system.
- * Have greatly improved the attitudes of all staff members.
- * Have developed a very good working relationship with EPO and Bob.
- * In the process of working out a better working relationship with the stage hand group regarding the use of VCA equipment and building.
- * Have reviewed all contracts and discovered that our heating and air conditioning contractor has been over charging on a monthly basis per contract.
- * In the process of connecting our main building lines to the computer system in order to decrease cost and increase security for our customers.
- * The number of people attending events for the period April 6th thru May 18th equals 21,985.



CAROLYN McCUNTOCK
DON L. HUNTER
RICHARD J. "RICK" BORRIES

Board of Commissioners

of the
County of Vanderburgh
305 ADMINISTRATION BUILDING
CMC CENTER COMPLEX
EVANSVILLE, INDIANA 47708



TEL. (812) 426-5241

AGENDA REQUEST

NAME OF REQUESTOR: Robert W. Brenner

REQUESTOR TITLE: Vanderburgh County Surveyor

DEPARTMENT: Vanderburgh County Surveyor's Office

REQUEST(S) BEING MADE:

I am requesting that our office be issued two parking permits each month for the Vanderburgh County Auditorium parking lot. These permits will be utilized for our two county vehicles that come and go throughout the work day. It has become increasingly difficult for our field personnel to park the vehicles when they return from field duties. I also feel that parking in this lot would discourage the vandalism that these vehicles are subject to, i.e. gas siphoning (we now have locking gas caps), antenna breaking, windshield wiper damage, and mirror damage.

DATE TO BE PLACED ON AGENDA: May 18, 1992

ACTION x CONSENT _____ OTHER _____

OFFICE OF THE
Vanderburgh Circuit and Superior Courts

BETTY KNIGHT SMITH, CLERK
825 SYCAMORE ST. RM. 216, COURTS BLDG.
EVANSVILLE, INDIANA 47708-1886

April 28, 1992

Vanderburgh County Commissioners
Civic Center Complex
Evansville In. 47708

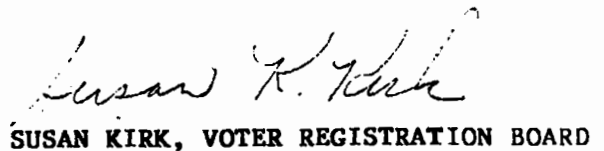
Dear Commissioners:

This is a request for the rebuilding and expanse of the Election Office in consolidation with the Treasurers Office.

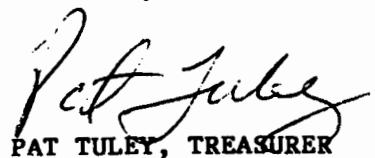
We are requesting funds of \$8,730.00 on bids from the Hormuth Co. for the rebuilding of three office in the Treasurer Office space with the additional space then available to the Election Office.

The Space to be used has been donated by Pat Tuley and is badly needed by the Election Office.


BETTY KNIGHT SMITH, CLERK


SUSAN KIRK, VOTER REGISTRATION BOARD


JON HILL, VOTER REGISTRATION BOARD


PAT TULEY, TREASURER

sy

VANDERBURGH COUNTY CLERK
ROOM 218 COURTS BLDG
EVANSVILLE, IN. 47708

STEVE UTLEY
ROOM 317
CIVIC CENTER COMPLEX

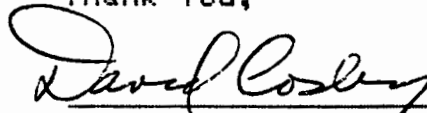
Dear Steve,

We are requesting a bid from the Building Authority to remove one wall between the Election Office and the Treasurer's Office, sealing off 3 door ways, removing 2 inner walls between P209 and P210 and a wall between P209 and P208.

We also are requesting 3 offices be added on the far side of room P208.

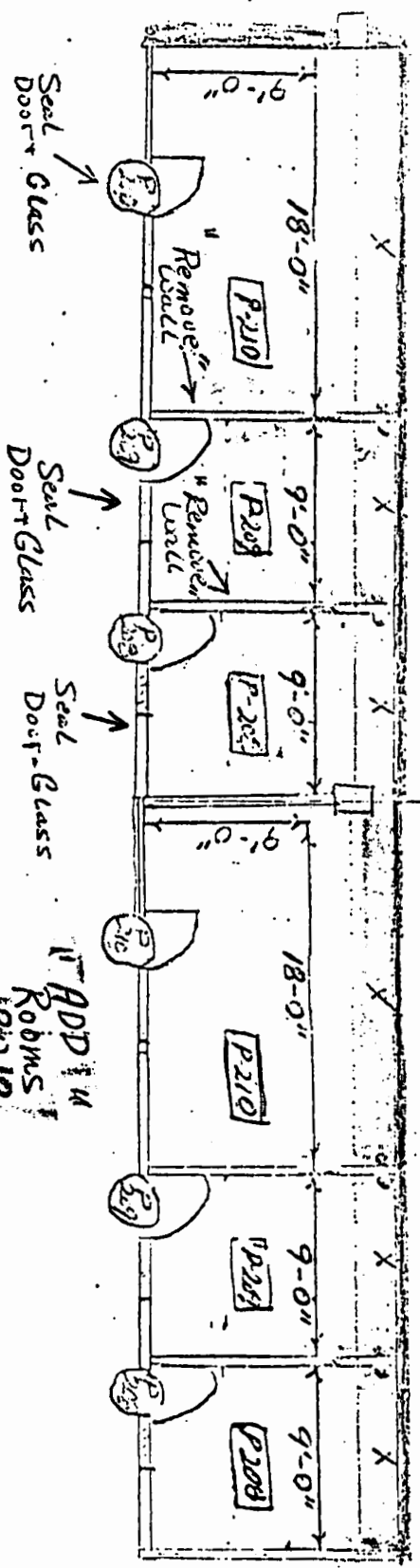
Please respond as soon as possible.

Thank You,


A handwritten signature in cursive script, reading "David Cosby", is written over a horizontal line.

DAVID COSBY, CHIEF DEPUTY

Remove
Wall



ADD
Robins
P-210
P-208
P-208

Proposal

Page No.

of

Pages



1401 N. Fares Avenue
Evansville, Indiana 47711
FAX: 812-464-8377

RECEIVED APR 24 1992

ATTENTION: Steve Utley

PROPOSAL SUBMITTED TO Evansville-Vanderburgh Co. Bldg. Authority		ARCHITECT PHONE	JOB PHONE
STREET Room 317 ADM. Building		JOB NAME TREASURER'S OFFICE 2ND FLOOR	DATE April 23, 1992
CITY, STATE, AND ZIP CODE Evansville, IN 47708		DATE OF PLANS	
		JOB LOCATION	

We hereby submit specifications and estimates for:

TREASURER'S OFFICE 2ND FLOOR

We propose to furnish labor and material to remove old offices and construct new offices as detailed in letter dated April 16, 1992.

FOR THE SUM OF ----- \$7,210.00

We Propose hereby to furnish material and labor — complete in accordance with above specifications, for the sum of

Seven thousand two hundred ten and 00/100----- dollars (\$ 7,210.00)

Payment to be made as follows:

Upon Completion of Job.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Authorized
Signature

Daniel R. Fulton

Note: This proposal may be withdrawn by us if not accepted within 30

Acceptance of Proposal — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: _____

Signature _____

Signature _____

Hormuth's

RECEIVED APR 24 1992



310 S. KENTUCKY AVENUE • P.O. BOX 2185 • EVANSVILLE, INDIANA 47714 • PHONE 425-1588

April 24, 1992

Evansville-Vand/County Building Authority
Room 317, Administration Building
Civic Center Complex
Evansville, IN 47708
ATTN: Steve Utley

RE: Changes for Voting/Treasurer Area

Dear Steve,

Submitting you a proposal for changes to the Treasurer's office per your specifications and as follows:

- 1) Walls making three offices will be removed and where doors and sidelight were, the wall will be rebuild with existing panels taken down.
- 2) Three new offices will be built in the Treasurers area similar to those offices removed.
- 3) The new offices will have all new vinyl panels, new doors, and new glass.
- 4) Existing door and sidelight frames will be reworked as needed for the new 36 inch doors and transom panels.
- 5) Building authority will furnish door grills.
- 6) The new doors will be stained and finished as required.
- 7) Existing sidelight drapes will be rehung.
- 8) Existing drapes on exterior windows will be reworked to allow for the new walls and where walls were removed.
- 9) The new doors will be similar to the original doors in that the transom panel will have a continuous grain match and the door and transom panel will be rabbetted so that they overlap and light will not show through. It will take approximately four weeks to obtain doors.
- 10) The new vinyl panels will probably take a month to obtain, depending on production schedule.

All workmen are professional workers and are completely covered by Workman's Compensation and Public Liability Insurance as required by law.

WORK AS OUTLINED ABOVE

Removing three offices and installing three new offices in treasurers area

LABOR AND MATERIAL	\$6,830.00
--------------------	------------

Sincerely,

A handwritten signature in dark ink, appearing to read 'Fred V. Hormuth'.

Fred V. Hormuth, Pres.
HORMUTH DRYWALL & PAINTING SERVICE, INC.

EVANSVILLE-VANDEBURGH COUNTY BUILDING AUTHORITY

ROOM 317-ADMINISTRATION BUILDING
CIVIC CENTER COMPLEX
EVANSVILLE, INDIANA 47708

DIRECTORS

Robert M. Leich, Jr., *President*
Wendell L. Dixon, *Vice-President*
Byron C. Wright, *Treasurer*
N. Keith Emge, *Secretary*
Robert R. C. Miller



TRUSTEES

Joseph E. O'Daniel, *President*
Frank F. McDonald, Sr., *Vice-President*
William R. Needler, *Secretary*
Donald Kolb
Ronald G. Reheman

GENERAL MANAGER

Stephen P. Utley

Telephone
(812) 426-5801

April 24, 1992

Vanderburgh County Clerk's Office
Room 216 Courts Building
Civic Center Complex
Evansville, IN 47708

Attention: Mr. Dave Cosby

RE: Remodeling of Treasurer's Office

Dear Mr. Cosby:

Attached are quotations from two (2) contractors on the possible renovations to the Treasurer's office as requested.

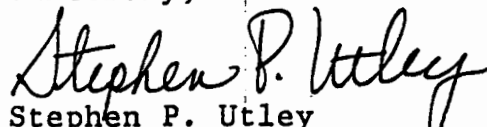
Total prices are as follows:

Hormuth	\$6,830.	Danco	\$7,210.
Building Authority ..	<u>1,900.</u>	Building Authority ..	<u>1,900.</u>
	<u>\$8,730.</u>		\$9,110.

The Building Authority price includes three (3) louvers, carpet repairs, and all electric work for all office and storage spaces.

Please review these quotations. If you decide to proceed, please contact the Building Authority with written authorization to proceed.

Sincerely,


Stephen P. Utley
Gen. Mgr.

SPU:bp
Encl.

PUBLIC WORKS DEPARTMENT

AGENDA

MAY 18, 1992

1. Street Acceptances
Folz Lane - Extension 240 ft.
Greenriver Est. - Sec. D2
2. Road Plan Change Approval
Brookview Subd. - Shorten Brookline Dr.
3. Change Order - Nesbit Station Road Bridge
Pipe & Installation \$1,128.00
4. Requests for Proposal
Lynch Road
Pollack Avenue
5. Claims - Bond Issue
Blankenberger Bros. (UTAP) \$270,004.45
Bernardin, Lochmueller & Assoc. (USI)
\$2,122.90 and \$9,975.44

715A Locust Street
Evansville, IN 47708

Tel. (812) 424-9603

**RE: Acceptance of Street Improvements in
Folz Lane Extension**

Vice-President
Richard J. Davies
Member

715A Locust Street
Evansville, IN 47708

Tel. (812) 424-9603

RE: Acceptance of Street Improvements in
Greenriver Est. - Sec. D~~3~~ D2

Vice-President
Richard J. Borrie
Member

ZIEMER, STAYMAN, WEITZEL & SHOULDERS
ATTORNEYS AT LAW

P. O. BOX 916 - 1507 OLD NATIONAL BANK BLDG.

EVANSVILLE, INDIANA 47706-0916

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

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

JOHN E. EARLY
(1912-1983)

M E M O R A N D U M

RECEIVED

MAY 18 1992

TO: Vanderburgh County Commissioners
FROM: Gary K. Price
DATE: May 18, 1992
RE: Thong Bathing Suits

VANDERBURGH COUNTY
COMMISSIONER'S OFFICE

It is clearly within the Commissioners power and discretion to ban thong bathing suits at Burdette Park. Authority to make such a decision is given pursuant to Indiana statute delegating control of county parks to the Commissioners, and Indiana Home Rule.

Indiana statute provides that county parks are to be controlled by the Board of Commissioners. As such, the question of whether the county may ban the wearing of thong bathing suits at Burdette Park is an issue solely within the discretion and authority of the Vanderburgh County Board of Commissioners.

As further support of this conclusion, Indiana Home Rule provides that the County Executive shall have all powers needed for the effective operation of government as to all local affairs, that is not expressly denied by the Indiana Constitution or by statute, or is not expressly granted to another entity. Indiana Home Rule gives the County Commissioners the authority and power to make rules it deems necessary for the public benefit. After review of Indiana statutes, I have found no statutes addressing this

particular issue. It is therefor my opinion that such a ban would not invade or contradict existing state statutes, or power of state.

After review of this memo, should you have any questions, or need further clarification, please do not hesitate to call.

GKP

MEMORANDUM OF AGREEMENT

SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION

PURSUANT TO 36 CFR SEC. 800.6(A)

WHEREAS, the Federal Highway Administration (FHWA) has determined that the construction of an interchange connecting Eickhoff-Koresel Road with State Road 62 (Indiana Projects M-E180[01] and RS-6582[01]) in Vanderburgh County, Indiana, will have an adverse effect on Perry Township School No.3, a property that is eligible for inclusion in the National Register of Historic Places, and has consulted with the Indiana State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act as amended (16 USC Sec. 470f); and

WHEREAS, the Indiana Department of Transportation, the Vanderburgh County Commissioners, and the University of Southern Indiana have participated in the consultation and have been invited to concur in this Memorandum of Agreement;

NOW, THEREFORE, the FHWA and the SHPO agree that the undertaking will be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties:

Stipulations

The FHWA, through the INDOT, shall ensure that the following measures are carried out:

1. The Vanderburgh County Commissioners shall acquire title to Perry Township School No. 3.
2. The University of Southern Indiana (USI), the Westwood Garden Club (Westwood), or other parties interested in acquiring and moving the School No. 3, as well as their consultants, shall be given the opportunity to inspect the school building to determine its structural condition and the feasibility of its being moved.
3. If it is feasible to move School No. 3, then the Vanderburgh County Commissioners shall offer to Westwood, USI, or other parties, the title to Perry Township School No.3 for relocation. Westwood, USI or other parties must agree to relocate the school building and to follow the guidelines described in Stipulations 5 and 6 of this Memorandum of Agreement.

4. Prior to the relocation of School No. 3, the Vanderburgh County Commissioners shall cause the school building to be documented in accordance with Historic American Buildings Survey (HABS) standards for documentation of a locally significant historic building. All documentation shall be completed and accepted by HABS before the school is moved.

Copies of the HABS documentation shall also be provided to the SHPO for transmittal to the Indiana State Archives and to the Willard Library in Evansville.

5. Westwood, USI, or other parties shall arrange for School No. 3 to be moved to the campus of USI in consultation with the SHPO and in accordance with the recommended approaches described in Moving Historic Buildings (John Obed Curtis, 1979, reprinted 1988, American Association of State and Local History) by a professional mover who has the capability to move historic buildings properly.
6. Any rehabilitation or restoration work performed on School No. 3 prior to or within six (6) months after the moving of the school building to the USI campus shall adhere to the "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" ("Secretary's Standards for Rehabilitation"; National Park Service, 1990; 36 CFR Sec. 67.7). Prior to the commencement of any rehabilitation or restoration work, Westwood, USI, or other parties shall submit plans and specifications or a work write-up to the SHPO for review and comment regarding adherence to the "Secretary's Standards for Rehabilitation."
7. After School No. 3 is moved, a marker or sign shall be placed near School No. 3 that shall describe the original location and function of the building.
8. If the FHWA, the INDOT, and the SHPO, in consultation with other interested parties, determine that moving School No. 3 is not feasible, or if no party willing to move it and capable of doing so agrees to take the school building, then the building shall be documented in accordance with Stipulation 4. After all documentation is completed and is accepted by HABS, School No. 3 may be demolished. Architectural elements and other materials from the school building may be used or offered for reuse as exhibits or may be incorporated into another building or structure.

Execution of this Memorandum of Agreement by the FHWA and the SHPO, its subsequent acceptance by the Advisory Council, and the implementation of its terms evidence that the FHWA has afforded the Advisory Council an opportunity to comment on the relocation of School No. 3 and its effects on historic properties and that the FHWA has taken into account the effects of the undertaking on historic properties.

FEDERAL HIGHWAY ADMINISTRATION

By: _____ Date: _____

INDIANA STATE HISTORIC PRESERVATION OFFICER

By: _____ Date: _____

CONCUR:

INDIANA DEPARTMENT OF TRANSPORTATION

By: _____ Date: _____

UNIVERSITY OF SOUTHERN INDIANA

By: _____ Date: _____

ACCEPTED FOR THE ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: _____ Date: _____

VANDEBURGH COUNTY COMMISSIONERS

By: _____ Date: _____

**MINUTES
COUNTY COMMISSIONERS MEETING
MAY 26, 1992**

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MINUTES
COUNTY COMMISSIONERS MEETING
MAY 26, 1992

The Vanderburgh County Board of Commissioners met in session at 5:50 p.m. on Tuesday, May 26, 1992 in the Commissioners Hearing Room with Vice President Don Hunter presiding. Mr. Hunter said President McClintock is in another meeting but, hopefully, will be arriving shortly.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

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

Commissioner Hunter then asked if there are individuals or groups present who wish to address the Board but do not find their particular item of interest on today's agenda. There was no response.

RE: VANDERBURGH AUDITORIUM - DANNY SPINDLER

Mr. Danny Spindler was present (rather than Andy Davidson, as shown on the prepared meeting agenda) and submitted written reports (Income/Expense Statement, Budget Comparison, Budget Detail, Check Registers, Chart of Accounts, etc.) with regard to the Auditorium and offered explanation concerning same. (Copy of reports attached hereto as part of the formal minutes.) Mr. Spindler said that at last week's Commission Meeting they included a written report in the Commissioners' packets for observations with regard to items they've taken action on within the last 30 days at the Auditorium. The computerized reports submitted today include the time period prior to April 6th, when they actually started managing the facility, as well as the results of the operations subsequent to April 6th through the end of April. These are more reports than the Commission would normally receive during a month's time as called for under the contract, but they wanted to bring the additional reports generated by the computers to the Board's attention to give them an idea of what types of controls, what type of audit trail they have in place. There are several of the categories under the expense categories that they have set up and established sub-categories to the County's chart of accounts in order for them to better control the operating expenses at the Auditorium. As an example, the County budget has a line item account for extra help. They have that broken down between clerical and security -- because they do charge for security use when they hire the Vanderburgh County Sheriff Department Employees. So the wages are being charged to the security. But they could not look at one line item and tell what kind of income they were generating as opposed to expenses. Utilities in the County budget is a line item for strictly utilities and they have further broken that down into water and sewer, gas and electric to, again, take a look at monitoring each of those items more closely during the year to bring the utility costs hopefully more in line with what they feel they should be for the building. There are several additional items where they have sub-categories.

The second sheet is a deposit register that tracks with the County Auditor's records. It ties in not only the date, but their computer system also leaves an audit trail of the deposit slip and ties into the quietus number. The deposit transmittal through their system also ties in the specific cash receipts being utilized by the Auditorium and you can see who the money is coming from.

The other thing they have done on the income statement and budget comparison is that they have broken the income accounts down into the various categories. For public purposes, all the money generated is accounted for and goes into an account called the general fund. When you take a look at the amount of money coming from the Auditorium, you can either look at the total aggregate amount going to the general fund or how much is being collected going to the sales tax fund -- but it doesn't tell how much money is coming from the various revenue sources within the Auditorium itself. In other words, how much is the Gold Room generating; how much is the catering generating; how much is the Auditorium generating. Through this process they will better be able to track their budget for income purposes, as well as for their expenses for each of those related types of events. They have already determined that the County is not receiving any revenue off some of the vending machines in the Auditorium. In addition to utility logs run for types of usage each month and the cost for that specific utility, they do the same thing for each vending machine to make sure that for budget preparation the following year as well as being able to track better each individual revenue source, they will better be able to track those items by breaking those accounts out.

With regard to parking, they have broken out the income sources between parking events and the County employees.

The budget comparison shows a budget detail -- and that is their proposed budget broken out by the months. Obviously the money spent through March was budgeted for March dollar for dollar and April. They spread the County's budget out by month (even though the County looks at its budget on an annual basis) -- and that is how they plan to better track each of the income and expense categories.

The Check Register shows not only the disbursements made by the County Auditor with their Check Numbers and Purchase Order information by each account category, but at the same time any checks written by the Auditorium out of the operating fund.

The Complete Payables Register shows the outstanding purchase orders that were in place that remain unpaid in April, as well as the bank reconciliation report.

In the future, they will be providing a bank reconciliation, a budget comparison, an income statement, and a sheet showing the revenue resources and who actually has been using the facility the previous month. Mr. Spindler then entertained questions.

Mr. Borries asked if the Auditorium has an internal system to handle the cash from the parking lot to the Auditor's office?

Mr. Spindler responded affirmatively, saying the same process used in the past insofar as receipts -- a receipt is given for any kind of revenue source and a breakdown on that -- that information is filled out for the Treasurer's office on the quietus. In addition to that, there is a computerized form that is generated for the Auditorium (Daily Deposit Transmittal) that breaks out the revenue sources and by account category. At the end of the month when the County has closed out their computer and the Auditorium has closed their's out, they will compare all of their income and expense accounts with the County Auditor's records to make sure they are staying in balance with them -- just as an additional check.

They plan an Open House, with tentative date of June 23rd. By that time they hope to have completed their new brochures and marketing information. At their last meeting, they furnished the Advisory Board with copies of the new logo. They're looking to put these in place both for the Gold Room and the Auditorium. That theme will be carried all the way through, including redoing the signage presently on the building. The catering servers? In the future we'll see "Gold Room Catering" with that same type of logo all the way -- and they're real excited about. They should have

everything complete around June 3rd, at which time they're planning a news conference and a media release, as well as the Open House. Those who have been in the facility within the last 30 thirty days will have seen that a lot of the areas have been painted. Other areas have been cleaned, including the windows in their entirety -- in and out. All the lobby furniture has been cleaned and they are in the process of completing an actual physical inventory of each of the items at the facility. This should be completed shortly and they will be furnishing the Commissioners with a copy of same.

Commissioner McClintock entered the meeting at 6:00 p.m., just as Mr. Spindler was completing his presentation and apologized for missing same.

In conclusion, Mr. Spindler reported that they furnished the County Attorney with a copy of the contract with Ticketmaster this evening. They are close to having that negotiated and would like to have the Commissioners' permission to at least have the County Attorney review the contract to make sure it is in compliance with the laws insofar as the County is concerned, as well as the Commissioners' wishes. They are excited about the Ticketmaster location and once the contract is completed, they would expect to have the box office set up within 45-60 days after that.

RE: RESOLUTION RE DFAS

President McClintock again apologized for being late for the meeting and stated she has been at the Warrick County Commission Meeting with Ken Robinson of Vision 2000. She said this brings us to the next item on the agenda. Last week each Commissioner was given a copy of the proposed Resolution and what they have before them today is a retyped version on Commission letterhead. During the last week -- and they just returned from Warrick County -- their Resolution was passed unanimously. That is the first one we have back and signed and Ken Robinson has same in his possession. We have coming a Resolution from the Gibson County Council and Commissioners. She is trying to follow up on that and find out exactly where it is. It was approved by the Council at their meeting last Thursday. This morning they went to Henderson County and received approval from the Henderson County Fiscal Court, which is the equivalent of this body. This evening Wayne Bockelman from Vision 2000 is meeting with the officials of the City of Henderson and, hopefully, will receive their approval. Thursday they are going to Posey County to a joint meeting of the Council and Commission at 6:00 p.m. Anyone who would like to go with them to show support -- that would be our last County in Indiana that we have officially asked at this point to support the proposal to be one of the communities considered for the Department of Defense Finance & Accounting Services. As they've told the other Councils and Commissions they've met with across Southwest Indiana and today in Northern Kentucky, this facility that could provide 4,000 jobs for this community is probably one of the most exciting and important opportunities that has come our way -- certainly in her memory -- in many, many years. We have received widespread bi-partisan support. We're still working on getting figures together so everyone involved can look at the final financial estimate and its impact. But we want to make that short list. In an effort to do that we need the support of all of the Commissioners and Councilmen that reside in this particular area. Ms. McClintock said that Mr. Ken Robinson of Vision 2000 is here to provide the specifics regarding the proposed site.

Mr. Robinson approached the podium and stated, "Madam President and Members of the Commission, it is a pleasure to bring before you tonight probably one of the most exciting projects we've been working on in terms of the number of jobs to be attracted in one project. Four thousand jobs do not come around very often and we want to put together the most aggressive campaign to go after these jobs -- and that is what we have done. We're here tonight to bring you up to date on the proposal itself. You probably read quite a bit about it in the paper. However, just briefly, this

is the Department of Defense's Finance & Accounting Services Center. They are looking to consolidate approximately 100 locations -- we've been told -- into four to six centers, ranging either 4,000 or 7,000 jobs per center. And we felt we're going to go after the 4,000 job center. The average salary of these 4,000 employees is \$35,000. If you discount the benefits, they're taking home around \$32,000. These are the figures we've gotten from Ft. Ben when we asked them exactly what the economic impact could be. DEFAS (the Defense Finance & Accounting Service) is doing something a little different this time in that they are making communities compete for the facility -- which is something we are not really used to doing for government facilities. Nonetheless, that is the environment that we have to work within and we're taking the bull by the horns and doing that. So we're having to come up with the most competitive proposal that we can come up with. We're looking basically at finding a 40 acre site and building a 750,000 sq. ft. building. Just to give you a relative scale of that building, the new office building in Indianapolis for the State employees is one million square feet. So we're talking about something around three-fourths the size of that and that is a big building -- probably four stories - - situated on 40 acres. DFAS is allowing us to submit up to four sites and we're analyzing a number of sites and we feel that we will come up with four excellent locations to be considered. Some of the facilities that will be incorporated into this as per the request for proposals is a day care and a health and fitness center for the 4,000 employees. Benefits, which is a big part of this discussion, is something I'd like to look at. Not only will the facility bring four thousand \$35,000 per year jobs, but the government has told us that of the 4,000 employees, 15% of those households will move into this community. So that is something that is very enticing when you're looking at a new facility that is bringing in new people, new money, new folks to buy houses and to shop in the stores. So there is a ripple effect on that alone. There will be additional revenues gained through the taxes generated by the local option income tax and the facility itself will buy tremendous amounts of goods and services within the community -- not only retail services, but restaurant, financial services; they will be putting their dollars in local institutions, for example, and there will be a tremendous ripple effect. I'd like to also say that we want to use this as a magnet to attract other developments to this community. Once you get one -- once you are successful with one -- other development folks want to know what made that community successful. What are the right ingredients that made an office complex attracted to that area? So it's going to be a marketing tool, if you will, insofar as bringing in other interests. And I think to be successful will help to improve this community's overall image of itself -- that we can win at these competitions. Again, I think that is another benefit that we need to look at. The economic impact, as we see it, is based on the \$35,000 (well, we've discounted that to \$32,000 per job) per year jobs. You take 4,000 jobs and multiply it times the \$31,961 and you come up with an estimated direct impact of \$128 million in payroll annually. And we looked at taking the annual payroll impact and using a multiplier effect of 37% (which is a standard used in the industry for office developments in Indiana) and came up with another \$47 million of indirect impact that would occur because of these 4,000 jobs. Looking at another spinoff criteria or impact is taking the 4,000 jobs times 60% (which would be the spinoff jobs) and we're looking at another \$2,400 jobs created as a result of that spinoff indirect impact. So we're talking about a substantial development in and of itself and what it will do regionally and within Vanderburgh County alone. When you look at the impact on local option income tax, Vanderburgh County stands to gain a \$101 million in earnings tax alone on the local option income tax. That is the direct impact of the 1%. Then taking the additional dollars generated by the indirect impact of another \$37 million, we're calculating \$138 million of payroll to Vanderburgh County alone. Based on that, we would then take off from that the local option income tax. On Page 2, you can see that the \$138 million would generate another \$1.4 million local option income tax receipts under current law. So Vanderburgh County, you see, will gain the most -- based on the commuting patterns. We looked at the EUTS commuting patterns and found that almost 80% of the people who work in Vanderburgh County come from this County, alone. So that

is the way we were trying to find out where the work force would actually come from -- and 80% of that work force is going to come from, live and work right here in Vanderburgh County. Taking it a step further, we wanted to know how does \$57 million construction impact in the construction job market. Based on some standards we use for a project of this size, this project would generate about 1,100 construction jobs with a payroll impact of approximately \$23 million. Now, granted, that is a one time impact -- but that still is a substantial amount of dollars flowing into the economy. If we take that total impact on payroll and calculate the local tax implication, we come up with about a \$1.6 million total local option income tax result annually. We also wanted to look at how it would impact on the local property tax. Based on the assumption of taking the incremental increase in payroll and applying that 7% increment in payroll to property tax rolls we calculated that there would be a rippling effect of about \$2.4 million in payroll tax implication by attracting these 4,000 jobs to Vanderburgh County. In closing, I would say this is a significant impact and I would wholeheartedly see this recommended for approval. Thank you very much. I would be glad to answer any questions."

President McClintock entertained questions or comments.

Commissioner Hunter said, "I think this thing is exciting. I think anybody opposed to it must be opposed to God, motherhood and apple pie, as well. But if we spend the \$57 million to build this and get the four thousand jobs, has the Department of Defense given us any indication of how many years they will guarantee that this facility would stay open?"

Mr. Robinson replied, "We've asked them a number of times and in a number of ways and the answer is 'we will negotiate those elements once we are selected and put on the short list'. I think we have an obligation to say we need some assurance from you that you are going to be here for the duration -- whatever that duration is negotiated to be. So that is a long answer to a very pointed question. We haven't been able to get that out at this time -- but we're not going to go into this on that basis -- that there is no commitment. I think the objective is to get on that short list and then flush them out on that issue -- so there would be a commitment both ways on something like that. If we get on the short list, we definitely want to get some assurances."

Mr. Hunter said that is fine.

There being no further comments or questions, Commissioner McClintock entertained a motion.

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

RE: PROPOSAL FOR MANAGING THE CENTRAL DISPATCH CENTER

The meeting continued with President McClintock saying that each Commissioner was provided with a copy of this proposal. Basically what the Central Dispatch Board of Directors is proposing is that the Police Department and the Fire Department assign one (1) individual to manage Central Dispatch and then the Board would select from amongst those two assigned persons the Director and the Assistant Director. It would result in a budget increase of approximately \$14,000 for the County's share, but the Board feels very strongly that the way they have been operating it now with someone from the Police Department and someone from the Fire Department has been very successful and very smoothly operated and they would like to be able to continue in that manner. The Sheriff has been privy to the meetings and discussions regarding this reorganization -- he was on the Committee that developed this plan. Ms. McClintock then entertained questions, saying if the Commission approves this it then

needs to go to Council for approval of the budget.

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

RE: ORDINANCE/RESOLUTION RE CUMULATIVE BRIDGE FUND

President McClintock said that basically this Ordinance would propose a bridge fund that would pay for the cost for the construction, maintenance and repair of bridges, approaches and grade separations in Vanderburgh County. The proposed fund will not exceed \$.15 per \$100 of assessed valuation for a period not to exceed three (3) years. The levy will be levied beginning with taxes payable beginning with the year 1993. She then asked if this has to be advertised.

Ms. Mayo said it has been advertised and she has the Proofs of Publication.

Ms. McClintock entertained questions of the Board. There being none a motion for approval was entertained.

Motion to this effect was made by Commissioner Hunter, with a second from Commissioner Borries. Ms. McClintock then asked for a roll call vote: Commissioner Borries, yes; Commissioner Hunter, yes; and Commissioner McClintock, yes. So ordered.

RE: PERMIT AGREEMENT FOR USI OVERPASS

Commissioner McClintock said that the former County Engineer, Greg Curtis, is here this evening as a representative of the Indiana Department of Transportation with regard to the Permit Agreement for the USI Overpass.

Mr. Curtis said, "It is a pleasure to be here in a different capacity. Recently, Bernardin-Lochmueller & Associates submitted to the State on your behalf a proposed agreement concerning the USI Interchange. I know that you are likely aware that any construction that occurs within our right-of-way it is required that a permit be granted when it is significant, such as this project is. It further requires an agreement, etc. I'm not going to go through the details of the agreement. A lot of what was in it was my thoughts from when I worked here. But there were a number of issues that I would like basically to get your thoughts on. We've been asked at the District Level to forward our opinions to the Central Office. If we do so and it is something you disagree with, then it goes back to Bernardin-Lochmueller & Associates and then you change it, it goes back to them, it comes back down to me. Rather than do that, I thought I would come here and to some degree discuss with you the matters that we are concerned with and if you have extreme disagreement or even mild disagreement with some of that, then perhaps we can get those differences worked out. First of all, one of the questions that came up is that it would be our preference that the contract for construction be awarded through the State much the same as Federal Aid projects are. I don't know of any drawbacks that that would have for you as a County, but in other instances we've done that and it gives us a bit more control over what is going on in our right-of-way and we prefer that. On the surface, do you have any objection to that? The other issue is who is going to own what when the project is completed? I've talked some with Bernardin-Lochmueller & Associates and we will be responsible for the bridge -- that will be part of the approval regardless. We are always responsible for structures that go over -- or if we go over something -- we are responsible for that bridge. We don't want it falling in. Not that you would let it get in that much disrepair, but we can't take that chance. But as far as anything else, I don't know what your thoughts are on that and what your preferences are. It refers to an exhibit in the agreement that has not yet been formulated as to who takes care of what when it is done. It says 'refer to Exhibit A' and Exhibit A hasn't been done

yet -- so basically I assume from that our person in Indianapolis is asking us what we want Exhibit A to look like. So I thought I'd come to you to ask what you'd like Exhibit A to look like. If we're agreeable to that, we'll just go ahead and make that the limits of State control once the project is done."

Mr. Hunter asked, "When you say responsible for the bridge, do you mean responsible for the maintenance of the bridge once it is completed?"

Mr. Curtis responded, "Yes -- and the ownership -- which would mean any major improvements down the road."

Mr. Borries said, "I wholeheartedly concur with that."

Ms. McClintock asked, "Why don't you just be responsible for the whole thing?"

Mr. Hunter interjected, "In fact, we'll let you pay for it."

Mr. Curtis countered, "No, no, no."

Ms. McClintock asked, "Do you have a recommendation, Tom (Bernardin)?"

Mr. Bernardin said he thinks that makes sense -- to keep it all as one unit that the State would control the ramps as well as the bridge structure. So let's say up to the northern ramp junction to where the ramps come in and everything south of there and that way they will own it and maintain it. They will own everything within the limited access right-of-way -- and that makes sense.

Mr. Borries said, "I know you are, Tom, but for the record -- the entire design and all specifications are according to State standards."

Mr. Bernardin said, "That is correct -- we did it by the Green Book and it is just as if it were a Federal Aid."

Commissioner McClintock said, "And, of course, this discussion is all pending acceptance by the State."

Mr. Curtis said, "Correct. And the third item in regard to this is that we would like for the construction engineering to be conducted as though the project were a Federal Aid project -- with the exception of funding. We'd prefer not to fund it -- but we would prefer that the paperwork, etc., be handled just the same as for a Federal Aid project. I know that Bernardin-Lochmueller & Associates would probably do it that way anyway. But nonetheless, that would be our preference. If you have a drastic problem with that I wanted to find that out, as well, rather than propose it and get it back. I don't think you will have any resultant cost."

The Commissioners confirmed that this does not present a problem.

Mr. Curtis said the only other thing he wanted to speak with the Commissioners about while he is here -- he thinks all three of the Commissioners, either directly or indirectly, have inquired as to what the State would be willing to do in relation to the Green River Rd. project where Mr. Spurling's development will be at Spring Valley Rd. "I've had someone discuss with Charlie Alley, the Federal Highway representative, as well as some of the other people in Indianapolis -- and it was our feeling after some negotiation that we would pay for everything that Federal Highway would let us pay for -- and when we spoke with Mr. Charlie Alley, it was his feeling that anything that we were already going to pay for should Mr. Spurling have decided not to build this turn lane -- that we would pay for that so long as it was inside the right-of-way at the time of Federal Highway approval -- which means we'll pay for a little bit of the

curbing and a bit of the sodding -- but not very much. As the taper goes out it crosses the right-of-way line that was previous to his -- I think if he hasn't, he was willing to donate the right-of-way needed for the turn lane. But previous to that donation anything that crosses the right-of-way line the Feds will not participate in; therefore, we will not participate in. I wanted to let you know that is where that stands and that is all we can do. In some ways I wish we could do more -- but that is all that we're able to do in that matter and I just wanted to let you know about that."

RE: PROPOSAL FROM WESTWOOD GARDEN CLUB TO PURCHASE
BOCKELMAN NO. 3 SCHOOL

Commissioner McClintock said that while we're discussing USI, she received in the mail a proposal from the Westwood Garden Club to purchase the school. She doesn't read all the legal ads and doesn't know if this is what they were supposed to do -- send her a letter of proposal with a dollar bid.

Attorney Price advised, "It is a little bit premature since you have not yet acquired the property. Put it in the drawer until you have acquired the property."

Ms. McClintock said she will put the proposal in the drawer -- but basically she thinks she can say they are eager to help us with our problem.

RE: COUNTY ATTORNEY - GARY PRICE

Written Report: Attorney Price said he has submitted their written weekly report and it contains no action items.

RE: COUNTY ENGINEER - DAVE SAVAGE

Kleitzi Rd. Bridge Project/Utility Agreement: Mr. Savage said just as on a couple of other projects lately, SIGECO facilities are located on an easement that they had obtained outside the right-of-way so their relocation expenses will need to be reimbursed by the County. These amount to \$4,575.00 in this case and he recommends approval. The relocation is necessary for completion of the project.

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

Claim/Southwest Engineering: Claim in the amount of \$14,803.89 for construction cost on that same project. This is for the piling that has been delivered. He would recommend approval of the claim.

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

Change Order/Green River Rd. Project: Mr. Savage said this was discussed at the last meeting -- Spurling's agreement. This came to a total estimated cost of \$64,394.73. He recommends approval.

Motion to approve was made by Commissioner Hunter, with a second from Commissioner Borries. Mr. Borries said Greg Curtis is here and he is not going to argue with him, because he is sure he has to argue with the accountants. But he can't understand if this includes part of the extension there and if the State was going to place sod and curbing on any road -- that they would not do that if that was being extended at this point. He just doesn't understand that. Again, he is not trying to argue -- but it just seems like...the right-of-way is being donated and...let's assume that nothing happened here and the road was going to stay exactly the same -- there was not going to be any kind of safety factor put in here whatsoever -- would the

State have paid for such things as sod and a curb?

Mr. Curtis responded, "Yes, we would have. It would have been within the right-of-way at the time that the project was approved by the Federal Highway Administration. They are the ones that require that all of the right-of-way be purchased prior to the project going to bid and their final approval is given once that right-of-way is purchased -- unless they waive that final approval, which they don't really do any more. They kind of got into a hassle on that on a couple of other projects. But once they approve that project and give final approval for construction, it is based upon the right-of-way at that time and Mr. Alley's comment was that basically his hands were tied. He doesn't know if Mr. Savage had any discussions with him that elaborated a bit more on that -- but he understood the situation -- that it wasn't just Mr. Spurling wanting to do it, it was him being willing to do it also at the location of the County's preference, rather than his own -- which is a little different than a developer just coming in and capitalizing on the State. The State's position sometimes in times past in relation to Federal Aid projects has also been (which we're veering from) 'well, the developer paid for everything he would have paid for if he had done the project'. We're dealing with taxpayers' dollars and we should take the advantage for them and that has been their stance in the past. That is the reason for the original stance that was taken by our people in the field. I think the original stance was that we wouldn't pay for anything outside the edge of the original pavement -- and the State is veering from that, but we can't go beyond what the Federal Highway guidelines are."

Ms. McClintock so ordered.

Request for Mower for County Highway Garage: Mr. Savage said the County Highway Department has been shopping around for a mower. He doesn't know whether the Commissioners have been talked to about this yet or not. They are in dire need of one and they found a demo unit (he is not sure where it was) -- and apparently it is the only demo unit available in this area and it is available at a substantial discount. The list cost on the unit was approximately \$44,000 and the cost they can get the demo unit for is \$34,350. He understands that even though that money is available in the budget that for an expenditure of that size it needs to go through the Commissioners and the Council for approval. He is asking the Commissioners' approval to ask Council for permission to spend that amount of money on this mower.

Commissioner McClintock asked, "Is this not something that has to be bid?"

Mr. Hunter said, "I think on something over \$25,000 we have to bid on something like that."

Mr. Savage said it is his understanding through Fred Howard and Sam Humphrey that if it were new equipment that we would -- does that make any sense?

Ms. McClintock said, "I remember there being some discussion that he talked to Sam. And I don't mind approving -- pending he has to do whatever Sam tells him. Sam has found some way to do it without advertising -- I'm sure he is not going to encourage us to do something that....."

Ms. Mayo said, "I was not involved in the discussion. I do know that Sam did talk to Fred; he's talked to Betty Lou Jerrel -- but I don't what the outcome was. I know they talked about taking the money out of local roads and streets monies."

Mr. Borries asked, "It's a piece of equipment that costs \$44,000 used?"

Mr. Savage responded, "It's a piece of hydraulic mowing equipment."

Mr. Hunter asked, "You said it was \$44,000 new and \$34,000 used?"

Mr. Savage responded, "It's a demo and would have full warranty. I don't think they are going to get a better deal on it -- but that doesn't answer the question as to whether it is legal or not."

Mr. Borries said he would like to defer this matter.

Ms. McClintock said she is afraid the Commission is going to have to defer this to next week and have Gary Price research this and see.

Petersburg Rd. Bridge: Mr. Savage said that as the Commission is aware, he wanted to review some costs on concrete vs. timber. That estimate -- being able to put those numbers together has taken quite a bit more time than he had intended. He went over the basic material early last week and came very close to getting the thing moving again. But Mr. Patton from American Timber Bridge is here today and he may want to address the Commissioners. Mr. Savage said he is not ready at this point to....

Ms. McClintock interrupted, "Do you think you'll be ready by next Monday?"

Mr. Savage replied, "Yes, definitely -- by the end of the week."

Ms. McClintock said it doesn't need to come back to the Commission because it has been approved?

Mr. Savage said it has been approved by the Commission -- but he needs somebody to sign the requisition so the purchase order can be issued.

Mr. Ralph Patton said, "I guess that is what I came to question -- If we're going to get a purchase order for this bridge. Back in the early spring we had started the preliminaries on it and when we came to the point of the purchase order we wanted to hurry on it -- but we had to hold up because of the time element of getting it in (as we did on #55, which we're going to bring in and store in the County Garage) -- but the signed order was there and the discussion on the cost comparing one to the other, I only hope that if it comes down to a decision -- let's compare apples to apples and not apples to bananas. We're not even in the orange business here sometimes -- though we usually say apples and oranges. American Timber Bridge has four (4) structures in Vanderburgh County right now, the last one being on Old Petersburg Rd. -- and I think you could put it up against anybody's in time -- we were 18 days in the closure of the road. I think all of those things have to be considered in the project as well as the million dollar liability policy against the design that comes in. It is all Federal ASHTO approved, which some of your concrete structures aren't when you get down to building them. Time lapse in the area would be the biggest thing. Again, I thought this had all been discussed beforehand and comparisons on those things had been made when Mr. Curtis was the Public Works Director. Now we find we can't get a purchase order and we've already started on the preliminaries on it. I would ask that it be speeded up as soon as possible so we could get our part done and really get a headache over -- knowing that what we've spent on it already hasn't been lost."

Ms. McClintock said, "Well, I don't have any problem going ahead and signing the purchase order pending your review. We can do that on Monday."

Mr. Borries asked, "Wasn't part of the reason that this structure was set this way was that there weren't going to be any design costs as such -- in other words, these materials would have been sized. If I recall the discussion -- and he is here -- Greg, at this point, due to the uncertainty as to what David's scope of duties would be at that time and then also the increased workload on Valerie, wasn't it your

understanding....in other words, some of the design costs here would have been cut, which would have added to some of the feasibility of the cost effectiveness of this project for our people. Am I correct about that?"

Mr. Curtis responded, "I am going on recollection. Having not reviewed the minutes, I don't know. But I remember when we initially proposed the structure we brought a choice to the Commission. It was obvious -- as best I remember, it was around \$10,000 difference. It was about \$10,000 cheaper to go with a concrete structure. Given the ADT the initial decision by the Board was to go with concrete. However, like you said, Mr. Borries, I knew I was leaving; I brought that back to you to reconsider after discussing it with you and Carolyn (Don, I don't know if we discussed it or not) and, you know, do you want to reconsider? And you said, 'Yes'. I will tell you I am the one who went ahead and signed the order so that they would get started on it -- because it was my impression that that was a 'hurry' at the time. I know that on past bridges our procedure was that we wanted them to hurry as fast as they could and they would do the work (their engineering work, etc.) to get it done and be ready when we were ready to go with it. We chose because, as I said, of the low ADT to ignore the cost of the runaround which, once you get down in the lower ADT -- we do that at the State sometimes on some of our smaller roads -- it's a judgment decision and you make that judgment based on the situation independently. But that is my recollection."

Ms. McClintock said, "Well, we approved it in a meeting."

Mr. Barton commented, "At the time we were going to put it in -- like early this spring or early this summer -- we'd be after planting season and before the harvest season. Now we're going to be in the harvest season by the time it goes around. Without a runaround there I think you'd really have a problem, because it is a heavily traveled road (about 2,000 cars per day)."

Ms. McClintock asked, "If we approve it next week, can we get it in before the harvest season?"

Mr. Barton replied, "Yes. We've already gone to that point -- you know, ordering the bridge -- so we can easily get it by the end of August -- and we start harvesting about the middle of September."

Commissioner McClintock said, "Okay. Let's get it on the agenda for next Monday."

Commissioner Borries asked, "You'd estimate, Ralph or David, then the actual times spent once these materials are delivered would be what -- less than a month to construct the entire bridge?"

Mr. Patton replied, "Well, the 100 ft. (which we had a lot of permit problems with) on Old Petersburg Rd. -- if you will remember you all got together and we bowed to the golf administration there and kept it going during the season. But we were eighteen (18) days from tearing out the old bridge that traffic was down on it."

Ms. McClintock said the Board will look forward to next week with regard to the wooden bridge.

Mower for County Highway Garage: Getting back to the subject of the mower for the County Highway Garage, Commissioner McClintock said that B. J. Farrell informs her that the Commission needs to approve it pending legal approval tonight so it can go to Council -- otherwise it will be July. And Sam had indicated to Sandi Deig that this is perfectly fine.

Ms. Farrell offered comments which were partially inaudible..."But if you do not

approve it and file it tomorrow and let Council see it, it will be July -- because they meet next week."

Ms. McClintock remarked, "So we could approve it pending ..."

Mr. Borries interrupted, "Well, have they changed their rules? It was my understanding that you had to even be considered for the following month that that had to be done before the 15th."

Ms. Farrell said, "It is my understanding that this is a problem that needs to be addressed now due to the type of equipment and the month's delay"

Ms. McClintock interrupted, "Those were Council's arbitrary rules that are much more flexible now."

Ms. Farrell said, "But everybody involved has agreed that it should be stamped tomorrow and go before Council. Pending what they choose to do"

Ms. McClintock asked, "So we can approve it pending Gary Price's legal approval? And if he approves it from the legal aspect, then you can take it on to Council."

Ms. Farrell said, "But it needs to be stamped tomorrow."

Mr. Borries said, "One last question on that -- I mean, is this some kind of specialized equipment that only can be supplied by one supplier?"

Mr. Savage said, "No, more than one supplier makes them -- they are available from some other suppliers -- but it is a heavy duty mow it in all situations mower."

Mr. Hunter moved approval pending legal counsel's approval.

Mr. Savage interrupted, "I could say, too, that I think with the stability that has moved into the garage operations in the last six weeks that some of this can be avoided by bringing the equipment needs up on a more timely basis. I think that is perhaps part of the problem -- because of the changeover."

Commissioner Borries said, "I don't have any problem with equipment that is needed - and I am sure it is. I just have a problem with how it is transpiring. I mean -- I don't know."

Ms. McClintock said, "We have a motion to approve the purchase pending approval of legal counsel. There being no comment from Commissioner Borries, Ms. McClintock said, "I will second and so order."

RE: CONSENT AGENDA

President McClintock said she has one addition to the Consent Agenda under employment changes, as follows:

County Highway (Appointments)

Bill Higgins Temp. Laborer \$10.42/Hr.

Ms. McClintock then entertained any changes or other additions to the Consent Agenda. She subsequently noted that the approval of the May 18th Commission Minutes needs to be included. There being no further comments a motion was entertained.

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

RE: OLD BUSINESS/NEW BUSINESS

Commissioner McClintock said she has nothing under Old Business or New Business. Does anyone have anything under Old Business?

Commissioner Borries said he does have one item -- a letter that he would like to have entered into the record. " Mr. Pat Tuley, County Treasurer, has forwarded a letter to me, as follows:

On March 30, 1992, Mr. Lawrence O. Montgomery, Commander of the Veterans Council of Clubs of Vanderburgh County, Mr. Grooms and Mr. Dale Work submitted a proposal to the Vanderburgh County Commissioners concerning the paving of the Coliseum Parking Lot. As you may recall, Ms. McClintock and yourself agreed that the parking lot should be paved by the County. It was further agreed that the Veterans Council would keep the trash removed, keep the grass cut, remove the snow in the winter and the whole thing. I have taken the liberty to include the minutes of March 30th to refresh everyone's memory. It is now near the end of the month of May and as a veteran, taxpayer, and Vanderburgh County Treasurer, I would like to know what, if any, action has taken place to get the parking lot paved. I think it would be a good idea to keep the Veterans Council advised as to where we are on this matter.

Sincerely,

Pat Tuley"

Ms. McClintock said, "I am going to forward this to you, B. J., it was referred to Gary Kercher of the Public Works Department."

Commissioner Borries said, "You know, if we're on a hot time frame here to get things on the Council's newly flexible schedule here -- it would seem to me that we need during the paving season to take some action on this. I don't....."

Ms. McClintock interrupted, "We don't even have a cost estimate from the Public Works Department. We need a cost estimate."

Mr. Borries asked, "What happens next Monday if we would do that on June 1st? Is that still the new flexible schedule change here?"

Ms. McClintock responded, "Well, they have to have it yesterday. They have to have it tomorrow."

Ms. Borries asked, "What are the rules now? You said they are more flexible. Have they come up with a new set of rules that all of us need to be aware of? I was never informed of that. It was always a rather clear standard. I don't know whether it was legal or just tradition or what that requests for the following month had to be forwarded to the County Council by the 15th of the prior month. Is there a change on that that none of us are aware of?"

Ms. McClintock responded, "It is my understanding that on certain emergency items - and it really is pretty much up to Sam and the President of the Council that they will make exceptions to those rules. So..."

Ms. Mayo interrupted, "For transfers of money. Appropriations have to be advertised -- so there could not be any flexibility."

Mr. Borries asked, "Is there still some guideline where requests have to be forwarded by the 15th of the month?"

Ms. Mayo responded, "Requests are still supposed to be in by the 15th. But I guess on an as needed or on a requested basis -- I'm not going to say there have not been exceptions, because there have been -- that have been received after the 15th of the month. In the case of an emergency a transfer has been acted on by the Council."

Commissioner McClintock said, "I don't think they're going to consider the parking lot paving at the Coliseum an emergency. But let us..."

Mr. Borries asked, "Well, when was it that we discussed this before?"

Ms. McClintock responded, "It was at the end of March -- it was March 30th."

Mr. Borries said, "So we discussed it in March and if we can't appropriate anything until July and then it takes approval -- then we're talking August before -- it may not be an emergency, but I'm sure that if we're going to do anything (and we said we would do it) we'd need to do it before winter. That is the point."

Ms. McClintock said, "I would agree that we need to get that done this paving season. So could you (B., J. Farrell) please in your information to Mr. Kercher indicate that all three Commissioners are interested in getting this paved this season and we would like a cost estimate on the agenda at next Monday's meeting. And could you forward the same information to the Veterans Council -- to the individuals outlined in the memo?"

Mr. Borries said that is fine.

Report on Tickets Issued by Sheriffs' Departments Around the State:

Mr. Lou Wittmer said he has the subject report. He talked to Allen County and they do have a specific Ordinance dealing with this problem. Their fine is about \$25.00 per violation and they are forwarding a copy of their Ordinance to him so we can give that to Gary Price or other legal counsel for perusal. They also do not have any Ordinances concerning yard sales/rummage sales, etc. He talked with the Sheriff's Department in St. Joe and they use the same State Statute as we do for ticketing. He called their Legal Counsel regarding the Ordinance re rummage sales, etc., and he is supposed to return his call. Terre Haute has no Ordinance on ticketing -- they use the same State Statue we use. They are also going to call him back to let him know about the rummage sales.

Commissioner Hunter requested that Mr. Wittmer let the Commission know as soon as he knows something.

Ms. McClintock said this will come back to the Board for discussion before forwarding information to the County Attorney.

Ms. McClintock entertained further matters of either Old or New Business to come before the Board. There being none, at 6:55 p.m. a motion was entertained to adjourn.

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

Commissioner Hunter urged the attendees not to leave, saying the Drainage Board will convene immediately.

COUNTY COMMISSIONERS
May 26, 1992

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PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
Richard J. Borries, Member
Gary Price, Attorney
Cindy Mayo, Chief Deputy Auditor
Greg Curtis, IDOT
Dave Savage, County Engineer
Keith Lochmueller/BLA, Inc.
Tom Bernardin/BLA, Inc.
Ralph Patton/American Timber Bridge
Ken Robinson/Vision 2000
Ed Bassemier
Norris Robinson
Lou Wittmer/Commission Office
B. J. Farrell/Commission Office
Others (Unidentified)
News Media


Carolyn McClintock, President


Don Hunter, Vice President

Richard J. Borries, Member

MINUTES
COUNTY COMMISSIONERS MEETING
JUNE 1, 1992

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MINUTES
COUNTY COMMISSIONERS METING
JUNE 1, 1992

The Vanderburgh County Board of Commissioners met in session at 5:30 p.m. on Monday, June 1, 1992 with President Carolyn McClintock presiding.

RE: CALL TO ORDER & PLEDGE OF ALLEGIANCE

President McClintock called the meeting to order, welcomed the attendees and said she believes everyone present regularly attends meetings or is an employee, so she will dispense with staff introductions today. She then asked the group to stand for the Pledge of Allegiance.

Ms. McClintock subsequently asked if there are any individuals or groups in the audience who do not find their particular item of interest on the agenda.

RE: STEERING COMMITTEE & COUNTY EMPLOYEE INSURANCE BENEFITS

President McClintock said that she had a couple of calls this afternoon from County employees indicating a concern over a change in the insurance program. "That was all a great surprise to me. I don't know where the rumors started that we were going to change employees' benefits. Let me assure you that that is not even under discussion. What we are looking at at this point is that we may change how we pay for those benefits. So I don't know where it started. There is an Employee Steering Committee and one of the gals (I don't know if it was you) called me today wanting a representative on that committee. We welcome any department that is not represented -- to have their department head or officeholder ask somebody to be on the Committee. The next meeting is on June 16th at 2:30 p.m. Annie Groves (Coroner's Office) is the employee-elected Chairman of that Committee and B. J. Farrell was elected the Vice Chairman of that Committee. I know Annie was calling around to departments and offices that were not represented and asking them to get somebody on there. So somehow those two got related. Camille, who is part time secretary - somebody called and asked about the insurance and whether it was on the agenda. What was on the agenda this evening is that their meeting is on June 16th at 2:30 p.m.

Mary Lee Hahn of Superior Court said she is the one who called. There are quite a few girls who work in her office (the Probate and Juvenile girls) and they did get wind of this. Everyone was upset, thinking their insurance was going to be done away with. She would like to go down on record as saying, "That we request notice to all Court personnel of any hearing, any meeting, anything that is going to pertain to this -- we want to be notified of it. I haven't talked to Judge Lensing, he is out of town -- and I don't know, he may name one of us to the Steering Committee -- but at this time I am spokesperson for the ladies in the office."

President McClintock replied, "Certainly we will -- and we appreciate your coming tonight. For the Judges' information, those meetings usually take only about an hour." (Turning to B. J. Farrell she asked if they're meeting once a month. She said if Ms. Hahn will call her she can provide her with the dates.)

Ms. Hahn said, "He won't care about that -- just so we know." Ms. Hahn then asked Alberta Matlock if she wants to add anything to what she has said. Again, she said they want to be notified, because it would affect them. If the County changes their way of paying, they don't mind -- as long as their insurance doesn't

change. "If it ain't broke, don't fix it!"

Ms. McClintock said, "I agree, absolutely."

Ms. Alberta Matlock of the County Clerk's Office asked, "What I want to know is how did the Steering Committee come about? Who chose the people to be on that?"

Ms. McClintock said. "What we did was we sent a memo out to all the department heads and officeholders, told them we were forming this Steering Committee (we're calling ours a Steering Committee; some businesses call them Quality Circles). What it is is an opportunity for employees to find out what is going on and to interact -- not through their bosses -- it's just another method of communication. So we asked each department head and officeholder to appoint someone. This was back in January. We had about four or five people appointed. We sent another memo out and we've gotten a little better response and there are now eleven or twelve appointed. As I said, Annie is calling everybody again to say we're still meeting and we'd like to have somebody. The department head or officeholder appoints somebody in their office that is not the department head or the officeholder -- because the idea is we're not at the meetings and it's an opportunity for the employees to talk about mutual concerns."

Ms. Matlock asked, "As for the County Clerk's office, Betty Knight Smith would not represent it -- it would be someone who works in the office?"

Ms. McClintock responded, "Yes, like you -- or anybody."

Ms. Matlock said, "That is what I wanted to find out this evening, because the girls kind of elected me out of the County Clerk's office to come up here and find out what was going on -- because they were afraid that their freedom was going to be taken away insofar as their choice of insurance, which is what the rumors are."

Commissioner McClintock said, "I don't know where that started. But that is not the case. So are you going to be on the Employee Steering Committee?"

Ms. Matlock responded, "I certainly would like to be."

Ms. McClintock instructed B. J. Farrell to put Alberta Matlock's name on the list.

Commissioner Hunter said, "Isn't she like an assistant?"

Ms. Matlock said, "I'm the Assistant Chief Deputy."

Ms. McClintock said, "She's a valued employee. She's okay."

Commissioner Borries asked, "What difference would it make if she were an assistant?"

Ms. McClintock said, "It doesn't. He (Hunter) thought she was a department head -- and we try to stay away from department heads. Okay. Great."

Ms. McClintock then asked if there are any other groups or individuals here this evening who do not find their particular item of interest on the agenda. There was no response.

RE: REQUEST FOR EASEMENT AT 5100 KANSAS ROAD

It was noted by Commissioner McClintock that the subject easement is for the Sheriff's Training Center. She asked Deputy Jim Tucker

if he is here to address the request.

Deputy Tucker said, "As the Commissioners are aware, we recently completed construction of the new pole barn at the training center on Kansas Road. SIGECO advises us that we don't have adequate electric back there to properly wire the new building. This easement is to allow them to run a new line back there and set transformer so we can continue with the building project out there. We have the money in our budget to pay the cost of it - but I understand that the Commissioners need to sign off on it and Shell Mining also needs to sign off on it."

Commissioner McClintock entertained questions. There being none, a motion was entertained.

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

Deputy Tucker advised that Bob Gulick of SIGECO will be taking the document to Shell Mining to obtain signatures.

RE: POLLACK AVENUE PROJECT - ROSE ZIGENFUS (EUTS)

President McClintock said it is her understanding that this is primarily a safety project.

Ms. Zigenfus, Director of EUTS, said that is correct. There is guard rail located along the south side of the project, as well as are the telephone or utility line poles. The pavement width is narrow (only 21 ft. in width) and the traffic volumes have decreased. The Commissioners had inquired about that.

Commissioner Borries said the traffic volume has decreased rather significantly, hasn't it? About half of what it was?

Ms. Zigenfus replied, "Well, yes -- and there are two reasons for that. First, the Interstate, as well as the Covert Avenue project. But as you can tell from that aerial, development continues to occur." Pointing to area, she said the designated area is all new since the Covert Avenue project.

Commissioner Borries said he thinks when the P.U.D. was zoned the City of Evansville takes in much of that and as a result, you have a difference. There was a little piece of the County carved, because they had to have some way around to get around that P.U.D., but it is kind of an unusual thing. In pointing to designated area, he said all of that is the City of Evansville.

Ms. Zigenfus said she does need to point out that they also have access to Covert. But she thinks if anyone is wanting to access the Interstate at this location that they are going to use Pollack Avenue rather than coming up to the designated intersection that needs some work. If she were living there that is how she would go. The traffic volumes have decreased in that area, but the environmental was written to rectify the safety problems -- relocate the ditch, install curb and gutter.

Mr. Borries asked how far out this would go.

Ms. Zigenfus said it is two (2) miles to Fuquay Rd. So it's a two mile project.

President McClintock asked, "So EUTS is still recommending that we go forward with this project."

Ms. Zigenfus responded, "I am -- and it's based on the long range transportation plan. That is another link that connects residential developments to major corridors like Green River Rd.

and the Interstate. Yes, we are -- because we feel as though it is an improvement that is going to have to have -- the safety issue, you know, I was thinking about -- why would we still need to improve it -- volumes have decreased, pavement width is narrow -- and I guess if you think about travel along that corridor the less vehicles there are the more obvious it becomes that you can go a little bit faster. There is nobody impeding your speed. And once you do that, if speeds increase (and I don't know that they have) -- I was just trying to visualize what might be good rationale for improvement, along with the obvious that we've written in this document. But if volumes have decreased and speed increases, then the liability factor for the County increases -- and you are liable."

Mr. Borries queried Ms. Zigenfus regarding the cost of this project.

Ms. Zigenfus said it is in the TIP and she forgot to look at it. She would imagine it is at least \$1.5 million, with 80% of that being funded by the Federal Government.

Commissioner Borries said, "I just feel that you're right to have a long range plan and agree with everything you say regarding safety issues and all that type of stuff -- but even in long range plans things change, and that is why I asked for those revised figures -- because it shows it has half the vehicles insofar as traffic. I'd like to see the scope of the project change. You know, most of your vehicle trips (and I think you are correct) would go from Indian Woods (which is really in the City of Evansville) to Green River Rd. -- and that is a distance of probably half a mile at the very longest. I see needs on Burkhardt Rd. I see a tremendous amount of money we're going to have to put together for Lynch Rd. Frankly, I just don't know how we could fund it for any length of time -- and that is why I'm wondering why we have to do anything with it right now. Why we can't just hold this and focus our energies on some of these other projects we know we need right now -- because we're talking about a lot of money, as I'm sure you are fully aware. By the time we get into this Lynch Rd. situation we're talking about a lot of money here. Every dollar in a rapidly changing Federal Government field is going to be scarce. I agree it is a safety issue; I have no debate with that. I agree the pavement width is narrow -- that is why I pushed originally to get those little concrete posts out of there and install the guard rail -- so we could at least knock folks back on when they started toward that ditch. I think there needs to be a way your EUTS Board reviews this, changes the scope of the project, shortens it. As you well know, we built Burkhardt Rd. ten years ago and already it is at capacity. So the trend that occurred there went totally opposite of what it did with Pollack Avenue."

Ms. Zigenfus said, "Well I think, too, if you can go back to 1978 when the long range plan was developed -- it was developed with all of those things in mind. The Interstate was part of the long range plan. Covert Avenue Extension, also. I think they realize that volumes may decrease or may maintain their current level -- but development was going to occur in that area and the narrow two lane, 21 ft. pavement width might be a safety issue. So, you're right. Things can change. You can put this on hold. We've written the environmental and if we don't proceed at this point from this environmental, another one will have to be written. That is the bad news. The good news is you can proceed with design and then hold it."

Mr. Borries said, "I'd rather look at a changed environmental -- really look at the scope of that, rather than spend a lot of money here designing something that may not be needed in the future."

Ms. Zigenfus said, "Okay. But the project we're proposing is minimal. All we're saying is upgrade those narrow, two-lane, two 10 ft. travel lanes to two 12 ft. travel lanes. I mean that is the minimum -- curb and gutter, relocate the ditch, get rid of the guard rail."

Mr. Borries said, "Relocate the ditch - that's a major ditch."

Ms. McClintock said, "Okay. On the environmental, if we would hold this then we would have to re-do that. How much did we spend on the environmental?"

Ms. Zigenfus replied, "EUTS did it and I don't have a cost for you. We did it back in 1987 and it probably took us not 40 hours a week -- but six months -- to get it through the process of approval."

Mr. Borries said, "But you could do it in house -- that's the point."

Ms. Zigenfus responded, "Oh, yes -- we could do it in house."

Ms. McClintock asked, "But what you're saying is if we go ahead and design it, then we don't -- I don't want to get into the U.S.I-Eickhoff Koressel where we've done the environmental three or four times and paid for it three or four times. So if we do the design we can then put it on hold; we don't have to invest again in the environmental; we don't have to invest again in the design; then we're ready to do it when we're ready to do it. Is that correct?"

Ms. Zigenfus said that is correct. "And you can also phase it like we're now doing with the Green River Rd. project. We've got two or three phases with that project."

Ms. McClintock asked, "So we could design it that way -- put that in the RFP?"

Mr. Borries said, "But, you haven't mentioned either the aspect -- I mean, what is the City going to participate in this?"

Ms. Zigenfus said, "The City split on the local match is determined by the amount of their overall boundary. And I think it is 10% at this point."

Mr. Borries said it is the north side of Pollack Avenue until you get to Indian Woods.

Ms. Zigenfus said she will be glad to check on this, but she thinks it is 10% -- 90% - 10% on the local match. So the County would pay 90% of the local match and the City would pay 10%. The Federal split is 80%-20%. The County would pay 90% of the 20% and the City would pay 10% of the 20%.

Ms. McClintock asked, "How long do we have before time runs out on this environmental?"

Ms. Zigenfus said, "We're coming up on five years. We wrote this in August 1987. They generally give you five years and then they say this is no longer valid -- go back and re-do it. Say if in six or seven years you were to look at doing this project again, it would have to be re-written. There is no Federal money in this project. There is nothing that would have to be paid back. Generally, if there is Federal participation and you draw up a project, then you have to repay that money. That is not the case with this. You can pretty much go either way."

Mr. Borries said, "That is why I think if you want to look at some redesign and an environmental in house, I could support that. But I just can't see designing something at this point that has now had

a decrease to half in terms of traffic volume -- the local dollars we have are going to qualify for a local match on so many other projects that are going right now -- and it's really going to get critical."

Ms. Zigenfus said she doesn't see this project being ready for construction probably before ten years.

Mr. Borries said that is why he thinks perhaps it is important to focus in on re-doing that.

Ms. Zigenfus said, "But that is what I see on every project. It took Fulton Avenue ten years; it's going to take Green River Rd. ten years from the time we started. It takes a while to get them through that process. Generally if the project is \$1.5 million -- then 10% of that would be \$150,000"

Mr. Borries said, "You may want to review those figures. If you're talking two miles, I don't think that will get it -- on relocating the ditch."

Ms. Zigenfus said that is just a ball park estimate.

Mr. Borries said that is not much money for two miles, especially with relocating the ditch, right-of-way purchase, etc."

Ms. Zigenfus said, "I have no idea. There is not much right-of-way purchase needed. We need 2.5 acres of temporary and permanent we need one (1) acre of residential area, which equates to not more than 10% of the front or side yard of any residential property to be acquired. We're looking at curb and gutter for some of this project and piping and relocating the ditch in some of it. So it's a mixture of things. If you're inclined to drop it, that's fine -- whatever."

Commissioner Hunter said, "I am not so inclined."

Ms. McClintock said, "I am not either -- I'm not inclined to spend money twice."

Mr. Hunter said, "I'm not either. I'd like to know a little bit more about it. Is it possible that you can zero in a little more on the cost. Rick is saying we can't do the two miles for \$1.5 million -- and that sounds pretty logical. Can you get a little better handle on it?"

Ms. Zigenfus said she can try to get that from an engineer.

Mr. Hunter said, "If we're talking about being ten years away before anything happens, with the increase in development and that is a high density area -- over the next ten years we could be talking about a tremendous increase in traffic, too."

Ms. Zigenfus said we could see an increase. There are several properties in the South Green River Rd. area that have been zoned commercial. There's 11 acres in one area, 70 acres in another area. She sees some of that tying into this area and a frontage road at some point in time. So the possibility exists as the area develops, because they will want access to the Interchange.

Mr. Borries said we're already addressing some of that growth via the South Green River Rd. widening project.

Ms. McClintock requested that Ms. Zigenfus provide information as to how much was spent on the original environmental, what a new environmental would cost, and a better estimate on the construction cost by June 15th. (Ms. McClintock then asked Ms. Farrell to place this on the agenda for June 15th.)

RE: DATA PROCESSING/AMENDMENT TO FACILITIES MANAGEMENT
CONTRACT WITH SCT

Art Gann said he is here representing the Data Board. A Committee of the Data Board representing the City, the County, and the private sector has negotiated an amendment to our Facilities Management Contract with SCT Corporation and come before the Commissioners tonight with the completed product of that amendment, which has been signed by the Board of Public Works -- a copy of which has been provided to the County Attorney Price, who has reviewed it and met with Kevin Wintenheimer. They're asking the Commission to approve this amendment, which will extend our business relationship with SCT for five year period, after three of which the City and County can exercise a clause to discontinue that business relationship. So we have an option of three years to get out of the contract. If not, it will go for a period of five years.

Ms. McClintock asked when the three years will be up?

Mr. Gann responded, "In 1995."

Ms. McClintock entertained further questions. There being none, a motion to approve was entertained.

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

RE: EMPLOYMENT AGREEMENT/NORRIS ROBINSON

President McClintock said the Commissioners will recall we had to do an employment agreement for Norris Robinson, because it needs to go year to year because of budgeting. We had to add an addendum indicating this employment shall continue to and including December 31, 1992. If we want to continue this arrangement, we'll have to do another contract next year. She has a note from Attorney Price indicating he has reviewed the amendment and finds it acceptable for execution. Ms. McClintock then entertained a motion to approve.

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

RE: SMOKING

President McClintock said she doesn't know about the other Commissioners, but she has received several complaints over the last month -- she doesn't know why this has come up all of a sudden -- regarding employees smoking while meeting with taxpayers coming into their offices on various and assorted business. The complaints she's received have primarily been offices within the Commissioners' jurisdiction -- department heads, not other officeholders. She had asked Lou to put this on the agenda for discussion. These are in rooms where employees can smoke. We do have designated "Smoking" and "No Smoking" areas in the public buildings. If agreeable with the rest of the Commission, what she would like to do is simply send a memo to these departments under the Commission's jurisdiction and ask them to use their good common sense -- that when they have a visitor in their office that they refrain from smoking if they are in a smoking office -- unless they ask that visitor if it is all right to smoke. That is just common courtesy. Turning to Commissioner Hunter she said, "I know, you would ban it altogether. I didn't know that -- but I could tell by the look on your face."

Mr. Hunter said, "That's the reason you get complaints."

Ms. McClintock countered, "I don't smoke in my office when I have

visitors. I didn't even smoke when Dave Savage was in my office today. Do you have another suggestion or do you want to vote on that?" She then asked Lou Wittmer to draft a letter and put a copy in the Commissioners' mailbox so they can look at it.

RE: CLOTHING ALLOWANCE/CORRECTIONS OFFICERS

Ms. McClintock said Mr. Chuck Whobrey isn't here yet. In response to query as to whether the Board can just go ahead and act on this, she said he asked that if possible the Commission to wait and take any action after his arrival.

Mr. Humphrey said he doesn't know whether this is something new or not -- but clothing allowances are normally paid the last payroll in June and the last payroll in December.

Ms. McClintock said that is what she was just told.

One of the gentlemen present said that at the Commissioners' request these were supposed to be paid on the anniversary date.

Ms. McClintock asked if the group wants to go ahead and discuss this without Mr. Whobrey. The group decided to wait ten minutes and then come back to this matter -- if they get to say whatever they want to say.

Ms. McClintock assured them they will get to say whatever they want to say.

RE: COUNTY ATTORNEY - JEFF WILHITE

Written Report: Mr. Wilhite said the Commissioners have his written report. The first action item would be Item #1. He needs the Commissioners to confirm - at least informally -- that there is no reason not to proceed with condemnation on the Gordan Schmitz, Marion Schmitz, and Mildred Schmitz property. United Consulting Engineers has said it is time to condemn. There have been a couple of times in the past where the Commissioners knew something he didn't. Do they know of any reason not to authorize him to proceed with condemnation on this property?

Ms. McClintock said she does not.

Mr. Wilhite said he will bring to a meeting an appropriation Resolution and proceed with that.

The next action item is Item 4. On the Lynch Rd. project there are some properties that we hold title to. To clean everything up, we ought to dedicate essentially to ourselves right-of-way for that Lynch Rd. project and he has prepared a written Resolution to that effect. It concerns parcels designated as No's. 12, 16, 18, 23 and 24 on the Lynch Rd. project. There really is no controversy. If that is the Board's pleasure, it would be appropriate for someone to move to dedicate that right-of-way.

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

Mr. Wilhite said the last action item concerns Bockelman No. 3 School. We advertised an RFP to be submitted by June 1st at 5:00 p.m. We actually received last week (and so announced in the public meeting) a proposal from the Westwood Garden Club. To his knowledge, we've received no other proposals. He's reviewed the proposal, which was submitted along with a Certified Check in the amount of their proposed purchase price, which is \$1.00. It generally complies with the RFP in terms of what they would do with it once we got title and then transferred it to them in terms of

meeting all the historic preservation standards. It is his recommendation that the Commissioners accept this RFP and authorize him to negotiate a written contract with the Westwood Garden Club that would essentially provide that once we obtain title, then the Garden Club would agree to treat this like a historic structure, move the school and those sorts of things.

Ms. McClintock asked if we need a motion to that effect.

Attorney Wilhite responded affirmatively, saying the motion should be to accept the proposal and authorize him to negotiate a written contract.

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

RE: COUNTY ENGINEER - DAVE SAVAGE

Update on Bridge #75/Petersburg Rd. Mr. Savage said he was reviewing some cost differences between concrete and timber. As they pulled in more data it became apparent that it was a much closer comparison than he had initially thought. Therefore, he has gone ahead and released that project and will be setting up a schedule within the next week or so. He would appreciate any input the Commissioners might have with regard to harvest dates, etc. e need to get that bridge in quickly.

Retirement/Delbert Pinkston: As the Commissioners are aware, Delbert Pinkston, one of the inspectors in the department, has retired. In reviewing the operation of the department, it appears to him that we could get a big increase in efficiency if we could upgrade his position. Instead of just having a construction type inspector, we could have someone who could also do some drafting work; he could do surveying calculations; and he could also take a survey crew out and do a survey for a bridge project or a road project. He has put together a draft of a job description for that and he is requesting permission to proceed.

Commissioner Hunter said he had one thought on this. Around October 1st of this year we are also going to have to deal with erosion problems in subdivisions in view of the new State law. It has been suggested that we'll need someone who has some expertise in that area to do the inspections. Wouldn't it be possible, wouldn't it be profitable for us to try to put in this job description that we also get somebody who has some expertise in that -- since what Pinky did was out there. The SCS has even offered us some office space out there -- so they could operate out of that office as well as the engineer's office. And it seems to him we could save a little money if we get somebody with some ability and background to cover the erosion problems and the enforcement of those laws as well as what Mr. Savage is talking about.

Mr. Savage said, "Depending upon the work load, and even if the work load was so heavy it required another position -- he thinks it would be good to have some duplications."

Mr. Hunter asked Mr. Savage to contact Darryl Rice at the SCS and get some input on exactly what the new State law is going to say and what we're going to have to do on it. He thinks this might be a good time to combine the two of them.

Mr. Savage said he would say that we should include that in the job description. If okay with the Commission, he'd like to get that in order. This is a busy time of year to be without.

Mr. Borries said he has no objections to that. He does have to leave the meeting to go to a funeral home in Owensboro, Kentucky

and be there before 8:00 p.m. His thoughts are this -- it has come to his attention that one new employee who has been hired (he doesn't go against any aspect of this person being hired) -- but if that person is going to function in a management position, which it seems to him that person is going to function in a management position -- consideration needs to be putting that in the foreman's position that Pinky vacated -- that needs to be looked at rather than, as he understands it, a transfer of monies that had to do in a union slot. Because this person is functioning as a manager, if the job description he has seen today is correct. It really doesn't have anything to do with union activity as such. So when and if a union person is hired back, then there is going to have to be money put back in that slot in order to make that one functional again. So he does have some concerns about that particular item. That is why he wanted address that right now. He doesn't know if this is Mr. Savage's concern or whether the Board needs to address that.

Ms. McClintock asked, "What?"

Mr. Savage said "I'm not sure we're talking about the same job description."

Mr. Borries said, "I know what Pink's job was -- I know Pinky."

Mr. Hunter said, "But he's not union, is he, Rick?"

Mr. Borries responded, "No, he's not union. But I am saying that a temporary person who is going to be put into a management position needs to be put into a position that is not a union slot. That is my point."

Mr. Savage said, "Also, with the Director's position."

Ms. McClintock said Mr. Savage needs to take the job description for the new position to the Job Study Committee that is meeting June 22nd, along with the other job descriptions of the Public Works Department -- which have already been approved by the Board. She said she needs a motion to this effect.

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

(Mr. Borries exited the meeting.)

Request for Part Time Help/County Engineer's Office: Mr. Savage said due to the Director's position being vacant, Pinky being gone and the busy season, we end up with higher level people spending a tremendous amount of time answering the phone, doing their own correspondence and things like that. He wonders if the Board would make a motion to hire a temporary person (to see how it works) to answer the phone, do some filing and things like that, which would free up some of the higher level people to perform their job functions.

Ms. McClintock said, "Okay. Karen called me about this on Thursday and Friday and she indicates there is money in the budget. This will free Karen up to work on budgeting and some other programs that we need to be working on.

Motion to approve was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered. (Ms. McClintock said this needs to come back on a pink slip if we find somebody. We need to try to find somebody for \$5.00 per hour. See if there is somebody out there we can get for that. We cannot pay more than that for part time help without going to Council.)

County Highway Garage/Request for Mower: Mr. Savage said they now have more details on the hydraulic mowing equipment for the County Highway Garage that was discussed at last week's meeting. Attorney Price looked into that issue and indicated that the only way that we could get around an advertised bid would be if it were declared an emergency. Mr. Savage said he talked with Mr. Howard some more and he indicated he is just not able to get the job done with our sickle-bar mowers because of breakdowns and the equipment age. He is getting calls about visibility at intersections due to high weeds, etc. Mr. Savage said he would think this would fall into the area of an emergency, particularly given what appears to be an excellent price for the piece of equipment that will.....according to Mr. Howard, given the amount that they've gotten done in the last couple of weeks he indicates he can mow about fifteen times as much area with this piece of equipment as he can with one of the sickle-bar units.

Mr. Hunter said, "That is quite a number."

Mr. Savage continued, "There's quite a number of breakdowns. They're having quite a problem maintaining the old equipment."

Ms. McClintock asked, "So we can declare this an emergency?"

Mr. Savage said, "I recommend that you declare it an emergency."

McClintock said, "You recommend that we declare it an emergency? Okay."

Mr. Savage continued, "So that we can move on with the equipment and fulfill our functions."

Commissioner Borries said, "I'd like to have a roll call on this."

Ms. McClintock asked, "Did you get the two prices? How many prices do we have now?"

Mr. Savage responded, "We have two prices."

Ms. McClintock turned to Attorney Wilhite and asked, "We're okay now? No?"

Attorney Wilhite said, "I didn't know there were two. We've got two?"

Mr. Savage continued, "We have two prices."

Ms. McClintock asked, "What are those prices?"

Mr. Savage said, "Those prices are \$46,000 (that is for a completely new piece of equipment). We only found the one unit ..."

Attorney Wilhite interrupted, "According to the Statutes we need to put in these minutes who the invited quotes were from."

Mr. Savage said, "I don't have that information. If we have to have that then we'll need to do it at the next meeting. Mr. Howard has it in his desk at the highway garage. It was my fault that we didn't make contact."

Attorney Wilhite asked, "Can you call him now?"

Mr. Savage said he couldn't get him before the meeting adjourns, he is sure. It would be at least forty-five minutes. He talked to him just before the meeting.

Ms. McClintock asked, "And he didn't remember the name of the

company?"

Commissioner Borries interjected, "I just think that if we're going to have to wait another week, let's just go ahead and advertise it."

Mr. Savage asked, "How long are we talking if we have to advertise? We're not opposed -- and we're not trying to side step."

Mr. Borries said, "Well, I'm sure it might be -- but I just think that it's ..."

Auditor Sam Humphrey interrupted, "My only comment ..."

Mr. Borries continued, "I mean that's a lot of money for a piece of equipment that you can find a lot of substitutes for and I just think it's better to follow the law here."

Auditor Humphrey continued, "My only comment regarding the mower -- when it came to me, it can be taken out of local roads and streets -- that's Number 1. And I told Curt Wortman and Mr. Howard (the only two I've talked to about it) that if that occurred -- the channels were gone through and they could in fact buy it -- that I would expedite payment if that would help, providing the Council gave me approval -- either in action this coming Wednesday or verbally -- that they would, in fact, do it in July and the advertising procedure would occur. That was my only contact with them -- that simply if payment would help, I could do that."

Ms. McClintock said, "We have the money."

Mr. Savage said, "Yes, the money is in the budget. But we do require Council's approval."

Mr. Humphrey asked, "Which budget?"

Mr. Savage replied, "The highway budget; there is an item ..."

Mr. Humphrey said, "Yes, but there's only \$2,000 left there."

Mr. Borries commented, "He just said it was going to come out of local roads and streets -- didn't you?"

Mr. Humphrey said, "It can come out of local roads and streets."

Mr. Savage said, "There's a \$90,000 or \$95,000 item that Karen had it plugged into."

Mr. Humphrey said, "I don't know about that."

Ms. McClintock said, "So Karen has the money identified. We don't meet until the 15th anyway -- I mean they must have had this same problem last year and the year before and the year before."

Mr. Savage said, "Could well be."

Ms. McClintock continued, "And we appreciate Fred's concern."

Mr. Savage commented, "Both he and I."

Ms. McClintock said, "And your concern."

Mr. Savage said, "Yes, not just his."

Ms. McClintock continued, "Yes. And let us in the meantime hit intersections in areas that are the highest safety problems."

Mr. Savage said they will do the absolute best they can with the

equipment they have.

Commissioner Borries interjected, "I'm sorry -- I have to go. But, David, is this your last meeting? Have we hired an engineer now, Carol or Don? I understand there have been some meetings going on -- so would somebody give me some information as to the status of the engineer?"

Ms. McClintock said, "Can we finish this first? We need a motion to advertise. All we need is a motion to advertise for this piece of equipment for the bids to be opened and awarded at the June 15th meeting."

Motion to this effect was made by Commissioner Hunter.

Secretary Joanne Matthews interrupted, "I'm sorry, I don't believe I can get it advertised to make that opening date."

Ms. McClintock asked, "Why not?"

Ms. Matthews responded, "The earliest I could possibly advertise it if I go down there and do it tonight is going to be Thursday. That will be June 4th. And doesn't it have to be advertised twice, with the bid opening 10 days after the last ad? That would be the meeting of June 22nd."

Ms. McClintock said, "Our attorney is saying that legally we can declare it an emergency and legally we don't have to advertise it at all. We're going to advertise it since we have to wait two weeks anyway. So can't we just advertise it once?"

Attorney Wilhite said, "Right -- because you don't have to do it at all."

Mr. Humphrey asked, "What meeting is this going to occur in?"

Ms. McClintock replied, "The Commission Meeting -- we have a Commission Meeting on June 15th."

Mr. Humphrey commented, "If you have it in your budget I was never made aware of it."

Ms. McClintock asked, "Can we get a motion to advertise so it we can open on the 15th?"

For clarification purposes Ms. Matthews asked, "You're saying to advertise it once with bid opening on June 15th -- once in two (2) papers, Jeff -- is that what you are saying?"

Attorney Wilhite responded, "Once, yes."

A second to the motion was provided by Commissioner Borries. So ordered.

RE: PUBLIC WORKS DIRECTOR/COUNTY ENGINEER

Ms. McClintock said, "Now to the Public Works Director/County Engineer. Don, did you talk to Steve Sherwood?"

Mr. Hunter responded, "No. All I did was get in trouble."

Ms. McClintock said, "Okay. The last I talked -- when I met with Steve last Wednesday, he has three concerns that we discussed in the interview in the Executive Session. One, we have to go back and get the salary adjusted by the Job Study Committee. Two, the relocation to Vanderburgh County. And three, vacation."

Mr. Hunter commented, "Vacation. The problem with that is the

young man is getting married in September and he has very carefully been guarding his vacation days in Warrick County so he can take what is known as a honeymoon. He doesn't want to come over here and lose all of that. I'm inclined to think he's got a good point."

Commissioner Borries said, "But what happened is you announced that we had a new County Engineer."

Ms. McClintock interrupted, "No, if you go back and read the minutes, Rick, it says in the minutes -- and what you voted on -- was authorizing discussions with Steve Sherwood specifically to hire him as the County Engineer pending his approval of our salary offer, etc. We are not in a position to make a salary offer at this point because it hasn't been approved by the Job Study Committee -- which doesn't meet until June 22nd."

Mr. Borries continued, "But he was indicated as your choice (which I agreed with) for engineer and you announced the decision in the meeting. And, what transpired from there?"

Ms. McClintock responded, "And then I called Mr. Sherwood and said, 'You were our number one choice -- let's get together. We'll sit down and talk about the things you brought up in the Executive Session, which were (and you were there)....'"

Mr. Borries interrupted, "I don't remember anything about a honeymoon, but that's fine -- he's entitled to get married -- what the heck!"

Commissioner Hunter said, "He didn't mention that."

Ms. McClintock agreed, "No, he did not mention that."

Mr. Borries continued, "I don't remember hearing that."

Mr. Hunter said, "He didn't; he didn't elaborate on it. He just said vacation."

Ms. McClintock continued, "Okay. Would you agree that in the Executive Session he said he would like to come to Vanderburgh County, depending on what the offer was regarding salary and relocation to Vanderburgh County?"

Mr. Borries responded, "I remember the part about the relocation in Vanderburgh, which I'm sure is a concern."

Ms. McClintock asked, "You don't remember him saying, 'I make more money in Warrick County than your engineer'?"

Mr. Borries, "No, I don't recall any specifics in terms of salary there."

Ms. McClintock continued, "Okay. Well, whether or not you recall it, the problem is that we have to wait until the Job Study Committee approves the salary before we can make a job offer -- because all we have to offer now is 10% less than Greg Curtis was making, which we all agreed was not enough to attract a full time County Engineer with the kind of qualifications and background we wanted in Vanderburgh County. So that is where we are. We're waiting for the Job Study Committee to approve the salary so that we can make a firm offer."

Mr. Borries asked, "And have we discussed the salary -- or is the Job Study Committee the only ones -- have we made a recommendation on that?"

Ms. McClintock replied, "We have not made a recommendation to them. It is my understanding that the Job Study Committee of County Council really doesn't like for us to do that. I mean, they feel that is their purpose."

Mr. Borries asked, "Well, how do we discuss it? I mean, is this mental telepathy then? How are we going to find out what we can offer him until"

Ms. McClintock responded, "We can't. Did I just say to you we are waiting to go to the Job Study Committee before we can make an offer?"

Mr. Borries asked, "What is going to be your recommendation?"

Ms. McClintock responded, "What is going to be my recommendation to the Job Study Committee?"

Mr. Borries, "Yes."

Ms. McClintock continued, "I'm not going to make a recommendation to the Job Study, Rick. I'm going to tell them how much he makes in Warrick County."

Mr. Borries asked, "You're not going to make a recommendation? That he ought to be paid at least as much as he is making there?"

Ms. McClintock stated, "I am going to tell them what he is making in Warrick County. Yes, clearly we are going to have to pay him more than he is making in Warrick County."

Mr. Borries said, "Or at least start him at a comparable salary. But the point is - what I am saying is that it seems to me that we don't go to the Job Study Committee and just listen to what they have to say -- that you have to have some kind of recommendation there."

Ms. McClintock asked, "Do you want to make some kind of recommendation? That is fine with me. I'm not going to go on my own and make a recommendation to the Job Study Committee. He makes \$43,500 in Warrick County."

Mr. Borries said, "Well, sure I'll make a recommendation -- that if we want to hire him that he makes as much as he is making in Warrick County for a start. And then from that point on is when there are other so-called job study benefits that kick in after six months on the job, etc. I don't know if it's legal to determine anything about portability of vacation benefits from one County to another. I don't know how that works and I'm not sure we can make a recommendation on that. But I will be happy to make a recommendation in terms of salary -- I mean if we want him. We say we want him, don't we?"

Ms. McClintock replied, "Well, I think we want him."

Mr. Borries said, "Well then, let's make a recommendation."

Ms. McClintock continued, "I don't think we're going to get him for the salary they are paying him in Warrick County -- but I don't want to get into a bidding war with Warrick County. So, \$43,500 as a starting point for Job Study is fine with me if that is fine with you. So is that your motion?"

Mr. Borries responded, "Correct."

Ms. McClintock turned to Commissioner Hunter and asked, "Would you like to second?"

Mr. Hunter replied, "I'd love to second."

Commissioner McClintock so ordered and said that when she goes to Job Study she will say the Commission wants them to start at \$43,500.

(Commissioner Borries exited the meeting.)

RE: ACTING COUNTY ENGINEER/DAVE SAVAGE - AUTHORIZATION FOR INCREASED HOURS

Commissioner McClintock said that last week after she talked with Steve Sherwood and it became readily apparent that we were not going to have a County Engineer anytime within the next week or so -- and she also met with two other employees in the County Engineer's Department -- as Dave has already said on the record and I will repeat, there is an awful lot of work going on in engineering, highway, and highway services management right now -- because of the season. Dave has been great about really trying to keep to his ten hours. She knows he has worked more than ten hours but has not ever billed us for more than that. Most of that time is getting taken up with the Green River Road project. We need some more hands-on supervision in engineering and at the County Highway Garage. We need somebody going in there on a daily basis with a presence, checking on what is going on and answering questions for these employees. She has neither the background, the training, or time to do that -- and she doesn't believe Commissioner Hunter has an engineering background.

Commissioner Hunter said he didn't the last time he looked. She'd better ask Rick.

Commissioner McClintock continued, "What I asked Dave if he could -- if this Board so authorized -- give us up to twenty (20) hours per week, because now we are finished. Greg Curtis is off the payroll; he's been off the payroll now for six weeks. So we do have that money that, if need be, can be transferred to this account -- and, frankly, I think we need it to get the job done out there. I think it would be a super idea. The question is, is this gentleman interested?"

Commissioner Hunter said, "I don't think he is. I really don't see any stars in his eyes."

Mr. Savage commented, "I do want to do the best that I can to keep the department working in view of the people that are off. Up to this point it really hasn't cut it. I won't be able to give twenty hours all the time."

Commissioner Hunter said, "Let me ask another question. In mid-July your design engineer is going to go on maternity leave. What do we need to do there?"

Mr. Savage replied, "We need to get Pinkston's position filled and we need to get that temporary person."

Ms. McClintock commented, "And we need to get Steve Sherwood hired."

Mr. Hunter asked, "A temporary person for what?"

Mr. Savage said, "I think that is something that will become evident if I get a little more involved in the day-to-day operation over there."

Mr. Hunter said, "I guess my fear is that if this last change is any indication, the snow is going to be flying and we'll be removing snow off the road before we get a new County Engineer."

Ms. McClintock said, "No, we're not, Don -- because you're going to handle those negotiations and I have all the faith in you in the world."

Mr. Savage continued, "I think we need to take it a step at a time and with what we're just doing currently, we need to up the hours a bit on the agreement and then see where we're at."

Ms. McClintock said, "A bunch of comedians. So I need a motion to approve that."

Mr. Hunter so moved, with a second from Commissioner McClintock. So ordered.

RE: REQUEST FOR ORDINANCE AUTHORIZING COMMISSIONERS TO
CHANGE SIGN LOCATIONS BY RESOLUTION, ETC.

Mr. Savage said that currently whenever we need a new stop sign, speed limit change, anything like that -- we have to request an Ordinance be drafted and advertised for that specific location. I wonder if we could not have an Ordinance that would delegate authority for those changes to the Commission so they could adopt a Resolution in a meeting and it would significantly shorten the process and decrease the expense of this. This is something that comes up frequently when new subdivisions come in and we require new stop signs. We've got one on the books now for West Terrace School that was brought up a few weeks ago.

Ms. McClintock asked, "Will this save attorneys' fees?"

Mr. Savage said he would defer to Mr. Wilhite on that -- but he would think.

Ms. McClintock said, "Anything to save the taxpayers money."

Mr. Wilhite said the answer is, 'Yes'. There is one thing he'd like to see if it causes a problem. In terms of the County's liability, under some recent case law this County might be immune from suits for a sign being the wrong speed limit, for example, or a stop sign being up when it should be down or up when it should be up or whatever. If that decision was at least in some cursory fashion brought before this Board, would it be too burdensome to put in the Ordinance that while you have authority to do it, you come back for some sort of

Mr. Savage said he doesn't think we should have authority outside the Board. He thinks it needs to be adopted.....

Mr. Wilhite said, "Just not be each Ordinance."

Mr. Savage said, "If you needed a written recommendation -- something you could sign off on, it would be in the minutes -- but the Commissioners would have the authority. It's just that we wouldn't have to have a specific Ordinance for each location."

Attorney Wilhite said he will draft the proposed Ordinance.

BLA/Request to Meet with the Commission: Mr. Savage said that Bernardin-Lochmueller has requested a short session with the Commission prior to the Solid Waste Meeting next week.

Commissioner McClintock said they do not have a Solid Waste Meeting next week. That was moved to June 22nd. The session could be on June 15th.

Mr. Savage said if that is the regular meeting, then that is when they can do it. They are concerned about the schedule on design, he thinks. That is what they're charged with -- keeping the

project on tract. Whether we do it next week or the week after. It's some right-of-way offers that need to be approved and they want to get those offers to the people while the agreement is still fresh.

Ms. McClintock asked, "Do they just need to come to the regular meeting?"

Mr. Savage said, "Yes, the regular meeting is fine."

Ms. McClintock instructed Ms. Farrell to place BLA on the meeting agenda for June 15th.

Commissioner Hunter said he would like to thank Mr. Savage for the job he has been doing. He was out at Nesbit Station last week and ran into Mr. Elpers, who has become very frustrated with the problems we've had with the legal drain out there and the new bridge. But it's kind of nice when somebody talks about how professional the engineer has been and how nice Mr. Savage is to work with. Mr. Hunter said he appreciates it and this Board appreciates it. He didn't get yelled at. All he got was comments and comments that Mr. Savage had been fantastic to work with.

Mr. Savage said he appreciates that -- they try to make the best of a less than perfect situation.

Ms. McClintock expressed appreciation to Mr. Savage.

RE: CLOTHING ALLOWANCE/CORRECTIONS OFFICERS

Ms. McClintock said the entire management team of Teamster's Local No. 215 is here. Which of the gentlemen is going to address the Commission?

Mr. Chuck Whobrey approached the podium and said, "Occasionally I get depressed because I think I have a lot of problems -- and then I come to a Vanderburgh County Commission meeting and I find out that I don't have any problems at all. We're here concerning our Corrections Officers. They have not been paid their clothing allowance and they are to be paid their clothing allowance on their anniversary date. This is a thing that has existed for a number of years and I have made some calls to the Sheriff and he has not seen fit to return my calls -- so I wanted to request payment for the Corrections Officers whose anniversary date had passed so they could receive their clothing allowance. It has been funded by the Council."

Ms. McClintock asked, "It is in the budget?"

Ms. McClintock asked, "And whereabouts is it in the budget, Chuck, do you remember?"

Mr. Whobrey responded, "I don't know exactly. Normally it is under clothing allowance. Or I have been told this. I have had a conversation with the Auditor on this also and he said it would be paid if they would just get a claim on it."

Auditor Humphrey commented, "You haven't talked with me. You might have talked to somebody else."

Mr. Whobrey countered, "No, I talked with you."

Mr. Humphrey said, "That was three years ago."

Mr. Whobrey said, "Sam, I talked with you about four weeks ago on this very matter and you returned my phone call -- and we talked on this very matter and I asked what the process was. You said a claim needed to be submitted -- that was the only thing that needed

to happen. And I talked with you."

Auditor Humphrey said, "I'll check my log. I don't remember that. I remember you asking about a claim on something but....we have, and I think according to the agreement, we always pay those on the last pay of June and the last pay of December -- and it comes under the same category, as I recall, that Council stated when an anniversary date comes up for a longevity increase of two, five, etc., we always take the first of next year. It's that kind of thing. But no claim has been submitted."

Mr. Whobrey said, "Oh, I know no claim has been submitted -- I understand that. We're just trying to get the process going so that the claim will get submitted. You indicated to me in our conversation that there wouldn't be any problem in paying it if they would just submit a claim. But you cannot pay anything without a claim being submitted. That is what our conversation was -- that your office could not pay anything without a claim being submitted -- if they'd just submit the claim it would be paid. And that is what you told me, Sam."

Mr. Humphrey said, "If we discussed clothing allowances, I don't know it -- I don't recall it. Now I'm not saying we didn't -- but I don't recall it. And you're right -- we can't pay anything without a claim, unless it is a contract. If it's in the contract we don't need a claim."

Mr. Whobrey, "Well, my information even on that in the past has been for the other places that receive a clothing allowance that still a claim needed to be submitted. That is what I have been told in the past -- because I remember that five or six years ago there was a delay in clothing allowance at the County Highway Garage because of a clerical error -- they had not submitted the claims to the Auditor's office."

Mr. Humphrey said, "But I don't recall..."

Ms. McClintock called on Attorney Wilhite.

Attorney Wilhite stated, "It seems to me if the money is there -- it is in the budget -- we agreed to pay it and it needs to be paid. And I don't see what the issue is really."

Mr. Humphrey asked, "Let me ask one thing. Anniversary date -- what anniversary date?"

Mr. Whobrey responded, "Employee anniversary date."

Mr. Humphrey said, "Oh, Lord. How many employees do you have? That is why the Council has always held it on the end of June and the end of December -- because -- do you want to get me another man? We're up to our ears."

Ms. McClintock responded, "How about another woman? I'll come down and do it."

Auditor Humphrey said, "No, you won't."

Mr. Whobrey said, "In any event -- it's June -- I'm not saying they have to get it on their day -- but"

Ms. McClintock asked, "How many are due now?"

Mr. Whobrey said, "Approximately half."

Attorney Wilhite said, "That seems a compromise -- consistent with the money we have and the agreement -- if that's acceptable to everybody."

Ms. McClintock asked, "Because isn't that considered a wage? It's set by Council and not determined by a department head?"

Attorney Humphrey said, "On all clothing allowances we've had -- they're paid in June and in December -- every one of them."

Mr. Whobrey said, "That's not true either. Ours in the contract that we have at the Auditorium and the Highway Garage and Burdette Park are paid March 31st and September 30th. In those cases it's paid twice a year."

Mr. Humphrey said, "This could be."

Mr. Hunter asked, "And could this one be done two different times?"

Auditor Humphrey noted, "This one is done two different times."

Mr. Whobrey said, "We'll split the baby in half or three quarters or anything else."

Ms. McClintock said, "Since we have half the people that we all agree are due in June, can we get a list of who those employees are?"

Mr. Whobrey said, "We'll be happy to provide that."

Ms. McClintock continued, "So we can get those claims submitted for the end of June?"

Mr. Humphrey said, "That is when they're going to be paid. That is when they are set up to be paid."

Ms. McClintock said, "That's good. Okay, let's do that -- and then we'll worry about the rest."

Mr. Hunter asked, "Do we need to make a motion on that?"

Ms. McClintock responded, "I don't think so."

Mr. Whobrey said, "What this was set up for was that they would be paid in a lump sum on the anniversary date -- the full amount -- so you'd be talking about approximately half the employees getting their full clothing allowance and half getting it at a later date -- and that is how it was set up."

Mr. Whobrey asked, "So all you need is a list and it will get paid?"

Ms. McClintock responded affirmatively and Mr. Humphrey indicated he did not know, stating they're set up with the new computers which will do certain things and they can't change it -- but he is not sure.

Attorney Wilhite asked, "Is it the Commission's instruction to pay the full amount -- that is what the contract says?"

Ms. McClintock responded, "Well, that is what Council has agreed to and that is what we've agreed to."

Ms. Wilhite continued, "On the assumption it is budgeted -- and apparently it is."

Ms. McClintock said, "It is budgeted and the money is available."

Mr. Whobrey expressed his thanks.

RE: CONSENT AGENDA

Correction/Minutes of May 18, 1992: Ms. McClintock said these minutes read subject property (Rezoning Petitions First Reading) is located at 6700 Darmstadt Rd. The subject property is located at 4520 State Rd. 65.

Approval of Minutes of May 26, 1992: This needs to be added and the above are the only two additions she has to the Consent Agenda. She then entertained a motion.

Bill Higgins' Position: Mr. Hunter asked if this has to go before the Job Study?

Ms. McClintock said it does not. That is a temporary full time [Bposition. We approved him and the money last year. Ms. McClintock then entertained further questions or a motion.

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

RE: OLD BUSINESS

Mr. Steve Stocker said that on March 3, 1992 he purchased some surplus property from the County. He received his deeds and has not been able to take possession of the property because an adjoining property owner claims the County didn't own it -- that she did. He would like for someone to send her a letter saying the County did own it and had the right to sell it. He has all the information if the Attorney would like same.

Ms. McClintock asked Attorney Wilhite if he will do this - put it on his list of nasty letters to send.

Mr. Wilhite asked, "Do you want me to investigate it."

Ms. McClintock said, "If we own it -- don't take Steve's word for it."

Mr. Stocker submitted a copy of the deed and the name of the person who says she owns the property.

Attorney Wilhite said, "I just want to clarify that the Commissioners want me to look into that as opposed to the current property owner handling it. That's fine, if that is what you want me to do. Since Mr. Stocker has the deed - it would typically be the current property owner who would take care of that. But if the Commission wants me to do it, that's fine.

Mr. Stocker said, "I just know I bought twenty pieces of property and this is the only one where somebody said the County didn't own it and they can't sell it to him."

Mr. Wilhite asked Mr. Stocker if he knows why the woman is saying the County doesn't own it?

Mr. Stocker replied, "Not for sure. She told me that..."

Mr. Wilhite asked, "Why can't you physically take possession?"

Mr. Stocker responded, "Because she put a fence on it."

Attorney Wilhite said, "I can send a letter -- but you're also going to have to file an action in court to quiet title.

Mr. Stocker offered further comments (some inaudible) but said

...she is not paying taxes on it or anything and she has no deed to it and the County clearly owns this, as stated, and sold it and he bought it.

Mr. Wilhite asked Mr. Stocker if he has already given the woman all this information?

Mr. Stocker said he did not. He thinks she will understand a letter from the County saying they owned it and sold it to him and let him have possession. That is all he is asking -- if he can do that. It just seems...

Ms. McClintock said, "Attorney Wilhite can send the letter --but if it gets beyond that....."

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

RE: NEW BUSINESS

Request for Notice of Meeting/Election Board, County Commission, & County Council/June 15th at 4:30 p.m.: Ms. McClintock said the Board needs to notice a meeting and the media and public are welcome to attend. Purpose of meeting is to look at election voting equipment. The company is coming down from Chicago to show it to everybody at one time. She thought it would be easier to do it before the Commission meeting rather than in the meeting -- so they can spend the necessary time. If we approve this, the Election Board has to approve our having them down and they don't meet until Friday. But the Commission doesn't meet next week and she didn't want to miss a week. This will be scheduled pending Election Board approval of that date and time -- and they will get with B. J. so she and Joanne can commence.

Motion was made by Commissioner Hunter to hold the above-mentioned meeting at 4:30 p.m. on June 15, 1992 for purposes of properly investigating the potential of new voting equipment -- pending approval by the Election Board of the date and time. A second to the motion was made by Commissioner McClintock. So ordered.

President McClintock entertained further matters of business to come before the Board. There was none, and she then asked for a motion to adjourn. Motion to this effect was made by Commissioner Hunter, with a second from Commissioner McClintock. President McClintock subsequently declared the meeting adjourned at 6:50 p.m.

PRESENT:

Carolyn McClintock
Don Hunter
Rick Borries
Jeff Wilhite/Attorney
Sam Humphrey/Auditor
Dave Savage/Acting County Engineer
Rose Zigenfus/EUTS
Jack Waldroup/United Consulting Engineers
Taylor Payne
Pam Martin/Chamber of Commerce
Dorothy Lindsay/County Clerk's Office
Alberta Matlock/County Clerk's Office
Mary Lee Hahn/Superior Court
Becky Ledbetter/Clerk/Juvenile
Pattie Matlock/County Clerk's Office
Jim Tucker/Sheriff's Deputy
Lou Wittmer/Supt., County Bldgs.
B. J. Farrell/Commission Office
Chuck Whobrey/Teamsters Union

COUNTY COMMISSIONERS
JUNE 1, 1992

23

Mark Mayhew/WIKE
Terry Wells/Eville. Press
Warren Korf/WBKR
Jim Bretz/WYNG
Others (Unidentified)

SECRETARY: Joanne A. Matthews


Carolyn McClintock, President


Don Hunter, Vice President


Richard J. Borries, Member

MINUTES
COUNTY COMMISSIONERS MEETING
JUNE 15, 1992

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened @ 5:40 p.m.	1
Introductions & Pledge of Allegiance	1
Bid Opening/Property Lease/Green River Rd.	1
Data Processing re Court Application/Roger Elliott	1
Request to Advertise for Bids for Equipment for County Highway (3/4 Ton Pick-up Truck, 5 Tandem Axle Trucks, One Belt Loader & One Chipper	1
Petition to Vacate Nurrenbern Rd./Andy Easley	2
(To be advertised on June 19, 1992; Hearing Scheduled on July 13, 1992)	
EUTS/Update/Rose Zigenfus	2
Central Dispatch/Sheriff Hamner	4
(Deferred)	
Southwestern Indiana Mental Health Center, Inc.	4
Employee Assistance Program (Total cost from today's date is \$4,164.00)	
Torian, Hoffmann & Dillow Insurance (Robot from Gary Price (Deferred to next week)	
County Attorney/Jeff Wilhite	5
Submitted Written Report. No action at this time.	
Public Works/Dave Savage	5
Board authorized advertising for Trucks on June 18th and June 25th, with bid opening 7/6/92 Heated Discussion re Mower @ County Highway Discussion on Right-of-Ways/Lynch Rd. Acceptance of Streets in Country Trace Subdivision (Fox Hollow and Hunter's Ridge; deferred) Nesbit Station Rd. Right-of-Way Change Orders/Green River Rd. Project Authorization to Purchase Computer \$5,200 rom Request to go on Council Call/Cumulative Bridge Fund re Bridge on Outer Darmstadt Claim/Dave Savage (99.1 hours) Widening of Wimberg Rd. @ Intersection on Kratzville Rd.	
Director of Public Works/Commission to go to Job Study to get a Salary Range Set (Steve Sherwood is not coming to Vanderburgh County).....	13
Consent Agenda . (Approved)	13
Coroner's Office	14
Authorization to use funds for computer	
Old Business (none)	15
New Business	15
Bridge #75/Redbank Rd. over Bayou Creek; to be used for truck route detour during construction of Union Township tie-in; 10 ton weight limit needs to be removed for 30 days; to be monitored	

Meeting Recessed @ 7:00 p.m.16

R E Z O N I N G S

VC-1-92/Petitioner, Greg Kerves:17
(Approved on Third Reading)

Meeting Adjourned @ 7:15 p.m.

MINUTES
COUNTY COMMISSIONERS
JUNE 15, 1992

The Vanderburgh County Board of Commissioners met in session at 5:40 p.m. on Monday, June 15, 1992 in the Commissioners Hearing Room with President McClintock presiding.

RE: INTRODUCTIONS AND PLEDGE OF ALLEGIANCE

President McClintock called the meeting to order, welcomed the attenders, introduced members of the county staff and asked the group to stand for the Pledge of Allegiance.

RE: ACTION ITEMS

A. Opening of Bids-Property Lease on Green River Road

Motion to allow the attorney to open the bids made by Commissioner Hunter and seconded by Commissioner Borries. So ordered.

Jeff Wilhite: "I will read the bid received this is in response to requests for proposals for leasing the property at 4726 Green River Court and as we anticipated we have received only one bid, (inaudible) offering 200.00 dollars a month for leasing the property otherwise seems to comply to our request for the proposal I would suggest that you authorize me to negotiate a written lease with Koester for that property."

(inaudible)

Motion made to approve by Commissioner Hunter and seconded by Commissioner Borries. So ordered.

B. Data Processing\Roger Elliott

Roger Elliott: "I bring a contract for the development of the program to remove closed and selective cases from the courts application. Development of this program will be a 4,500.00 dollar one time charge. The initial utilization of this program will save approximately 88,000 in people cost. With the initial batch of data that is removed from the files. Data Board has reviewed and recommends your signature."

Commissioner Hunter: "I will so move that we go with ATEK on the creating of this 4,500.00 dollar program. Roger tells me that we are going to save 88,000.00 dollars with this program. I don't think that we can pass it up."

Commissioner Borries: "I will second."

Commissioner McClintock: "So ordered."

C. Purchasing

Commissioner McClintock: "I don't see Susan Jeffers but I have a request here, we need a motion to advertise and receive bids for equipment for the County Highway department on a one and three-quarter ton pick-up truck, five tandem axle trucks, one belt loader and one chipper. To advertise 6-18-92 and 6-25-92, with bids to be opened 7-6-92."

(inaudible)

Commissioner Borries: "David is there money now in place for these items?"

David Savage: "My understanding is that the money was appropriated earlier in the year and is in place now. In the line items that were created to (inaudible)."

Commissioner Borries: "My understanding is that it had not been done. I have tried to read the minutes of the June 3, 1992 meeting of the County Council. Are you aware Sam, that the money...?"

Sam Humphrey: "There is some money appropriated but I don't know..."

David Savage: "This was done several months ago."

(inaudible)

Commissioner Borries: "It had been done, you said?"

David Savage: "It had been prior to that. (inaudible)."

Commissioner Borries: "Well like for example, the chipper, the five tandem axle trucks, I remember the discussion on that. You are saying that there is money appropriated for all these items that have been listed here for advertisement at this point?"

David Savage: "With some hold back for something that might come up later in the year."

Commissioner McClintock: "Well I am going to hold this for a second."

D. Petition to Vacate Nurrenbern Road-Andy Easley

Andy Easley: "We have filed a petition to vacate a portion of Nurrenbern in front of their property. This is the old road, before the curve was reconstructed out by Burdette Park. It is right in front of their church property. They wish to add a ten foot addition to the front of their of church. The church is presently 30 feet from the right-of-way line. They are required to have a 25 foot set back from the right-of-way line and they had the option of either asking that, that unused portion of the right-of-way be vacated or getting a variance on the set back and the asked that it be vacated. They will not be constructing within the right-of-way. It is our understanding that SIGECO wishes to have an easement reserved over a portion of the 40 foot right-of-way. Which is alright with the church. They may be able to park some cars on it since it apparently will no longer be needed by the public for the road. We have letters from the Indiana Bell, the cable company and the city water and sewer utility that they have no objection to this to vacation. We are still waiting for SIGECO. They have been in touch with the church and I believe that it is forthcoming, but we do expect them to request an easement."

Commissioner McClintock: "Do you know when this was advertised?"

Joanne Matthews: "It has not been that is what we need..."

Commissioner McClintock: "That is what we are here to do, Ok. So do you have the dates that you want that advertised?"

Joanne Matthews: "It only has to be advertised once in two papers. I could get it in the 19th."

Motion made to approve the advertising on June 19, 1992 with the hearing to be set on July 13, 1992 by Commissioner Hunter. Seconded by Commissioner Borries. So ordered.

E. EUTS\Rose Zigenfus

Rose Zigenfus: "Since I was here two weeks ago I have gotten some additional information on costs as you requested. I spoke to a

consultant involved in the construction that would be involved in design and knows a little bit more about construction and his figure for design was approximately 125,000.00 dollars or 10% of the construction cost. Which was his rough estimate of 1,250,000.00. And then the other information that you were asking about was the environmental-that we did in-house and we began that project back in 1983 and then it sort of really began when Dave Gerard was still here they worked on it and it never went anywhere. And then we worked again in '85 & '86 and it was approved in '87. The total cost was approximately 4,000.00 dollars-staff time. I would venture to say that if we were to do it again you are probably looking at about 8,000.00 dollars. Given the salary increases since then and other incidental costs."

Commissioner Borries: "This figure that you mentioned, does this include piping the ditch and acquiring right-of-way?"

Rose Zigenfus: "Yes. It was based on the environmental as it was written and what the proposed alternative in the environmental was."

Commissioner Borries: "For almost two miles of road?"

Rose Zigenfus: "Yes, the entire project. There is really minimal right-of-way needed to widen the existing pavement. I think that we have 1.5 million in the TIF as an estimate, so we weren't too far off. In fact I am a little more comfortable with 1.5 than I am with 1.250."

Commissioner Borries: "When did you estimate that this would be built?"

Rose Zigenfus: "If you were to begin design, in the near future, I think it was probably '96-'97. It would take several years to get it through the design and the right-of-way phase and then depending on where the finances were at that time as far federal aid."

Commissioner Borries: "And were we talking about a new environmental study did you say?"

Rose Zigenfus: "No, if you were to go with this tonight or soon then this environmental is okay. If you needed to do a new one then you have the additional cost of the document to prepare that."

Commissioner Borries: "Well I guess that my question is, 'If this environmental was completed in somewhere around '86 or '87 and the best guess, which I don't think is possible given the amount of money that we have and the other projects that are on line, the best guess- '96 or '97 you are now dealing with a ten year old environmental study that was completed before Covert Avenue and before again, the Interstate 164 extension, so it would seem to me that already you are talking about a ten year old study that would have to be redone. In the best sense. Even if they started to get this done by say, 1997."

Rose Zigenfus: "It wouldn't be required by federal highway because you are progressing with an environmental that has already been approved by federal highway. And it takes about ten years. Fulton Avenue was the same thing. We wrote that and we are now just getting to construction so that's not an unusual situation."

Commissioner McClintock: "When was the environmental done for Green River Road?"

Rose Zigenfus: "North-'85."

Commissioner McClintock: "And you and the Evansville Urban Transportation Study Board are recommending that we go ahead and continue with this project to get it to that stage so we won't have to do the environmental and the reasoning behind the project is

primarily the safety consideration that has not been affected by the changed traffic flows at Covert and I 164."

Rose Zigenfus: "Right."

Commissioner Hunter: "I will make a motion that we move forward with this project."

Commissioner Borries: "I will second and will ask for a roll call vote on this."

Commissioner McClintock: "Commissioner Borries?"

Commissioner Borries: "I will 'no' and my reasons are primarily because I think that the environmental by then will be dated. I do not feel that at this point, either that we have even discussed any participation from the City of Evansville, and at least through my opinion, up to Indian Woods Subdivision that there could be some participation from that standpoint-from the City. I do not believe that-I think that the project should be scaled down and I do not believe in view of the amount of monies that are going to be necessary to build Lynch Road all the other ones that we have-we just can't afford this right now. And I also believe that Burkhardt Road is becoming a more critical situation than Pollack Avenue at this point so I will vote 'no'."

Rose Zigenfus: "Just one point of clarification. The City's participation is 10% of the local (inaudible) and that would be 10% of the 20%. And the county in this project would act as the lead agency much like they did on Green River Road North Project. Where it is done and then reimbursed."

Commissioner McClintock: "Commissioner Hunter?"

Commissioner Hunter: "I will vote 'yes'. And I will vote yes because I feel that the area the housing out there is very high density and the next few years are going to be a tremendous increase on Pollack Avenue and from the safety standpoint we can not afford to address that particular issue."

Commissioner McClintock: "And I vote yes."

(inaudible)

F. Central Dispatch\Sheriff Hamner

Sheriff Hamner was removed from the agenda at his request.

G. Southwestern Indiana Mental Health Center, Inc.

Commissioner McClintock: "The next item on the agenda is the agreement with Southwestern Indiana Mental Health regarding the employee assistance program. We had some time ago asked Lou to look into various vendors for an employee assistance program for the employees of Vanderburgh County. After he had done that pricing we had as a Commission selected Southwestern Indiana Mental Health Center to provide that service for our employees. We now have an agreement and I have a cover letter from Gary Price indicating that at our request he has reviewed the above reference agreement and finds it legally acceptable to form. Basically what the agreement calls for is up to three screening sessions for employees and family members. These are voluntary on the part of the employee. Or directed by the company. The total cost of the program for the year from today's date through 6-14-93 is 4,164.00 dollars for Vanderburgh County. Are there any questions?"

Motion made to approve by Commissioner Hunter and seconded by Commissioner Borries. So ordered.

Commission. The bottom line for the changes that need to be done on the right-of-way (that is, the accel and decel lanes in the approach that will line up with Spring Valley Road) come to a total of approximately \$62,000. These are estimated figures. They will be paid finally based upon the unit prices in the contract. These would be funded based upon the negotiations with Mr. Spurling. The County would fund \$22,600 of this or approximately 36% and he would pick up the remainder of the costs -- and those would be performed as part of the Green River Rd. project and he would be reimbursing the bulk of the Federal share. If that is agreeable to the Commission they will proceed based on that.

Ms. McClintock said the Commission had approved this in theory, but had requested cost estimates.

Commissioner Borries said he thinks that if there is going to be development there, his plans to insure greater traffic safety - has Mr. Savage reviewed these?

Mr. Savage responded, "They are in order and it appears to be a good deal in advance -- of a problem eliminated."

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

Ms. McClintock said they approved Spring Valley Rd. plans previously, but Gary did not have the milar to sign at that time. She now has that if anyone needs to review them again. She also has the plans for the accel/decel lanes which need to be approved and signed.

Mr. Savage said this is for the interior streets of the subdivision which were approved, but were never signed. The second cover sheet deals with the accel/decel lane along Green River Rd.

Ms. McClintock asked, "And Mr. Spurling has agreed to absorb the cost of any other utility relocations?"

Mr. Savage confirmed that this is correct.

There being no questions, Ms. McClintock entertained a motion to approve the revised Green River Rd. plans which include the acceleration and deceleration lanes.

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

Commissioner Hunter asked, "Bill, I've had a call -- your land is adjacent to the church out there?" (Mr. Spurling responded affirmatively.) Mr. Hunter continued, "I had a call from somebody at the church and I was not able to make contact with them in returning their call. Is there any problem that you know of that the church would have with what we are doing tonight?"

Mr. Spurling said he has an agreement with the church to put some type of barrier (trees or something) alongside the church.

Mr. Hunter asked, "So as far as you know, the church folks are happy with what you are doing?"

Again, Mr. Spurling responded affirmatively.

Bridge #75/Petersburg Rd.: Commissioner Borries asked if there is any update on Bridge #75? He's had some calls on that. What is our status on that? Have we given Notice to Proceed?

Mr. Savage said that is to be re-bid this month.

Mr. Borries said, "No, this is the small structure -- where we'd

given Notice to Proceed before Greg Curtis left -- the wooden structure.

Mr. Savage said, "Oh. We had not given a Notice to Proceed. Greg had signed an order for the materials, I believe. A purchase order had not been issued and I was asked to sign a requisition. Prior to doing that I had wanted to look closer at the cost of the timber versus the concrete. I'm working with Valerie on that right now and hope to have it resolved Wednesday morning."

Ms. McClintock asked, "So we can have something on this next week?"

Mr. Savage commented, "I'd like to put that to rest, also."

RE: COUNTY ATTORNEY - MIKE SCHOPMEYER

Weekly Report: Attorney Schopmeyer said Jeff Wilhite has submitted a written report on the status of four matters of litigation. If there are any questions on that he will attempt to answer same.

Proposals: Mr. Schopmeyer reported there were twelve (12) proposals on Pollack Avenue and seven (7) proposals on the Lynch Rd. project. One of the proposals on Pollack Avenue weighs about 25 lbs. and is in a box.

Report on Commissioners' Authority to Legislate in the area of Thong Bathing Suits: The County's other law firm (Ziemer, Stayman, Weitzel and Shoulders) has prepared a memorandum on that subject -- and it concludes that the Commissioners, by their home rule powers, have that authority. Apparently the State of Indiana has not decided to take that issue away from the local units. As to thong bathing suits, the Commission can legislate to their heart's desire.

Commissioner McClintock entertained questions.

Commissioner Hunter said he has no questions. He did see three people wake up just now when the words "thong bathing suit" were mentioned. He thinks the Commission is going to have to move to ban thong bathing suits. He has a problem with thong bathing suits at Burdette Park. It is a family park. We have a lot of small children out there. We're running a Day Camp and we're running this new Science Camp -- and he really doubts if the community wants that sort of thing to go on. He has a problem with it. If people want to wear thong bathing suits in the privacy of their homes or their yards, that's one thing. But this is a public facility -- it's a County Park -- and he thinks the Commissioners for several years have tried very hard to make that a family park -- and he sure doesn't want to do anything to jeopardize it. Do we need -- what is the procedure here? Do I make a motion that we ban thong bathing suits from Burdette Park? I just don't see that we have any choice. I think that is above and beyond what is acceptable.

Commissioner Borries said, "I will second."

Ms. McClintock so ordered and said, "No thong bathing suits at Burdette Park this summer."

Requests to Legal Counsel: Commissioner McClintock said Attorney Wilhite sent her a letter bringing to her attention that we're having a lot of requests to Legal Counsel in an excessive amount that are coming from not only County employees (not department heads or office holders -- that's fine) but employees that work for office holders and department heads -- and also, in some cases, from private contractors who are doing business with the County. Before she did anything, she wanted to ask if it is all right with the other two Commissioners to ask Lou Wittmer to send a memo to

H. Torian, Hoffman & Dillow Insurance

Commissioner Hunter: "I had a call from John Hodge last week. He had a question that I really felt needed to be brought before this commission. I didn't want to answer it myself. Gary Price has a robot and the robot is apparently a neat piece of equipment complete with TV cameras built in and he is willing to loan it to Burdette Park this summer free of charge. Which is very nice on Gary's part. The problem is this, we would have to insure it through our insurance which is no problem. But if anything happens to it we are liable for 25,000.00 dollars. That is the investment that he has in the robot. Gary could insure himself for 500.00 dollars but if he is letting the county have it free and I certainly don't think we need to ask him to spend his own 500.00 dollars on that. But I didn't want to approve us assuming the 25,000.00 dollar liability if something happened to the robot so I had asked John to be here tonight or I would discuss it. So it is really up to the two of you."

Commissioner McClintock: "So the logical question is, 'What is this robot going to do?'"

Commissioner Hunter: "Apparently it entertains children."

(inaudible)

Commissioner Hunter: "When we talked last week Gary was suppose to have been here tonight."

(inaudible)

Deferred until next week's meeting when Mr. Price could be in attendance.

RE: DEPARTMENT HEADS

A. County Attorney/Jeff Wilhite

Jeff Wilhite: "You have my written report. I have no action items."

B. Public Works/David Savage

1. Discussion on pick-up and mower and chipper.

David Savage: "I called and talked to Fred and the item from St. Joe has not been included. So I would recommend that we hold those for a week."

Commissioner McClintock: "Ok, we will hold the trucks."

David Savage: "Rather than bid the pick-up on a separate bid of it's own-let's put it all together."

Commissioner McClintock: "Put it all together. Okay."

David Savage: "So we will be back with specs to be approved next week on those items. If we want to address the mower, that has progress to report on that. We received a number of quotations rather than just the two that was required for an emergency purchases. I understand that there has been some other discussions about that. I still feel like we are not able to mow the weeds that really need to be mowed and it would qualify as an emergency. However, I also have the specification that we based these quotations upon which could be advertised if you want to go ahead and go through the formal bid process."

Commissioner Borries: "Where did you get that specification?"

David Savage: "It is basically a boiled down from specs of a unit that had been looked at."

Commissioner Borries: "The can't we almost guess who is going to get the bid if we use those specs?"

David Savage: "Well, no that is why I wrote a separate specification. I tried to make it a little bit more generic perhaps. Any vendor spec is going to be slanted toward the vendor and I tried to make it a little more open."

Commissioner McClintock: "Where did those specifications come from that were floating around earlier today?"

David Savage: "The specs that originally came from were from Tiger Manufacturing, who is a vendor that had demoed a unit to the county. And they were the ones that had the demo unit available for the reduced price."

Commissioner McClintock: "Ok, but it was never our intention to approve those specs..."

David Savage: "Well you see that is why the thing was not advertised, as you recall the Commission said since we are waiting anyway until June 15th, let's go ahead and advertise once even though we don't have to for an emergency. The reason that they didn't get advertised is when I got the specs it was apparent that it was not in a form that could just be given to Purchasing or to Joanne and then advertised. It needed some work."

Commissioner McClintock: "So you have the new specifications?"

David Savage: "I have a specification. Which is not really based upon any particular unit. And we have talked to I believe every manufacturer that there is for this type of equipment and I believe that virtually all of them have equipment that would be provided under the spec."

Commissioner Borries: "You are saying that the 50 inch hydraulic unit and the 17 feet reach-that type of thing-is generic and not designed to at this point give any kind of unusual or favoritism toward any bidder?"

David Savage: "Right."

Commissioner McClintock: "What we are looking at here is a minimum specification."

David Savage: "Right."

Commissioner McClintock: "We need a motion to advertise this specification for June the 18th and 25th, with bids to opened 7-6-92."

Commissioner Hunter: "I so move."

Commissioner Borries: "I will second."

Commissioner McClintock: "So ordered."

David Savage: "I know that the Commissioners can't be involved in all the decisions that go on with equipment but any time that there are any questions about equipment purchases or how we are proceeding with them or what the basis of them is, I would welcome your calls."

Commissioner Hunter: "Are we buying something that we need or we don't need or what?"

David Savage: "We are buying something that we need, it has been

needed in my opinion for a long time. It is aggravated because one of the cycle mowers is down and the other cycle mower is continuously breaking down. We do have a cycle mower that is being used to mow."

Commissioner Borries: "And they have mowed, I am aware of many of the intersections that have been mowed and David I want to say that I commend you for what's been done here tonight, because frankly I don't think that this is a problem that has been a long standing one I think that it is rather ironic that on this very day that some of this so called emergency business, and Don points out, yes it was needed and don't have any debate here on the June issue of 'Better Roads-Easier and Better Winter Maintenance' this is for June. Winter in June and this is from the associated editor, I will just read the first sentence, 'Now is the time to plan your winter maintenance program for the season ahead.' You weren't at the county garage in my memory-when much of this situation, I think should have been addressed. And we are talking about earlier this year in February, when perhaps had we done this in a little more timely fashion we would have been at a situation here where we would not have been backed into a what you would see as an emergency situation. And I see it certainly as one that is badly needed but again I frankly think that when we are dealing with public dollars and as a public body we have to go through the hoops of what the laws require on this. It is more time consuming and it is more laborious but that is the way that we have to do it."

David Savage: "I do believe that given the situation that we are in we exceeded the hoops that were required. We not only got two bids not just what we thought was an excellent bid and just another one to cover, we called probably fifteen agencies we got out of the public works manual and everybody that supplies this type of equipment was contacted."

Commissioner McClintock: "How old is that mower?"

David Savage: "Which one?"

Commissioner McClintock: "The one that we are replacing."

David Savage: "I have no idea."

Commissioner McClintock: "A year old?"

David Savage: "The cycle mower?"

Commissioner McClintock: "Two years old? Five years old?"

David Savage: "My guess is probably..."

Commissioner McClintock: "Ten years old?"

David Savage: "Fifteen years old."

Commissioner McClintock: "Fifteen years old."

David Savage: "That is just a guess."

Commissioner McClintock: "So back in February when we should have been doing this planning for the public works and the county garage, Greg Curtis was in charge, right?"

David Savage: "Yes."

Commissioner McClintock: "Thank-you. Anything else?"

Commissioner Hunter: "Yeah Rick, I am kind of glad that you brought all of this up because this is kind of interesting little story here. Today is my 26th wedding anniversary and since I had to come to this meeting tonight I took my wife to St. Louis and on my way

back this afternoon I got within range of WIKY only to hear your comments from your press conference which I thought were somewhat contorted to say the least, but this is an election year and I understand that. I agreed with you on one thing that you said. You said that this should have been considered in January, well now Rick to my count, you have lived through about 12 Januarys in this commission."

Commissioner Borries: "No, not 12. Not yet."

Commissioner Hunter: "Well you are right at it. My question is why haven't you done something with these outdated cycle bars during your tenure on this board?"

Commissioner Borries: "Well we have purchased a lot of equipment. I am not sure whether or not you would call it outdated or not. But I would be happy to go back and do all of that and get you that information so I will assure you that much of the equipment that has been purchased at the county highway was purchased because I would have endorsed that and certainly I would have endorsed this particular..."

Commissioner Hunter: "That is the reason that we have 25 year old trucks out there?"

Commissioner Borries: "Well we have more than 25 year old trucks, Don. We have trucks there that have been purchased very recently within the last five to six years."

Commissioner Hunter: "And we are probably one of the few counties left in the State of Indiana that still uses a cycle bar. In fact we have one man out there that does nothing but sharpens cycle bars all day. I guess I am somewhat amused by the whole affair. Let me ask you is there no money in the till to buy this? That is what I heard on the radio."

Sam Humphrey: "This problem has been existing for quite some time. Last year the legislature permitted highway department to purchase equipment and maintenance use out of the local roads & streets. First time. Last year we put an extra half a million dollars out of COIT funds in to local roads & streets to enable this to happen."

Commissioner Hunter: "So there is money."

Sam Humphrey: "There is money in local roads & streets for the purchase of this equipment. That is true."

Commissioner Hunter: "Well I was under the impression what I heard on the radio that there was no money."

Sam Humphrey: "We started last year in considering this and when May came up I asked have the trucks that we needed been ordered? And nobody touched them. And why am I going to go through all these hoops to give money that is not going to be utilized that is one of my questions. My second question was, I went to a great deal of trouble to get proper specs for this equipment and nobody used them. And you get a little tired of beating your head..."

Commissioner McClintock: "We are talking about two thing now. We are talking about the mower and we are talking about the truck."

Commissioner Borries: "Don brought up the trucks too, Carol so we are talking about two things and according to what the County Council's agenda and what it said in June, was that, that money that could be used has not been appropriated. It has to be put into an appropriation so that the equipment can be purchased. It is not there yet."

Commissioner Hunter: "Well that was not what I was told..."

Commissioner McClintock: "You should have checked the June 1, County Commission meeting notes minutes then because Sam Humphrey says on the record, yes the money is available and is available in local roads & streets..."

Sam Humphrey: "That's true but it hasn't been appropriated."

Commissioner Borries: "That's true."

Commissioner McClintock: "Well then Sam why don't you move that forward?"

Sam Humphrey: "I can't do Council's work."

Commissioner Hunter: "Well I guess that I am confused here, Sam because I met with Dave Savage..."

Sam Humphrey: "There is money available."

Commissioner Hunter: "Wait a minute. Let me ask a question. Maybe you can explain how all this works. I met with David Savage and Curt Wortman between an hour and a half and two hours last week. I specifically asked Curt Wortman on the County Council, have you seen Sam Humphrey? Is there sufficient funds to purchase this equipment? His answer was yes there is."

Sam Humphrey: "That is true. And I told Curt prior to that one other thing, that if the Council gave me a statement of intent that I would to facilitate it, I would pay it in advance of the appropriation, I said that. That didn't get in the record did it? But that is what I said, and the last meeting of the Council did make that statement but no money has been appropriated for it. Somebody brought me a statement that 16,000.00 existed as an appropriation for the morgue. I have seen that someplace lately, but that is not 34. Money does exist for it but it has to be appropriated. There was a half a million dollars in there for it. Also in June, the highway department only had 47,000.00 dollars in unappropriated funds-that's all they had when they went in a year. They can't buy equipment out of it. They had a request for 45,000.00 and I asked them at that point, don't do this there was some equipment items in there that we can take out of local roads & streets-it wasn't done. I can't help-I can advise you but I can't make you do it."

Commissioner McClintock: "Ok, BJ-wait a minute-excuse me. BJ will you get with Sandie tomorrow and find out what they need to do if anything to get this money? Because I think that Council is under the impression from their conversations with Sam that they didn't need to do anything."

Sam Humphrey: "No mam. It is on the record. I have told them two months in a row."

David Savage: "My understanding from Curt was that the 400,000.00-trucks, front loader, chipper-has been appropriated and is existing but that the mower money is different. That they had a statement of intent..."

(inaudible)

Sam Humphrey: "I think that they have appropriated 274,000.00 for equipment usage. And that was for trucks. But..."

Commissioner Hunter: "Well since you are the man in charge of the money what do you want us to do?"

(inaudible)

Sam Humphrey: "All you can do with is what the Council appropriates."

Commissioner Hunter: "Because all I can do is take the word of a member of the County Council who tells the two of us in a meeting that it is there."

Sam Humphrey: "I have gone through this and..."

Commissioner Hunter: "If it is not, then what are we going to do to get it."

(inaudible)

Sam Humphrey: "Now they had appropriated I believe, 274 for trucks. But I am not sure about that figure."

(inaudible)

David Savage: "I pledge to you that I will not bring anything to you in the future that without account numbers or account balances. And I appreciate the opportunity to work with you all as a team and we-myself and the staff that is on board in Public Works-wants nothing but to mow weeds, pave roads and create better drainage and I think that we are making strides in that direction."

2. Discussion on right-of-ways-Lynch Road Project

David Savage: "We have a number of right-of-ways on the Lynch Road project. The first one that I think that we should deal with separately, is an administrative settlement letter for parcel 26. It is to up the offer by 1,000.00 dollars. The appraiser feels that, that will keep us out of court and I would recommend that it be approved. We have done this in a number of parcels on this project. Parcel 26, Kissel, it is a residential parcel."

Motion made by Commissioner Hunter and seconded by Commissioner Borries. So moved.

David Savage: "The next several parcels are certificates of fair market value which is the first step from the appraisers that we have hired and they have indicated that these should be our first offers to the folks. These range from 3,500.00-36,000.00 dollars approximately. Do you want to go with them one at a time? Or would you like to accept them as a package? They are from our appraisers that we hired."

Commissioner McClintock: "Ok, why don't you read them to us, the parcel number and the amount and then we can take them all at one time probably."

David Savage: "Parcel #4-Marathon Oil, 3,500.00 dollars. Parcel #7-Guthrie May, 36,700.00 dollars. Parcel #9-Property owner named Brown, 10,650.00 dollars. Parcel #10-Standerford, 7,000.00 dollars. Parcel #17-Kixmiller, 21,800.00 dollars. Parcel #21-Folz, Josephine, 8,500.00 dollars. Parcel #22-Joseph Folz, 17,325.00 dollars."

Commissioner McClintock: "Are there any questions from the recommendation from our appraiser on the Lynch Road parcels?"

Motion made to approve by Commissioner Hunter and seconded by Commissioner Borries. So ordered.

David Savage: "We have three parcels where we have the signed deeds by the property owners that need to be accepted. There is a signature for acceptance of the deeds. There is a claim attached in the amount of the previously approved settlement offer. These are for parcels 1-Evansville Public Library, in the amount of 5,100.00 dollars. Parcel #19-Skipper, in the amount of 1,370.00 dollars. Parcel #15-Evansville Day School and as you may recall, we have approved a combination settlement offer of 2,480.00 dollars together with a property swap some of the unused property that we

have obtained and were exchanging the 2400 plus some of excess property with the Day School and there is a claim in the amount of 2,484.00. A warranty deed that you need to sign for acceptance and a warranty deed from the county to Day School for the property that is being swapped."

Motion made to accept the deeds and the claims by Commissioner Hunter with a second by Commissioner Borries. So ordered.

3. Discussion on Acceptance of Streets in Country Trace-Section III, Hunter's Ridge Subdivision

David Savage: "The department has inspected them and recommends acceptance."

Commissioner Hunter: "Have you seen the Hunter's Ridge Subdivision?"

David Savage: "I haven't myself, no."

Commissioner Hunter: "I have a problem with that. Perhaps because of the name that is on it there or because it is just down the road from where I live. I just asking legal counsel about it. We accept that-that mud in that subdivision on those streets is deplorable. The developer has done very, very poor job of erosion control and he has had to cut out several hillsides in order to make flat areas for homes. And I am not willing to accept this is this is going to put any kind of additional liability on the county. There is an accident out there on one of those roads and it is because of the mud and we have accepted them Jeff says that we would probably would not be held liable but I am not comfortable with it right now. I wish that you would go out and take a look or..."

David Savage: "Our inspector had required removal of mud on both Hunter's Ridge and Fox Hollow as to the continuing problem with I couldn't say. So why don't we hold on it."

Commissioner Hunter: "It is a major one and it is going to get worse if we have any gully washers. I am just not going to feel comfortable tonight with accepting that."

Commissioner Borries: "Do these have curb, David?"

David Savage: "Yes."

Commissioner Hunter: "Just part of it is in Rick, but it is a curb and a hill that dead ends and at the end of it there is just a lot of mud that is washed down on the road."

(break due to change in tape)

David Savage: "Why don't we hold on to both of these and let me bring both the Fox Hollow and Hunter's Ridge back."

Commissioner McClintock: "Ok."

4. Discussion on Nesbit Station Road Bridge-Right-of-way

David Savage: "We have a deed that needs to be accepted for the triangular portion of ground between the ditches out there. And I would recommend your acceptance."

Commissioner McClintock: "Is this it now?"

David Savage: "We have one claim that still needs to come for the property owner on the south where the pipe had to be replaced. The location was unsure. He wanted to increase the size so we got a price of what was there and we agreed to pay him only for what was there and then he could put in the bigger pipe at his own expense."

That claim has not come back to us yet."

Motion made to accept this right-of-way made by Commissioner Hunter and seconded by Commissioner Borries. So ordered.

5. Change orders-Green River Road Project

David Savage: "Our first change order was for an arrow board traffic sign which was not in question and a computer system for the construction records keeping for the consultant to use. The state approved that early on when the change order went through the computer system was 5,200.00 dollars. Federal highway refused to sign off on it. Typically, it is a matter of routine what the state does. Apparently because it was not part of the original bid, but in any case, if the computer system is to be used out there it will need to be a 'z' item which means that it is 100% county funded."

Commissioner McClintock: "Then who owns the computer system?"

Commissioner Hunter: "I fought with this last week too. In fact both of the items that you are talking about. The original contract there was a change order was signed April 7th, I think it was, the fine print said that at the conclusion of that project that, that computer became the property of the contractor. In this case, Koester. We don't have the authority to do that. And I called Greg Curtis and spoke with him last week and I also talked to Keith Litton who is on that project out there and it is resolved that at the end of the project it will become the property of Vanderburgh County. I also called back and fussed because the thing says that as of April 1, we were paying 29 or 39 dollars a day for an arrow. And for 244 days and Keith tells me that we will not start paying on that until we start using it. That he has built in the worse scenario."

David Savage: "That is the standard state spec. It is only paid..."

Commissioner Hunter: "Well I was concerned about that because here it said April 1, and there is no arrow out there and I thought that we are not going to pay 38 dollars a day for nothing. "

David Savage: "And if it is taken down for a week they won't pay for those days either. It is just when it is out on the project. The system is necessary. If we don't-the state construction management software is bundled with it which enables United to confer easily with the state in their standard format. If we don't have a system there we will be paying United more to do it by hand because they have a cost plus project. The only real thing for consideration is the amount. It is an IBM unit that is spec in the state standard specs-that and Zenith are the only ones that are acceptable but they are a little more expensive. Apparently they have had problems with the dirty field offices and this is what they have had good experiences with. I would recommend that we go ahead and purchase it. During the contract it will be the responsibility of the contractor to maintain it and it will become county property and can be used on other projects."

Commissioner McClintock: "Ok, and how much is it?"

David Savage: "Fifty-two hundred dollars."

Motion made to approve the purchase of this computer by Commissioner Hunter and seconded by Commissioner Borries. So ordered.

6. Permission to go on Council Call-Cumulative Bridge Fund

David Savage: "It is for outer Darmstadt to set up the construction money which is estimated at 275,000.00 dollars at this point. There were I believe two other smaller appropriations that were just adjustments to the construction or design monies which can wait

until next month's call."

Commissioner McClintock: "This is for the bridge on outer Darmstadt-275,000.00 dollars. Questions?"

Motion made to approve by Commissioner Hunter and seconded by Commissioner Borries. So ordered.

7. Claim-David Savage

Commissioner McClintock: "This is for 99.1 hours from 4-25-92 through 6-12-92. Any questions?"

Commissioner Hunter: "I will so move."

Commissioner Borries: "I will second."

Commissioner McClintock: "So ordered."

8. Widening of Wimberg Road

Commissioner McClintock: "I had received this memo from Scott Davis on Wimberg to widen Wimberg at the intersection of Kratzville Road. This whole big petition. Ok, so do we need to do anything else with this?"

David Savage: "We are in the process of looking at that intersection and then also a problem with the side ditch on the same road about half way down."

Commissioner McClintock: "Ok, so we don't need to do anything. You will be coming back."

RE: DIRECTOR OF PUBLIC WORKS

Commissioner McClintock: "Steve Sherwood indicated that he is not coming to Vanderburgh County as the Director of Public Works. He has decided to stay in Warrick County. My recommendation at this point is we have our meeting-job study committee meeting at 2:30 next Monday. I preference would be to go to that meeting and get a salary range set and then talk about who and how much we want to offer that position to. Is that agreeable with the other commissioners?"

Commissioner Hunter: "That is fine with me."

Commissioner Borries: "I thought that was what we had discussed the time before. So you are going to give a recommendation at some point?"

Commissioner McClintock: "Well I didn't know that he was officially-the only one thing that I did do was I did contact the two other candidates that we had talked to and we had all three had put them in a little different order but we had all liked those three, to indicate to them that we did have an opening and we would like some kind of feedback from them as to whether they were still interested in Vanderburgh County. And both indicated that they would get back to me by this Friday."

RE: CONSENT ITEMS

The following items included on the consent agenda were approved by Commissioner Hunter and seconded by Commissioner Borries. So ordered .

A. Travel\Education Requests

*See attached agenda for specifics.

B. Coroner's office

Charlie Althaus: "I would like to introduce Bob Marks. Bob is a deputy in the coroner's office. He is a laboratory technician at Welborn Hospital. He is also a laboratory technician for us and besides that he wrote the program on computers for the laboratory at Welborn. I know nothing about computers and he does. I have three things that I would like to discuss with you and ask for your consent. Number one; in the morgue account, we have a balance of 11,400.00 dollars. I would like to have your permission to use that money for our computer. What we have found so far, we are running in the neighborhood of 12,000.00 dollars for the other revenue that we would need. In the 1992 revenue that we have put back into the county general fund from autopsies reports and everything that we have done, is 4,038.00 dollars for six months. So we would be able to get enough money to take care of the balance that we would need for our computer. We have been working with Roger Elliott for several years. So that is one thing that I would need passed in a motion is to be able to use that fund."

Commissioner McClintock: "The morgue account, that is the account that we constructed the morgue out and we used it for equipment and the building of the morgue."

Charlie Althaus: "Right. Correct."

Motion made to approve this request by Commissioner Hunter and seconded by Commissioner Borries. So ordered.

Charlie Althaus: "The second thing that I need to ask for your approval of is that we would be able to go out and have someone to write our programming. We have sent questionnaires out to 25 counties throughout the country. And asked a bunch of questions on coroner's software. None of them have anything as compatible to our needs. So therefore we have gone out and we have been talking to others so I would like to have your permission for us to continue on to do that and of course, we will take the lowest price that we get on our programs."

Commissioner McClintock: "I don't think that we need a motion on that."

Motion made by Commissioner Hunter to approve pending the decision of Data Processing. Seconded by Commissioner Borries. So ordered.

Charlie Althaus: "The last thing that I have to ask you is for Mr. Wilhite. There is no other county program computerized not only in the state of Indiana, Illinois or so forth. Once we get our program from an individual company would the county be able to copyright this program and sell this program and have revenue to come back into the county general fund?"

Jeff Wilhite: "You are going to have this written unequivocally for us?"

Charlie Althaus: "Yes."

Jeff Wilhite: "We did something similar to that when we negotiated some software-I forgot what it was. We have to contractually negotiate it as our's or the person that wrote it."

Charlie Althaus: "We have talked to several companies and they would like to have a letter from us or contract with us that they could do it and the county would receive a portion of the income."

Jeff Wilhite: "It would mostly depend on what that programmer would negotiate with us."

Bob Marks: "If I could step in? The program will be owned by the county. They will be used only as a marketing tool because I don't

think that the county and I am certain that the Coroner's office doesn't want to market this themselves. As far as the cut as to how it is going to be split up-if there is any profit or income from it, we haven't gotten that far yet. Before we went much farther we wanted to find out if we could do this. Potentially there is 91 other counties out there that could use this same program. The beauty of it is that it will run on any PC including the original IBMs. So a one man office in a very small or lightly populated county could use this program and buy it reasonably. It will also handle a big office or a medium office like our's. Our surveys came back with programs costing from a half a million dollars-80,000.00 dollars to maintain down to this bid that we have which is somewhere near 12,000.00 dollars. It will fit the workings of our office. Every other office in Indiana requires exactly the same information as our office does. Therefore, it would be compatible with their office too."

Charlie Althaus: "That is all that I need."

Commissioner McClintock: "Thank-you Charlie."

C. Circuit Court

D. BFI Waste Systems Agreement

E. Employee Smoking Memorandum

F. Approval of 6-1-92 minutes

Motion made to approve by Commissioner Hunter and seconded by Commissioner Borries. So ordered.

G. Employment Changes

*See attached agenda for specifics.

H. Invoices submitted for payment

*See attached agenda for specifics.

I. Treasurer's Monthly Report-April 1992

J. Burdette Park-Permission to pay daycamp staff .25/hr bonus.

K. Scheduled Meetings

6-16-92 Tuesday	Employee Steering Committee	9:00 A.M.	Room 303
6-22-92 Monday	Job Study County Department Head Meeting Solid Waste Public Hearing County Commissioners Drainage Board-Immediately following	3:00 P.M. 3:30 P.M. 4:30 P.M. 5:30 P.M.	Room 303 Room 305 Room 307 Room 307 Room 307
6-23-92 Tuesday	County ID'S	10:00- 11:00 A. M.	Room 303
6-24-92 Wednesday	County Council Personal Finance	3:30 P.M.	Room 301

RE: OLD BUSINESS

Commissioner McClintock: "Is there any old business? Seeing none we will move on to the next item on the agenda."

RE: NEW BUSINESS

Commissioner McClintock: "Is there any new business to come before the Commission?"

David Savage: "Bridge 75, I believe. Redbank over Bayou Creek. That was set up for bridge replacement. The bridge replacement couldn't get in, in time to avoid Burdette Park's season and we decided to wait until after the summer and we have inspected the bridge and have asked the contractor to preform some remedial work to it and that will need to be used as a truck route-detour for the Union Township tie-in for a period of about 30 days. We need to remove the ten ton weight restriction for a period of 30 days to allow for that. We have inspected the bridge and although we will continue to monitor it during the detour, we are confident that it will handle the truck traffic for that amount of time."

Commissioner Borries: "What kind of tonnage are we talking about David?"

David Savage: "If there is no restriction, the H rating is 20. That is a gross vehicle weight of about 80,000 pounds but the long trucks they can only have two wheels at a time on the bridge because it is only 40 foot long. Heaviest load that it will take would be under a tri-axle. We have even had the loaded trucks out and measured the deflections of the bridge to verify that we shouldn't have a problem. And we would monitor it during the process if any fatigue showed up we have some additional remedial work that can be done."

Motion made to approve by Commissioner Hunter and seconded by Commissioner Borries. So ordered.

RE: MEETING RECESSED

Commissioner McClintock: "Is there any other business to come before the Commission this evening?"

There being no further business the meeting was adjourned at 6:58 p.m. to reconvene at 7:00 p.m. for rezoning.

Carolyn McClintock, President

Don Hunter, Vice-President

Richard J Borries, Member

REZONING
JUNE 15, 1992

RE: VC-1-92

Commissioner McClintock: "We have one rezoning this evening. It is ordinance # VC-1-92, Greg Kerves, 4141 Old Henderson Road. The current real estate is zoned agricultural the request is to change is to C-4. Presently land use is residential. Proposed land use is electrical contractor shop. Is there someone here to speak to the petition?"

Greg Kerves: "I am the petitioner. I own the property there which is roughly 3 acres and we are requesting the rezoning as you said from agricultural to C-4 for an electrical contractors shop. We have large garage in our area there that we would like to be able to store electrical materials in and to have a small office in also. So we would like to request just a portion of that property be rezoned as commercial to enable us to do this."

Commissioner McClintock: "Now, do you also live on the property?"

Greg Kerves: "Yes, maa'm."

Commissioner McClintock: "Are there any other questions?"

(inaudible)

Commissioner McClintock: "Have you seen this report from the Area Plan Commission-from the Building Commissioner? Basically what it says is, change of occupancy from residential to commercial with require structure to meet current code requirements for building electrical, plumbing, heating and air."

Greg Kerves: "No, I don't think that I have seen that. No, ma'am."

(inaudible)

Commissioner McClintock: "So it means that you have to check it out with the Department of Natural Resources and if it is you have to get a special permit. But this would not be a reason for us to deny your rezoning we just want you to be aware that if we do rezone it that you did need to get a permit. Right. Are there any questions? Are there any remonstrators?"

Motion made to approve by Commissioner Hunter with a second by Commissioner Borries.

Commissioner McClintock: "Since this is an ordinance we will have a roll call vote. Commissioner Borries?"

Commissioner Borries: "Yes."

Commissioner McClintock: "Commissioner Hunter?"

Commissioner Hunter: "Yes."

Commissioner McClintock: "And I vote yes."

There being no other rezoning the meeting was adjourned at 7:15 p.m.



**BOARD of
COMMISSIONERS**
of the County of Vanderburgh

CAROLYN McCLINTOCK

DON L. HUNTER

RICHARD J. "RICK" BORRIES

AGENDA

VANDERBURGH COUNTY COMMISSIONERS

JUNE 15, 1992

5:30 P.M.

FINAL

1. CALL TO ORDER
2. INTRODUCTION
3. PLEDGE OF ALLEGIANCE
4. ANY GROUP/INDIVIDUAL WISHING TO ADDRESS THE COMMISSION
5. ACTION ITEMS
 - a. Open Bids
re: Proposals for property lease on Green River Road
 - b. Roger Elliott/Data Processing
re: ATEK contract-for signatures
 - c. Susan Jeffers/Purchasing (see enclosed request)
re: Approval to advertise and receive bids for County Highway Equipment...6/18, 6/25 and to open on 7/6
 - d. Andy Easley
re: Petition to Vacate portion of Nurrenburn Road for right of way
 - e. Rose Zigenfus/EUTS
re: Pollack Avenue
 - f. Sheriff Hamner
re: Central Dispatch/Open Discussion

g. Southwestern Indiana Mental Health Center, Inc.
re: agreement for Employee Assistance Program
ready for signatures

h. John Hodge/Torian, Hoffman & Dillow Insurance

6. DEPARTMENT HEADS

Jeff Wilhite ----- County Attorney

Dave Savage ----- Public Works

7. CONSENT ITEMS

a. Travel/Education Request

Pigeon Township Assessor (3)

German Township Assessor (2)

Vanderburgh County Assessor (3)

Center Township Assessor (1)

Circuit Court/Community Corrections (2)

Weights and Measures (1)

Health Department (4)

b. Coroners Office

re: Using balance in account number 130-427 to purchase
computer

c. Circuit Court

re: To place (3) vehicles with the Community Correction
Program be added to the County insurance policy

d. BFI Waste Systems agreement

re: presented for signature

e. Employee Smoking Memorandum for approval

f. Approval of June 1, 1992 minutes

g. Employment Changes:

Veterans Service/Appointment

Heather Prevo/Extra Help..Clerk Typist.....5.00/hr
6/15/92

Veterans Service/Release

Heather Prevo/Extra Help..Clerk Typist.....5.00/hr
8/7/92

Burdette Park/Appointments

Dana Gourley/Full-Time Guard 4.50/hr
5/23/92

James Townsend/Part-Time Guard 4.35/hr
5/23/92

Eric Williams/Security 12.00/hr
5/23/92

Scott Molden/Security 12.00/hr
5/23/92

Heather Lehr/Full-Time Guard 4.50/hr
5/23/92

Melissa Bates/Slide Guard 4.25/hr
5/23/92

Dianne Steffe/Slide Guard 4.25/hr
5/23/92

Dan Marx/Slide Guard 4.25/hr
5/23/92

Mike Berqwitz/Day Camp Counselor 5.00/hr
6/1/92

Andrea Raymond/Part-Time Guard 4.35/hr
5/24/92

Lori Logan/Slide Guard 4.25/hr
5/24/92

Shayna White/Part-Time Guard 5/24/92	4.35/hr
Patrick John/Slide Guard 5/24/92	4.25/hr
Bert Sanderfor/Part-Time Guard 5/24/92	4.35/hr
Tarcy Bagby/Part-Time Guard 5/24/92	4.35/hr
Jeff Compton/Part-Time Guard 5/24/92	4.35/hr
Kristy Drone/Slide Guard 5/24/92	4.25/hr
Jennifer Cunningham/Part-Time Guard 5/24/92	4.35/hr
Candice Green/Sciend Staff 6/1/92	8.00/hr
Courtney McGovern/Day Camp Counselor 6/1/92	4.70/hr
Kenneth Haynie/Day Camp Counselor 6/1/92	4.70/hr
Shauntrece Crider/Pool Manager 5/20/92	53.00/day
Robert Kieffner/Full-Time Guard 5/23/92	4.50/hr
Jeff Ludwig/Full-Time Guard 5/20/92	4.75/hr
Brad Gerard/Asst. Head Guard 5/20/92	4.75/hr
Nick Jankowski/Full-Time Guard 5/20/92	4.75/hr
Angie Redman/Asst. Head Guard 5/21/92	4.75/hr
Shawn Helmer/Head Guard	40.00/day

5/23/92

Ron London/Slide Guard	4.25/hr
5/20/92	

Jeremy Kieffner/Full-Time Guard	4.50/hr
5/21/92	

Susan Bernhardt/Full-Time Guard	4.75/hr
5/23/92	

Rachel Polk/Full-Time Guard	4.75/hr
5/20/92	

Lisa Austill/Full-Time Guard	4.50/hr
5/20/92	

Sara Bernhardt/Head Guard	40.00/day
5/20/92	

Maria Ritchel/Float Stand Manager	6.00/hr
5/20/92	

Kevin Reis/Full-Time Guard	4.50/hr
5/22/92	

Daniel Townsend/Full-Time Guard	4.75/hr
5/20/92	

Tan Bui/Slide Guard	4.25/hr
5/20/92	

Alan Scheu/Slide Guard	4.25/hr
5/20/92	

Beau Shumate/Full Time Guard	4.50/hr
5/20/92	

Ben Moran/Part Time Guard	4.35/hr
5/20/92	

Quan Bui/Slide Guard	4.25/hr
5/20/92	

Jason Kellams/Part Time Guard	4.35/hr
5/23/92	

Chris Peak/Head E.M.T.	5.25/hr
5/23/92	

Tonya Day/Full Time Guard 5/20/92	4.50/hr
Melissa Blessing/Day Camp Counselor 5/20/92	4.70/hr
Jeffery Camarco/Asst. Pool Manager 5/20/92	46.00/day
Michael Moran/Day Camp Counselor 5/21/92	4.45/hr
Cynthia Anderson/Part Time Guard 5/21/92	4.35/hr
Lisa Wilks/E.M.T. 5/25/92	5.00/hr
Angela Bell/Head E.M.T. 5/21/92	5.25/hr
Mike Isaacs/E.M.T. 5/21/92	5.00/hr
Robert Parson/E.M.T. 5/18/92	5.00/hr
Benjamin McCarthy/Full Time Guard 5/23/92	4.75/hr
Amy Becker/Slide Guard 5/22/92	4.25 /hr
Jimmy Morrow/Cashier 5/21/92	4.25/hr
Carolyn Schneider/Slide Guard 5/23/92	4.25/hr
Sarah Townsend/Slide Guard 5/24/92	4.25/hr
Christa Wolfe/Slide Guard 5/24/92	4.25/hr
Carrie Ash/Slide Guard 5/23/92	4.25/hr
Shanna McCune/Head Cashier 5/21/92	4.50/hr

Gilbert Rhoades/Day Camp Counselor 6/1/92	5.00/hr
Amanda Stroud/Slide Guard 5/23/92	4.25/hr
Erin O'Neil/Cashier 5/21/92	4.25/hr
Jennifer Freeman/Part Time Guard 5/24/92	4.35/hr
Teri Webster/E.M.T. 6/2/92	5.00/hr
Valerie Shoppenherst/Science Staff 5/29/92	10.00/hr
Andrea Jett/Cashier 5/23/92	4.25/hr
Keri Jones/Cashier 5/21/92	4.25/hr
Kari Haley/Cashier 5/24/92	4.25/hr
Rachelle Guley/Cahsier 5/24/92	4.25/hr
Amy Corressel/Cashier 5/25/92	4.25/hr
Chris Doerner/Concession Employee 5/29/92	4.25/hr
Amy Little/Day Camp Counselor 6/1/92	4.45/hr
Ron Nelson/Day Camp counselor 6/1/92	4.45/hr
Tricia Wiggins/Slide Guard 5/23/92	4.25/hr
Melissa Dockery/Slide Guard 5/21/92	4.25/hr
Brandi Rocca/Part Time Guard	4.35/hr

5/23/92

Dan Kolb/Full Time Guard 5/20/92	4.50/hr
Erin Ranes/Head Slide Guard 5/21/92	4.35/hr
Jeffery Yan/Full Time Guard 5/23/92	4.50/hr
Ann Gurley/Day Camp Counselor 6/2/92	4.45/hr
Kevin McCune/Slide Guard 5/30/92	4.25/hr
Chastity Spindler/Full Time Guard 5/23/92	4.50/hr
Julie Tunnickliff/Day Camp Counselor 5/23/92	4.45/hr
Chad Barkman/Day Camp Counselor 6/1/92	5.00/hr
James Sells/Day Camp Counselor 6/1/92	4.45/hr
Dawn Guinn/Office Clerk 5/30/92	4.25/hr
Rachel Haskins/Day Camp Counselor 5/21/92	4.45/hr
Angela Ludwig/Asst. Director Day Camp 5/27/92	6.00/hr
Jonathon Perkins/Ground Crew Part Time 5/29/92	4.25/hr
Jamie Stanley/Part Time Guard 5/23/92	4.35/hr
Valerie Langen/Day Camp Counselor 6/1/92	4.70/hr
Jeremy Stewart/Part Time Guard 5/24/92	4.35/hr

Kathy Siebeking/Slide Guard 5/23/92	4.35/hr
Jessica Sharp/Part Time Guard 5/23/92	4.35/hr
Jenny Emerson/Slide Guard 5/24/92	4.25/hr
Amy Zimmerman/Full Time Guard 5/25/92	4.50/hr
Beth Daniels/Part Time Guard 5/28/92	4.35/hr
Kimberly Bargo/Part Time Guard 5/30/92	4.35/hr
Andra Muth/Slide Guard 5/23/92	4.25/hr
Angela Becker/Slide Guard 5/24/92	4.25/hr
Jeremy Jourdan/Full Time Guard 5/23/92	4.50/hr
Jennifer Acker/Slide Guard 5/23/92	4.25/hr
Candice Mcmanaway/Slide Guard 5/23/92	4.25/hr
April Schmuck/Part Time Guard 5/24/92	4.35/hr
Bryan Arnold/Part Time Guard 5/21/92	4.35/hr
Jason Adams/Day Camp Counselor 6/1/92	4.70/hr
Jack Breuning/Day Camp Counselor 6/1/92	4.70/hr
Kristina Mills/Science Counselor 5/26/92	8.00/hr
Angela Weikel/Day Camp Counselor 6/1/92	4.45/hr

Cathrine Kirsch/Day Camp Counselor 4.45/hr
6/1/92

Jenna Martin/Float Stand 4.25/hr
5/23/92

Missy Muensterman/Part Time Guard 4.35/hr
5/20/92

Stacy Stonecipher/Float Stand 4.25/hr
5/25/92

Thomas R. Goodman/Asst. Manager 13.31/hr
1/1/92

Burdette Park/Releases

Thomas R. Goodman/Asst. Manager 11.99/hr
5/19/92

The following were released as Part Time Ground Crew at 4.25/hr:

James Townsend 5/22/92
Heather Lehr 5/23/92
Dan Marx 5/21/92
Patrick John 5/29/92
Robert Kiefner 5/19/92
Shauntrece Crider 5/19/92
Jeff Ludwig 5/19/92
Brad Gerard 5/21/92
Nick Jankowski 5/19/92
Angie Redman 5/20/92
Shawn Helmer 5/22/92
Ron London 5/19/92
Jeremy Kieffner 5/20/92
Susan Bernhardt 5/22/92
Maria Ritchel 5/19/92
Kevin Reis 5/21/92
Daniel Townsend 5/19/92
Tan Bui 5/19/92
Alan Scheu 5/19/92
Beau Shumate 5/19/92
Ben Moran 5/19/92
Quan Bui 5/19/92
Jason Kellams 5/22/92
Chris Peak 5/20/92
Tonya Day 5/19/92
Melissa Blessing 5/19/92
Jeffery Camarco 5/19/92

Michael Moran 5/20/92
Cynthia Anderson 5/20/92
Lisa Wilks 5/24/92
Angela Bell 5/20/92
Mike Isaacs 5/20/92
Debbie Bass 5/24/92

Health Department/Appointments

Teresa Robbins/Secretary Env. Section 6/3/92	14,864.00/yr
Eric N. Eifert/Vector Control Technician 6/15/92	5.00/hr
Adam A. Rynkiewich/Vector Control Technician 6/15/92	5.00/hr
Bryan Luff/Vector Spray Technician 5/26/92	5.00/hr

Sheriff Department/Appointments

Sean Farmer/EMT 6/9/92	19,032.00/yr
Christopher Peak/EMT 6/9/92	19,032.00/yr
Tana Millis/Bookkeeper 6/1/92	17,841.00/yr
John Sergesketter/Clerk/Typist 5/26/92	6,802.00/yr

Sheriff Department/Releases

Sean Farmer/Probationary EMT 6/8/92	18,149.00/yr
Christopher Peak/Probationary EMT 6/8/92	18,149.00/yr
Tana Millis/Clerk/Typist 5/31/92	14,238.00/yr

County Surveyor/Appointments

Audie Rhodes/Party Chief 6/2/92	17, 550.00/yr
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County Auditor/Appointments

Michele Barnett/Temporary Replacement 8.51/hr
6/8/92

County Clerk/Appointments

Ardith M. Scully/Deputy Clerk 14,238.00/yr
6/1/92

County Clerk/Releases

Ardith M. Scully/Deputy Clerk 13,584.00/yr
6/1/92

County Prosecutor/Appointments

Alicia Eaton/Extra Help 5.00/hr
6/1/92

Mary M. Cox/Clerical 14,200.00/yr
6/1/92

County Prosecutor/Releases

Julie Truex/Extra Help 5.00/hr
6/1/92

Vanderburgh Auditorium/Releases

The following were released as Security at 12.00/hr on 6/5/92:

Michael K. Jones
William C. Roland
Michael Duckworth
Marvin G. Cooper
Peter Swain
Michael Hertweck
John B. Ellsworth
Robert L. Vessels
Clifford A. Trainer
James W. Spence
Stuart Van Meter
James J. Poston
Eric R. Williams
Stanley Garrett
Timothy Eli

The following were released as Part time help at 5.00/hr on 6/5/92:

Judith Dockery
Margaret S. Blaxton

Circuit Court/Appointments

Jason Stowers/Part Time Bailiff 5/19/92	5.00/hr
Jason Davis/Intern 5/18/92	4.75/hr
Cindy Eickhoff/Intern 5/18/92	4.75/hr
Terry McIntosh/Typist 5/18/92	4.75/hr
Gregory Frederick/Intern 5/91/92	5.00/hr
Jerry Steckler/AISP/DISP Supervisor 3/23/92	26,720.00/yr
Mark Acker/Corrections Officer 5/31/92	6.00/hr

The following were appointed as Corrections Officers at 5.00/hr

Roger W. Robinson 5/31/92
Kenneth D. Sutton 5/31/92
Yilmaz Adams 5/31/92
Bob D. Weakley 5/31/92
Brian K. Spadlin 5/31/92
Kim A. Laib 5/31/92
Glamer Taylor 5/31/92
Travis W. Austland 5/31/92

The following were appointed as Corrections Officers at 7.00/hr on
5/31/92:

Robert E. Blackburn
Jamie P. Voges
Ryan S. Conely
Shane M. Rasche
Michael J. Dietsch
Melody O. Debortz
Betty A. Marsh
Jeffrey M. Steckler
Maralyn L. West

Roger A. Huff
Matthew D. Mattingly
Jessica W. Rampton
Claude C. Young IV
M. Lee Kershaw
Kimberly S. Thimling
Regina R. Hunt
Garrett B. Crawford
Vicki Kavanaugh-Gipson
Norman G. Hoskinson
Rachel Maasberg
Michael E. Mattingly

Circuit Court/Releases

Terry McIntosh/Typist 4.75/hr
5/18/9

Jerry Steckler/AISP/DISP Supervisor 26,720.00/yr
3/23/92

Mark Acker/Corrections Officer 6.00/hr
5/31/92

The following were released as interns:

Jason Stowers 4.25/hr
5/18/92

Jason Davis 4.25/hr
5/17/92

Ronald Ridley 5.00/hr
5/15/92

Cindy Eickhoff 4.25/hr
5/17/92

The following were released as Corrections Officers at 5.00/hron
5/30/92:

Roger W. Robinson
Kenneth D. Sutton
Yilmaz Adams
Bob D. Weakly
Brian K. Spadlin
Kim A. Laib
Travis W. Ausland
Glamer Taylor

h. Invoices submitted for payment
Ziemer, Stayman, Weitzel and Shoulders \$ 4184.00

Checks received
General Activities Fund/EVSC 1.00

i. Go on Council Call
Commissioners
Superintendent of County Buildings
Burdette Park

j. Scheduled Meetings:

Tues June 16	Employee Steering Committee	9:00 AM RM 303
Mon June 22	Job Study	3:00 PM RM 303
	County Department Head Meeting	3:30 PM RM 305
	Solid Waste Public Hearing	4:30 PM RM 307
	County Commissioners	5:30 PM RM 307
	Drainage Board Immediately Following	
Tues June 23	County I.D's	10:00 - 11:00 AM RM 303
Wed June 24	County Council Personnel/Finance	3:30 PM RM 301

8. OLD BUSINESS

9. NEW BUSINESS

10. MEETING RECESSED

*****7:00 PM REZONINGS*****

'PUBLIC WORKS DEPARTMENT

AGENDA

JUNE 15, 1992

1. Lynch Road Right-of-Way
Parcel #26 - Admin. Settlement Letter
Certificate of Fair Market Value for
Parcels 4; 7; 9; 10; 17; 21, & 22
Acceptance of Deed and Claim for
Parcels 3, 15, and 19
Execution of Deed Granting Excess
Land to Evansville Day School
2. Acceptance of Streets in Country Trace -
Section III and Hunter's Ridge Subdivisions
3. Nesbit Sta. Rd. Bridge - Acceptance of
Right-of Way
4. Permission to go on Council Call
Cumulative Bridge Fund

CITY OF EVANSVILLE/VANDERBURGH COUNTY
PURCHASING DEPARTMENT
1 N.W. MARTIN LUTHER KING, JR. BOULEVARD
EVANSVILLE, IN 47708-1833

TELECOPY COVER SHEET

DATE: June 16, 1992

TELECOPY TO: Evansville Courier & Press
Classified Ads - Legal
Attn: Ms. Rose

TELECOPY PHONE NO.: 464-7487

TELECOPY FROM: City-County Purchasing

NUMBER OF PAGES: 3 including cover

CITY OF EVANSVILLE/VANDERBURGH COUNTY
PURCHASING DEPARTMENT
ROOM 323 CIVIC CENTER COMPLEX
1 N.W. MARTIN LUTHER KING, JR. BOULEVARD
EVANSVILLE, IN 47708-1833

Please publish the following Legal Advertisement in BOTH the
COURIER and PRESS on the following date:

June 18 & 25, 1992

Please bill the following department for the advertisement:

BOARD OF COUNTY COMMISSIONERS
Attn: Joanne Matthews
Rm. 208 1 N.W. M.L. King Blvd.
Evansville, IN 47708

Please contact Susan Jeffries at 426-5715 with any questions.

THANK YOU!

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN THAT THE DEPARTMENT OF PUBLIC PURCHASE ACTING FOR AND ON BEHALF OF THE BOARD OF COUNTY COMMISSIONERS WILL UNTIL MONDAY, JUNE 29 1992, AT 5:30 P.M. RECEIVE AND PUBLICLY OPEN AND READ EMERGENCY PRICE QUOTES FOR THE FURNISHING AND DELIVERY OF THE FOLLOWING:

ONE (1) BOOM MOWER

REQUIREMENTS

1. Each quote must be in full compliance with the specifications as prepared in the "Request for Price Quotation".
2. Consideration of applicable taxes shall be observed as covered in the specifications, in no instance, however, will Federal Taxes or Indiana Sales Taxes be applicable.
3. The Board of County Commissioners of Vanderburgh County reserves the right to award separate contracts for each item and/or the right to reject any and all quotes if considered in the best interest of the Vanderburgh County.

DATED THIS 15th DAY OF MAY, 1992

THE BOARD OF COUNTY COMMISSIONERS
VANDERBURGH COUNTY, INDIANA

Carolyn McClintock, President
Don Hunter, Vice-President
Richard Borries, Member

Attest: Sam Humphrey, Auditor

PUBLISH IN THE EVANSVILLE COURIER AND PRESS: June 19, 1992

6036

PRESCRIBED BY STATE BOARD OF ACCOUNTS

REVISED COUNTY FORMS NO. 20 - 1947
NO. 21 - 1947

June 26, 1992

EVANSVILLE, INDIANA

QUIETUS
OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

FUND COUNTY GENERAL FUND

NO. 2623

\$1.00

- DOLLARS

URE	CHECK AM
sch	\$1

TER NINETY - 90 - DAYS

o *Ph B. Webb*
Ph B. Webb

I HEREBY CERTIFY THAT: EVLLE.-VAND. SCHOOL CORP.
 HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, IN.
 IN THE SUM OF \$1.00 DOLLARS
 ON ACCOUNT OF RENT ON WEST HEIGHTS SCHOOL

SAM HUMPHREY
 AUDITOR VANDERBURGH COUNTY, INDIANA

PRESCRIBED BY STATE BOARD OF ACCOUNTS

REVISED COUNTY FORMS NO. 20 - 1947
NO. 21 - 1947

June 26, 1992

EVANSVILLE, INDIANA

QUIETUS
OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

NO. 2623

FUND COUNTY GENERAL FUND

\$1.00

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 IN THE SUM OF \$1.00 DOLLARS

ON ACCOUNT OF RENT ON WEST HEIGHTS SCHOOL

SAM HUMPHREY
 AUDITOR VANDERBURGH COUNTY, INDIANA

REQUEST FOR APPROPRIATION

DEPARTMENT: Cumulative Bridge

DATE: June 11, 1992

ACCOUNT	LINE ITEM	AMOUNT
203-4342	Darmstadt Rd. Br. #214	\$275,000.00

EXPLANATION OF NEED FOR REQUEST

Bridge rehabilitation on Darmstadt Road bridge #214 over C.&E.I.R.R.

VANDERBURGH COUNTY
REC'D

JUN 12 1992

BALANCE OF ACCOUNTS:

ACCOUNT NO.	BUDGET	DISBURSEMENTS	BALANCE	BALANCE AFTER APPROP
203-4342	0	0	0	\$275,000.00

VCC-2

DEPARTMENT HEAD:

[Signature]

REQUEST FOR APPROPRIATION

DEPARTMENT: Cumulative Bridge

DATE: 6/11/92

ACCOUNT	LINE ITEM	AMOUNT
203-435.4 (203-4354)	Bridge Inspection	\$2,480.00

EXPLANATION OF NEED FOR REQUEST

Not enough money in account to pay for contract on bridge inspection for 1992 - Supplemental Agreement , providing for furnishing of additional preliminary engineering. Supplemental Agreement (increase of \$4,080.00)

VANDERBURGH COUNTY
REC'D

JUN 12 1992

Sam Thompson
AUDITOR

BALANCE OF ACCOUNTS:

ACCOUNT NO.	BUDGET	DISBURSEMENTS	BALANCE	BALANCE AFTER APPROP
203-435.4	\$4,179.50	1,145.70	3,033.80	\$5,513.80

VCC-2

DEPARTMENT HEAD: *R. Swager*

REQUEST FOR APPROPRIATION

DEPARTMENT: Cumulative Bridge

DATE: June 15, 1992

ACCOUNT	LINE ITEM	AMOUNT
203-1199	Extra Help	\$2,400.00
203-1900	Social Security	\$ 183.60 184

EXPLANATION OF NEED FOR REQUEST

Monies needed to hire temporary Secretary for summer

SOURCE: AS OF THE END OF MAY, 1992, BALANCE IN FUND IS \$2,160,956.33

BALANCE OF ACCOUNTS:

ACCOUNT NO.	BUDGET	DISBURSEMENTS	BALANCE	BALANCE AFTER APPROP
203-1199	-0-	-0-	-0-	\$2,400.00

VANDERBURGH COUNTY

REC'D

JUN 16 1992

VCC-2

AUDITOR

DEPARTMENT HEAD:



ATEK INFORMATION SERVICES, INC.

VANDERBURGH COUNTY, INDIANA
SUMMARY PAYMENT SCHEDULE NO. IN 89-0015P

This Summary Payment Schedule is part of Master Agreement No: IN 89-0015

The purpose of this Summary Payment Schedule ("Payment Schedule") is to identify all payment obligations of Customer arising pursuant to the above-captioned Master Agreement. This Payment Schedule shall either set out such payment obligations in full below, or shall set out the maximum amount of such payment obligations and make express reference to another document included in the Master Agreement where the payment obligations are set out in full. ATEK shall maintain this Payment Schedule and provide Customer with a copy of each new entry each time it is changed.

Date of Entry	Component Agreement and Related Deliverables Schedule Under Which Payment Obligation Arises	Description of Payment Obligation and Dates or Events Upon Which Payments are Due	Amount
_____, 1992	Applications Software Modification and Development Deliverables Schedule No. IN 89-0015.03.06	Due by Customer upon contract acceptance of ASM&D Deliverables Schedule and invoicing by ATEK	\$2,250.00
		Due upon acceptance by Customer	<u>\$2,250.00</u>
		TOTAL	\$4,500.00*

*Travel-related expenses

Due upon invoicing by ATEK

ATEK INFORMATION SERVICES, INC.
APPLICATIONS SOFTWARE MODIFICATION AND DEVELOPMENT AGREEMENT
DELIVERABLES SCHEDULE NO. IN 89-0015.03.06

This Deliverables Schedule is a Part of Applications Software Modification and Development Agreement No. IN 89-0015.03

1. Package Programs in the Licensed Software under an Applications Software License Agreement No. IN 89-0015.02 which software license is hereby incorporated by reference into the definition of "ASL Agreement" as defined in Recital C of the ASM&D Agreement.

Application # IN-A3150-6220 Case Management, Application # IN-A3210-6220 Traffic, Application # IN-A3160-6220 Court Financials, Application # IN-A3190-6220 Probation, Application # IN-A3170-6220 Judicial Procedures.

2. Specification for Modifications and Custom Programs relating to the Package Programs:

Allow a user to select a group of cases to be removed from the system for various reasons. See Exhibit A attached hereto.

3. ATEK Software Modification Services:

Fees:

Development of Detailed Systems Design and
Specification for Modifications and Custom Programs.

Estimated 12 hrs. @ \$75.00/hr. plus travel-related expenses, if any \$900.00*

Programming:

Estimated 31 hrs. @ \$75.00/hr. plus travel-related expenses, if any 2,325.00*

Testing:

Estimated 15 hrs. @ \$75.00/hr. plus travel-related expenses, if any 1,125.00*

Preparation of Documentation:

Estimated 2 hrs. @ \$75.00/hr. plus travel-related expenses, if any 150.00*

Other Services:

None

Total "ESTIMATED" Hours and Fees - 60 hrs. @ \$75.00/hr. plus travel-related expenses,
if any \$4,500.00*

*For and in consideration of receiving the services provided herein, Customer agrees to pay to the Company the estimated charges set forth and to reimburse the Company for reasonable travel and miscellaneous expenses, if any. The total hours indicated represent the Company's best estimate of the time required to make the requested modifications. Company guarantees that the maximum adjustment will not exceed twenty percent (20%) of the estimate. Company agrees to record and accumulate all time provided Customer hereunder and Customer agrees to accept such records as true and correct.

4. Other Charges:

Amounts:

None

5. Total Payments and Payment Terms: Total amount due for Application Software Modification is \$4,500.00. \$2,250.00 is due by Customer upon contract acceptance of ASM&D Deliverables Schedule and invoicing by ATEK. \$2,250.00 is due upon acceptance by Customer. Travel-related expenses, if any, are due upon invoicing by ATEK.

Adjustments to any "estimated" fees set forth in Sections 3 or 4 above shall be made after the deliverables have been completed and the final invoice for such deliverables is submitted to Customer.

6. Customer Responsibilities:

Customer must: 1) provide ATEK free access to the Designated Equipment and Licensed Software, 2) prepare and supply to ATEK such test data relating to Customer's operations as is reasonably required for the testing of the Custom Software and Modifications, and 3) appoint a coordinator for the project of developing the Custom Software as set forth at Section 2.6 above.

7. Custom Software Delivery and Installation Dates:

One hundred eighty (180) days from the Effective Date.

8. Custom Software Acceptance Tests and Procedures:

ATEK shall develop such tests and procedures as are reasonably designed to demonstrate that the Custom Software performs in accordance with the Specifications. Upon determination by ATEK that the Custom Software is installed and performs in a manner consistent with the Specifications, ATEK shall so certify to Customer. Unless Customer notifies ATEK in writing that it rejects the Custom Software as non-conforming (and provides express reasons therefore), the Custom Software shall be deemed to be accepted by the Customer ten (10) days after receipt by Customer of such certification.

9. Schedule:

None

10. Ship To Address.

Company/Agency: Vanderburgh County, Indiana

Address: Data Processing Center, Room 205, 1 NW Martin Luther King Blvd

City: Evansville

State: Indiana

Zip Code: 47708

Attention: Mr. Roger Elliott, Director SCT

Phone Number: (812) 424-4578

11. Bill To Address.

Company/Agency: Vanderburgh County, Indiana
Address: Data Processing Center, Room 205, 1 NW Martin Luther King Blvd
City: Evansville
State: Indiana
Zip Code: 47708
Attention: Mr. Roger Elliot, Director SCT
Phone Number: (812) 424-4578

The undersigned each represent and warrant that s/he is authorized to execute this document on behalf of the respective party and any and all actions necessary for this to constitute the valid and binding act of the respective party have occurred.

LICENSEE:

for City of Evansville

By _____
Chris D. Melton, President
Evansville Board of Public Works

By _____
Jack McNeely, Vice President
Evansville Board of Public Works

By _____
Jack Corn, Jr., Member
Evansville Board of Public Works

Attested By _____
Sharon A. Evans, Secretary
Evansville Board of Public Works

Effective Date _____

for Vanderburgh County

By Carolyn McClintock
Carolyn McClintock, President
Vanderburgh County Board of Commissioners

By Don Hunter
Don Hunter, Vice President
Vanderburgh County Board of Commissioners

By Rick Borries
Rick Borries,
Vanderburgh County Commissioner

Attested By Sam Humphrey
Sam Humphrey, Vanderburgh County Auditor

Effective Date _____

The undersigned each represent and warrant that s/he is authorized to execute this document on behalf of the respective party and any and all actions necessary for this to constitute the valid and binding act of the respective party have occurred.

CUSTOMER:

VANDERBURGH COUNTY, INDIANA

(Customer Name)

By

Robert Willner, Commissioner

(Name and Title)

By

Rich Borres, Commissioner

(Name and Title)

By

Ms. Carolyn McClintock, Commissioner

(Name and Title)

By

Sam Humphrey, Auditor

(Name and Title)

By

James J. Helfrich, Bd. of Public Works

(Name and Title)

By

Chris D. Melton, Bd. of Public Works

(Name and Title)

By

James D. Manning, Bd. of Public Works

(Name and Title)

By

Roberta Burkhardt, Bd. of Public Works

(Name and Title)

Date:

ATEK INFORMATION SERVICES, INC.

By

John Q. Ebert, Chairman/CEO

(Name and Title)

Effective Date:

MODIFICATION SPECIFICATIONS

Application: WRITS

Customer: Vanderburgh County, Indiana

The following is a narrative of modifications or new specifications for the above application. This narrative is the basis of all hourly cost estimation and any deviation from this narrative will result in changes to the final cost of this project. The detailed systems design and specification called for by paragraph 2.1 will be based hereon.

Verification of the age of the most recent backup (within 24 hours, for example) and completion of audit trails that are considered to be necessary. Verification of the backup time will be handled by the procedure. The user will be advised to perform a backup. The procedure will not run until the backup requirements are met.

The user will be able to create a list of case numbers by date range and/or case subtype. The process will ignore records during the selection process which have:

- o A docket entry within a predetermined time span
- o A pending scheduled event
- o Is still considered "OPEN", as defined by a Supreme Court requirement

The user will be given the capability to "clean" the list. For example, they can view and edit the list. The intention is to handle known exceptions to the list which were created by the selection process. A case may fill all of the selection criteria, but because of information known to the user, the case is not a candidate for purging. Consequently, the user may add a case which was omitted by the selection process.

Print the list for further review and provide a historical record in a summary fashion.

The user can select which major group of information to purge. These groups are: Case, Judicial and Financial. Any combination maybe chosen, but at least one group must be chosen.

The user will be notified that the job will be submitted to batch. This will inform the user that the Mass Purge process is not finished even though their terminal is free. Depending on the size of the list, this process could take quite a long time, thus on-line processing is not feasible.

Update the WRITS Global Audit file with the user's identification as to who operated the purge, the date and time of the purge, information identifying the case and a message describing the action that was taken on this data.

User selectable options:

- o Send a user-selectable form to the people involved with each case. This form will be created with the existing Forms Generation.
- o Make a final docket entry stating the case was "purged on mm/dd/yy". The user will be able to define their own docket entry through the use of the existing docket code maintenance function.
- o Update the General Index with a user defined entry, such as, "Purged on mm/dd/yy" for each case.

Create a printed report for each case containing:

- o Docket information including case number, caption, parties and their attorneys as well as docket entries.
- o Optionally contains financial information
- o Optionally include a final cost bill

Optionally, rewrite purged data to a flat file for possible further processing later. The nature of this further processing is beyond the scope of this document.

This Modification Specification will also serve as the detailed systems design and specification for the creation of the Custom Software as referenced in Section 2 of the Applications Software Modification and Development Agreement.

DONAN ENGINEERING CO., INC.

JOHN G. DONAN, JR., P.E., PRESIDENT
RICHARD D. FARMER II, P.E., VICE PRESIDENT ENGINEERING
ALLEN R. FREDERICK, VICE PRESIDENT ENVIRONMENTAL



MAIN OFFICE
4342 NORTH U.S. 231
JASPER, INDIANA 47546
TEL. (812) 482-5611
FAX (812) 482-9165

920 VINE STREET
EVANSVILLE, INDIANA 47708
TEL. (812) 422-7456
FAX (812) 422-7488

June 10, 1992

RECEIVED

JUN 12 1992

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

VANDERBURGH COUNTY
COMMISSIONER'S OFFICE

Re: Corrective Action Plan

Dear Commissioners:

Donan Engineering Co., Inc. (Donan) is pleased to report that considerable progress has been achieved in the implementation of the Corrective Action Plan for the Vanderburgh County Highway Garage.

Donan is close to completing the first stage of the implementation of the project, which is the performance process simulation tests. The results of these tests will be reported to the Indiana Department of Environmental Management (IDEM) within the next few weeks. A copy of the report will be submitted to the Commissioners.

Donan has also sampled the small volume of gravel coated with bituminous material and submitted the samples for analysis. The sample analysis will be used to obtain a certification from IDEM for the disposal of this material.

Donan intends to prepare a bid package for the treatment of the contamination at the VCHG site as described in the proposal within 45 days.

If you have any questions regarding the project please contact me at 422-7456. Donan Engineering appreciates this opportunity to provide environmental services to you.

Sincerely

DONAN ENGINEERING CO., INC.

Allen R. Frederick, CHMM, Vice President
Environmental Services Division

cc: Commissioners (3)

Project No. MAM-M-E340 (6) Contract No. R-19511

Change Order No

Whereas, the Standard Specifications for this contract provides for such work to be performed, the following change is recommended. (Give location, description and reason)

These items had been left off the original proposal:

D) An arrow board will be necessary to provide safe traffic maintenance during construction
(Page 2 of 5)

2) Due to large scale of project and the increase in technology, a computer is needed for the field office, as in accordance with supplemental specifications Attached and modified as shown. (Sheet 3 of 5) CHANGE ORDER IS TO BE REVISED SO THAT ITEM 121 IS NOW A

NON-PARTICIPATING ITEM AND WILL BECOME THE PROPERTY OF THE COUNTY AT THE END OF THE
CONSTRUCTION PROJECT. (6/9/92) (MICRO-COMPUTER SYSTEM)

ITEM NO.	DESCRIPTION OF ITEM	UNIT PRICE	INCREASE		DECREASE		% CHANGE	
			QUANTITY	AMOUNT	QUANTITY	AMOUNT	THIS C.O.	TO DATE
120	EW Arrow Board	\$38.00	244 Days	\$9272.00				
121 Z	EW Field Office MicroComputer System	1	Lump Sum	\$5200.00				
PLACE "EW" FOR EXTRA WORK ITEMS		TOTALS						
PLACE "FA" FOR FORCE ACCOUNT ITEMS		NET	INCREASED DECREASED	ESTIMATED COST \$ _____				

It is the intent of the parties that this change order is full and complete compensation for the work described above. Notification and consent to this change in plans is hereby acknowledged. *James R. Heron* 6-15-9

Contractor Koester Contracting By James K. Heron Date 3-25-92

Submitted For Consideration	
PE/S <i>KL</i> <i>KL (6/9/92)</i>	D.E.
AE	CONST. ENGR.
DCE	CHIEF DIV.

x Carolyn S. McClintock

x Richard J. Bonnis

~~only Hunt~~

Approved for Indiana Department of Highways

(SIGNATURE)

(TITLE)

(DATE)

INDIANA DEPARTMENT OF HIGHWAYS
CONSTRUCTION RECORD

MAM-M PROJ. NO. E340(6) STR. NO. CONTRACT NO. R-19511

ITEM CHANGE ORDER # 1 No.

ARROW BOARD

SOUTH END OF JOB - APRIL 1, 1992 to NOVEMBER 30, 1992
= 244 DAYS

to PAGE 1 OF

FIELD OFFICE MICROCOMPUTER SYSTEM

The Standard Specifications are revised as follows:

105.17

PAGE 26, AFTER LINE 44, INSERT AS FOLLOWS:

(m) The Contractor shall provide a fully operational microcomputer system for the field office in addition to the other requirements herein. The system shall include a microcomputer, keyboard, color monitor, and printer. The computer equipment shall be placed on a separate computer work station. The Engineer will choose microcomputer hardware from either of the following options.

1. Option 1, Desktop System. The microcomputer shall be an IBM PS/2 Model 70-061, with an IBM color VGA display model 8512, and an EPSON FX-1050 dot matrix printer. The microcomputer shall be in accordance with or exceed the following specifications:

- a. IBM PS/2 Model 70-061.

- (1) An 80386 microprocessor, 20 MHz.
- (2) An 80387 math co-processor, 20 MHz.
- (3) A 2 MB RAM.
- (4) Micro Channel Architecture.
- (5) One 1.44 MB 3.5 inch diskette drive.
- (6) One 60 MB fixed disk.
- (7) One serial port.
- (8) One parallel port.
- (9) One PS/2 mouse port.
- (10) Three expansion slots.
- (11) A 132 watt power supply.
- (12) An enhanced keyboard.
- (13) IBM PC-DOS 3.30.

- b. IBM Color VGA Display Model 8512.

- (1) A 14 inch color display.
- (2) Graphics 640x480.
- (3) Text 720x400.
- (4) A minimum of 256 colors.
- (5) A swivel stand.

2. Option 2, Laptop System. The microcomputer shall be a Zenith SuperSport SX, Model 40, with a Zenith flat technology monitor ZCM-1492, and an EPSON FX-1050 dot matrix printer. The microcomputer shall be in accordance with or exceed the following specifications:

- a. Zenith SuperSport SX Model 40.

- (1) An 80386SX microprocessor, 16 MHz.
- (2) A 2 MB Ram
- (3) One 1.44 MB 3.5 inch diskette drive.
- (4) One 40 MB fixed disk.
- (5) A VGA screen 640x480, 16 shades of gray, 25 line by

* SEE PAGE 5 of 5

- 80 column screen.
- (6) A VGA adapter port.
 - (7) One parallel port.
 - (8) One 9 pin serial port.
 - (9) A removable and rechargeable battery pack.
 - (10) A 110/220 Volt 60 Hz AC adapter.
 - (11) An internal modem slot.
 - * → (12) MS-DS 3.30.
 - (13) A cigarette lighter adapter.
 - (14) A detachable 24 key numeric keypad.

b. Zenith Flat Technology Monitor ZCM-1492.

- (1) A 14 inch color VGA display.
- (2) Graphics 640x480.
- (3) A 0.28 mm dot pitch.
- (4) A non-glare coating.

3. Printer. The Epson FX-1050 dot matrix printer shall be in accordance with or exceed the following specifications:

- a. A 9-pin print head.
- b. A 136 column width.
- c. Printer Speed:
 - (1) Draft 12 CPI, 264 CPS.
 - (2) NLQ 12 CPI, 54 CPS.
- d. Centronics parallel interface.
- e. An 8 KB buffer.

- * → 4. Software. The software shall consist of the following:
- a. LOTUS 1-2-3 Ver. 3.1, with 3.5 inch diskette.
 - b. OfficeWriter Ver. 6.2, with 3.5 inch diskette.
 - c. IBM Fixed Disk Organizer, with 3.5 inch diskette.
 - d. PARADOX Ver. 3.5, with 3.5 inch diskette.

5. The printer and software shall be provided without regard to which microcomputer hardware option is chosen by the Engineer. All manuals necessary for operation of the system shall be provided. These shall include manuals for microcomputer operations, DOS operating system, BASIC programming language, monitor operation, printer operation and code references, and all other manuals or documentation normally furnished with the equipment or software when purchased.

6. All necessary cables, connectors, and hardware shall be provided. The power device shall have a 6 outlet surge protector. Appropriate dust covers shall be provided for all equipment.

The Contractor shall install, and maintain in good working order, the microcomputer system in the field office until relinquishment of the field office. The microcomputer system shall remain the property of the Contractor upon

* SEE PAGE 5 OF 5.

Rev. 8-21-91

relinquishment of the field office. If a portion of the system becomes defective, inoperative, damaged, or stolen, that portion shall be repaired or replaced within 3 work days after the Contractor is notified of such situation.

Security devices or locked storage cabinets shall be provided for the equipment as the Contractor determines to be necessary.

=====

* Instead of listed item, use item below as substitute:

- ✓ 1. a. (13) IBM PC-DOS 5.0
- ✓ 2. a. (12) MS-DS 5.0
- ✓ 2. c. IBM PS-2 Model L40 SX

This is a viable substitute for 2. a. Specifications 2. a. 1 through 2. a. 14 should be met with the following exceptions: #12) MS-DS 5.0 and 14) a 17 key detachable keyboard.

2. d. Any IBM monitor that matches or exceeds the specifications in 2. b.

4. Software. The software shall consist of the following:

- ✓ a) OfficeWriter (newest available version), with 3.5 inch diskette.
- ✓ b) Spinrite II, with 3.5 inch diskette.

AGENDA REQUEST

NAME OF PERSON

REQUESTING/TITLE RICHARD L. YOUNG/ JUDGE CIRCUIT COURT
HARRIS HOWERTON/ DIRECTOR OF COURT SERVICES

DEPARTMENT CIRCUIT COURT/COMMUNITY CORRECTION

REQUEST(S) BEING MADE THAT (3) VEHICLES WITH THE COMMUNITY CORRECTION PROGRAM
BE ADDED TO THE COUNTY INSURANCE POLICY.

DATE TO BE PLACED ON AGENDA JUNE 15, 1992

ACTION _____ CONSENT OK OTHER _____

CHM
RT

Board of Commissioners

of the
County of Vanderburgh

305 ADMINISTRATION BUILDING
CMC CENTER COMPLEX
EVANSVILLE, INDIANA 47708



CAROLYN MCCLINTOCK
DON L. HUNTER
RICHARD J. "RICK" BORRIES



TEL. (812) 426-5241

AGENDA REQUEST

NAME OF PERSON REQUESTING/TITLE Coroner Charles R. Althaus

DEPARTMENT Vanderburgh County Coroner

REQUEST(S) BEING MADE To get permission from the Commissioners
to use the balance in account 130-427 (morgue account) to purchase
a computer for the coroner's office.

DATE TO BE PLACED ON AGENDA June 15, 1992

ACTION OK CMC RP CONSENT _____ OTHER _____



P.O. BOX 7081
NURRENBERN ROAD
EVANSVILLE, IN 47712
TELEPHONE (812) 424-9535

June 11, 1991

County Commissioners
Civic Center Complex
Evansville, IN 47708

Dear Commissioners,

The attached contract is an admendment to the Original agreement between Work Family Directions/Bristol-Myers Squibb and Burdette Park. They are paying for the story tellers "Tales and Scales" to come to the Day Camp every session for a work shop day and a performance day with the campers.

This amendment will allow them to issue us a check for the additional amount to cover this very special addition to our camp activities. They have already been to camp for the first workshop and the campers loved it. (Tales & Scales are a group of story tellers that perform their stories using musical instruments.)

~~Please sign both copies and return both copies to me so that I can in turn send to get their signatures. I will forward a copy of the contract to JoAnn as soon as I get a signed copy.~~

Thank you,

A handwritten signature in cursive script that reads "Joyce Moers".

Joyce Moers
Burdette Park
Day Camp Administrator

jm

**AMENDMENT TO AGREEMENT FOR A PROGRAM FOR SCHOOL-AGE
CHILDREN**

Work/Family Directions Development Corporation, 930 Commonwealth Avenue West, Boston, Massachusetts 02215-1212 ("W/FDD") and Vanderburgh County hereby agree to amend their Agreement regarding a summer camp of school-age children, dated March 13, 1992, as follows:

1. The following new last subparagraph will be added at the end of Paragraph 1, Services to be Performed:

"In addition to the services described in Appendix A, Contractor will contract with Tales & Scales, Inc. for the provision of two weekly one-hour workshops for 75 campers each, to cast, create and perform music and stories."

2. The budget which appears on the penultimate page of Appendix A will be deleted and replaced with the budget which is attached hereto.

In all other respects, the Agreement shall remain the same.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed as of June 4, 1992.

WORK/FAMILY DIRECTIONS DEVELOPMENT CORPORATION

By: Mary Kay Leonard, Director

BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY

By: Candyn McClintock
Title:

BURDETTE PARK SUMMER CAMP
NEW SCIENCE AND TECHNOLOGY CAMP

CONSULTANTS:

Bernie Zubrowski-Boston Children's Museum (2 days @ \$600/day)	\$ 1,200
Libby Palmer-Operation Smart (10 days @ \$500/day)	\$ 5,000
Consultant Travel Expenses	\$ 2,700
TOTAL: (Paid to vendor directly by W/FDD)	\$ 8,900
BOOKS AND TEACHERS RESOURCES	\$ 500
SUPPLIES	\$ 4,800
EQUIPMENT	\$5,500
COMMUNITY COLLABORATORS	
Mesker Park Zoo (Paid to vendor directly by W/FDD)	\$10,000
Evansville Museum (Paid to vendor directly by W/FDD)	\$10,000
Tales & Scales, Inc.	\$ 1,775
TOTAL:	\$41,475

MEMORANDUM

JUNE 15, 1992

TO: ALL DEPARTMENT HEADS AND ELECTED OFFICIALS

FROM: THE COUNTY COMMISSIONERS

RE: EMPLOYEE SMOKING

WE HAVE HAD SEVERAL COMPLAINTS FROM TAXPAYERS WHO OBJECT TO COUNTY EMPLOYEES SMOKING DURING MEETINGS OR BUSINESS DISCUSSIONS.

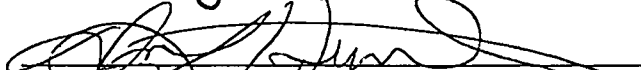
NOW, MORE THAN 75% OF THE POPULATION DOES NOT SMOKE AND WE FEEL THAT IT IS APPROPRIATE THAT WHEN DEALING WITH THE PUBLIC YOU SHOULD TRY TO REFRAIN FROM SMOKING.

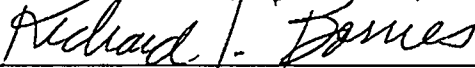
IF YOU ARE IN A "SMOKING PERMITTED" AREA, PLEASE BE COURTEOUS ENOUGH TO ASK IF YOU MAY SMOKE, OR WAIT UNTIL THE MEETING HAS CONCLUDED.

WE THANK YOU FOR YOUR CONSIDERATION AND COMPLIANCE IN THE ABOVE MATTER.

THE VANDERBURGH COUNTY COMMISSIONERS:


CAROLYN S. MCCLINTOCK, PRESIDENT


DON L. HUNTER, VICE-PRESIDENT


RICHARD J. "RICK" BORRIES

TRAVEL REQUEST FORM
FOR
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: 6/8/92 DEPARTMENT: Weights and Measures

EMPLOYEE(S): Loretta Townsend

DATE(S) OF TRAVEL: one day - week of 7/19 -- 7/24/92

DESTINATION: Nashville, Tenn

PURPOSE: National conference on Weights and Measures

Proof (Copy of brochure or letter) must be attached.

LODGING REQUIRED: _____

MEANS OF TRAVEL COUNTY VEHICLE NUMBER: _____
OTHER: Personal vehicle

REIMBURSEMENT CLAIMED
X Mileage ? Parking
? Per diem _____ Registration
_____ Air fare _____ Other

APPROVED: Loretta Townsend
Department Head

APPROVED: _____
Office Holder

APPROVED BY:
VANDERBURGH COUNTY COMMISSIONERS this 15th day of June, 1992

Carolyn McClintock
Carolyn McClintock, President

Don Hunter
Don Hunter, Vice President

Richard J. Borries
Richard J. Borries, Member

A claim to be properly itemized, must show: Kind of service where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

Vanderburgh County, Indiana

To ... *Debbie Davis* ... Dr.

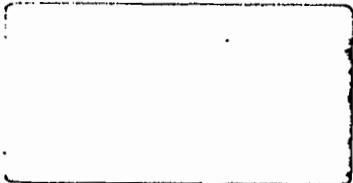
On Account of Appropriation For

19....	Order Number	ITEMIZED CLAIM	DOLLARS Cts.			
		<i>Refund on swim lessons paid in advance. Need to cancel due to relocation</i>			<i>1</i>	<i>00</i>

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date ... *4-30* ... 19 *92* ... *Debbie Davis* ... Title



A claim to be properly itemized, must show: Kind of service where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

Vanderburgh County, Indiana

To... ZIEMER, STAYMAN, WEITZEL & SHOULDERS..... Dr.

On Account of Appropriation For . . . LEGAL SERVICES RENDERED AND COSTS ADVANCED . . .

[illegible]

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date May 31, 1992

Ted C. Ziemer, Jr.
County Attorney

.....
Title

REQUEST FOR APPROPRIATION

DEPARTMENT: County Commissioners

DATE: 6/15/92

ACCOUNT	LINE ITEM	AMOUNT
130-3050	Patient-inmate care	100,000.00

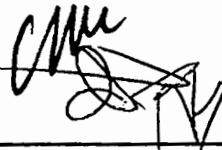
EXPLANATION OF NEED FOR REQUEST

Account is being depleted and additional monies are needed.

VANDERBURGH COUNTY
REC'D

JUN 15 1992

BALANCE OF ACCOUNTS:




AUDITOR

ACCOUNT NO.	BUDGET	DISBURSEMENTS	BALANCE	BALANCE AFTER APPROPRIATION
130-3050	200,000.00		5640.00	105,640.00

VCC-2

DEPARTMENT HEAD: 



VANDEBURGH SUPERIOR COURT

TERRY D. DIETSCH, Judge
ROOM 118

ROBERT W. LENSING, Judge
ROOM 126

WILLIAM J. BRUNE, Judge
ROOM 120

MAURICE C. O'CONNOR, Judge
ROOM 122

COURTS BUILDING
CIVIC CENTER COMPLEX
825 SYCAMORE STREET
EVANSVILLE, INDIANA 47708

SCOTT R. BOWERS, CHIEF JUDGE
ROOM 116

THOMAS LOCKYEAR, Judge
ROOM 225

J. DOUGLAS KNIGHT, Judge
ROOM 218

RALPH E. MOORE
JUVENILE REFEREE
ROOM 126

BARBARA C. WILLIAMS
MISDEMEANOR REFEREE
ROOM 202

DONALD R. VOWELS
COURT ADMINISTRATOR
ROOM 114

June 1, 1992

Ms. Carolyn McClintock, President
Vanderburgh County Commissioners
Room 305 A Administration Bldg.
Civic Center
Evansville, IN 47708

Dear Commissioner:

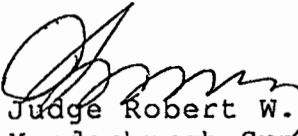
It's that time of year again when we all are reminded that success has its price. If we wish to continue to successfully detain serious juvenile offenders and wish to successfully remove delinquents who have proven repeatedly to be dangerous to citizens and property we need to pay the price by requesting the county to appropriate additional funds for your commissioners account Inmates in Institutions 130-305.

From this account the costs of institutional services to Johnson County Detention Center, Indiana Boys School and Indiana Girls School are paid as well as adult institutional costs.

I am informed that once again the account is running low and without the appropriation of additional funds the semi-annual bill from the Department of Corrections would not be able to be paid.

Your help in assuring an uninterrupted provision of these very necessary services is appreciated.

Respectfully,


Judge Robert W. Lensing
Vanderburgh Superior Court
Juvenile Division

RWL/alt

cc: Mr. Don Hunter
Mr. Rick Borries
File

REQUEST FOR APPROPRIATION

DEPARTMENT: County Commissioners

DATE: 6/15/92

ACCOUNT	LINE ITEM	AMOUNT
130-3130	Travel/Education	5,000.00

EXPLANATION OF NEED FOR REQUEST

More travel is anticipated and money will be needed to cover those costs.

VANDEBURGH COUNTY

REC'D

JUN 15 1992

BALANCE OF ACCOUNTS:

Sam Thompson
AUDITOR

ACCOUNT NO.	BUDGET	DISBURSEMENTS	BALANCE	BALANCE AFTER APPR
130-3130	20,000.00	14,359.62	5640.38	10,640.38

VCC-2

DEPARTMENT HEAD: *Carolyn McClinton*

REQUEST FOR APPROPRIATION

DEPARTMENT: County Commissioners

DATE: 6/12/92

ACCOUNT	LINE ITEM	AMOUNT
130-3270	change of venue	6,000.00

EXPLANATION OF NEED FOR REQUEST

Monies needed for projected cost for remaining 1992 expenses.

VANDERBURGH COUNTY

REC'D

JUN 15 1992

Sam Humphrey
AUDITOR

BALANCE OF ACCOUNTS:

ACCOUNT NO.	BUDGET	DISBURSEMENTS	BALANCE	BALANCE AFTER APPROP
130-3270	8,000.00	7196.00	803.36	6803.36

VCC-2

DEPARTMENT HEAD: *Carolyn McClintock*

REQUEST FOR APPROPRIATION

DEPARTMENT: County Commissioners

DATE: 6/12/92

ACCOUNT	LINE ITEM	AMOUNT
130-3610	Legal Fees	50,000

EXPLANATION OF NEED FOR REQUEST

Monies needed for projected legal fees for 1992.

VANDERBURGH COUNTY

REC'D

JUN 15 1992

Sam Thompson
AUDITOR

BALANCE OF ACCOUNTS:

ACCOUNT NO.	BUDGET	DISBURSEMENTS	BALANCE	BALANCE AFTER APPROP
130-3610	75,000	60,672.27	15,338.41	65,338.41

VCC-2

DEPARTMENT HEAD: *Carolyn McClintock*
mb

REQUEST FOR APPROPRIATION

DEPARTMENT: County Commissioners

DATE: 6/9/92

ACCOUNT	LINE ITEM	AMOUNT
130-3880	Computer Maintenance	24,000.00

EXPLANATION OF NEED FOR REQUEST

Unisys maintenance for signatures once monies are funded.

VANDERBURGH COUNTY
REC'D

JUN 15 1992

Sam Hensley
AUDITOR

BALANCE OF ACCOUNTS:

ACCOUNT NO.	BUDGET	DISBURSEMENTS	BALANCE	BALANCE AFTER APPROP
130-3880	-0-	-0-	-0-	24,000.00

*This is listed @ -0- balance since monies in this account are allotted for Manatron agreements.

VCC-2

DEPARTMENT HEAD:

Carolyn McClinton

Ph

REQUEST FOR APPROPRIATION

DEPARTMENT: Superintendent of County Buildings

DATE: 6/12/92

ACCOUNT	LINE ITEM	AMOUNT
131-192	Insurance	5300.00

EXPLANATION OF NEED FOR REQUEST

Monies need for remaining 1992 cost

(982.82 x 6 mos. = 5896.92

5896.92 - 615.00 = 5281.92)

VANDERBURGH COUNTY

REC'D

JUN 15 1992

For seven months remaining 6880.00

Sam Thompson
AUDITOR

BALANCE OF ACCOUNTS:

CMC RB

ACCOUNT NO.	BUDGET	DISBURSEMENTS	BALANCE	BALANCE AFTER APPR
131-192	6498.00	4914.00	1597.00	6897.00

VCC-2

DEPARTMENT HEAD: *[Signature]*

MINUTES
COMMISSIONERS MEETING
JUNE 22, 1992

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened @ 7:45 p.m.	1
Introductions & Pledge of Allegiance (Canceled)	1
County Insurance	1
Ruling of BZA re BFI Permit - Rose Parks	1
1993 Budgets	4
Statement of Values	4
County Attorney - Gary Price	4
Vacation of Alley Behind the Coliseum	
American Wholesaler's Litigation (Agreement signed)	
County Engineer - Dave Savage	5
Change Orders/Union Township Access Project	
Request to Close Old Henderson Rd.	
Remedial Work/Bridge on Red Bank Rd.	
Transfer of Funds for Part-Time Office Help	
Permission to Advertise for Specified Items; Specs	
for Trucks from St. Joe County	
Request to Advertise for Bids for Repairs to Equipment	
Coliseum Parking Lot	
Claims	
Green River Rd. Project (Authorized \$7,000 increase	
in Design Agreement w/United Consulting Engineers	
Burdette Park - Tom Goodman	8
State Board of Health Regulations re Food/Drink	
in Pool Area	
Use of Robot at Day Camp (approved)	
Consent Agenda	11
Old Business	11
New Business	11
Executive Session re Cash Management System	
(4:00 p.m. on July 6th, subject to verification by	
County Attorney)	
Press Conference/Ohio Street Bridge	
Meeting Recessed @ 8:40 p.m.	12

MINUTES
COMMISSIONERS MEETING
JUNE 22, 1922

The Vanderburgh County Board of Commissioners met in session at 7:45 p.m. on Monday, June 22, 1922. The Board was late in convening for their scheduled meeting due to a session being held by the Solid Waste District Management Board in the Hearing Room.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

Commissioner McClintock called the meeting to order. She said she will dispense with the usual introduction of staff members and the Pledge of Allegiance. Everyone has been here a long time and she has already heard a lot of interesting comments this evening.

RE: COUNTY INSURANCE

Continuing, Commissioner McClintock said that under Action Items on the agenda was a discussion concerning the County Health Insurance Program, because the employees had requested that it be placed on the agenda. "I will just give a brief, brief background. The County Council last year after County Budget Hearings had asked Norris Robinson, who is our Risk Manager, to look at all and any means of saving on our costs for County health insurance. He is in the process of studying this. It obviously has not been to this group. He is not even ready to make a proposal. In the middle of all this, somehow (I don't know how) employees started talking about it. One of the Courts sent a memo around telling all the employees what we were going to do -- none of which was anything close to anything that was even being considered. What I would recommend at this point -- what the employees wanted us to do tonight -- and we could go ahead and do this if you want to -- is assure them that nothing will be done in the 1993 budget. There is no proposal ready to be made. There is no proposal ready to be acted on. And we want people to be assured that is going to happen. If one of you would like to make a motion to that effect then we can approve it and set their minds at ease -- and I think that is what we ought to do. Because there has been a lot of discussion and concern over this, a lot of rumors, and a lot of innuendos. So, can I get a motion to that effect -- that basically, the County Health Insurance Plan will remain as is when presented to County Council for budget hearings for the 1993 budget."

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

Ms. McClintock said, "Okay, let's not talk about the "I" word anymore."

(Note: Prior to the Commission Meeting, Commissioner McClintock had asked Attorney Gary Price to advise the County Employees in the hallway that this matter would not be heard tonight, that it will be placed on next week's agenda.)

RE: RULING OF BZA RE BFI PERMIT - ROSE PARKS

Commissioner McClintock said Ms. Rose Parks is here to discuss the subject matter. She said that Attorney Gary Price has looked into this and asked that he render his opinion to the Board.

Attorney Price said, "Well, it is my understanding that you are asking the Commissioners to review a decision by the Board of Zoning Appeals, correct?"

Ms. Parks said that is correct.

Attorney Price continued, "The Commissioners do not have jurisdiction for that. I believe your chain would have been to take it to the Board."

Ms. Parks said, "First, let me tell you I am having trouble with my asthma because we're running two hours late. I want to say that I have talked to other people (I can't remember either of their names) in Indiana. The Indiana Hot Line has told me that the County Commissioners can -- not only can, but it is their duty to do this. I also talked to Vaneta Becker and she told me that the County Commissioners can ask for an appointment with the BZA to do exactly what I am asking you to do."

Attorney Price responded, "I am not aware of that. If you would like for me to look at your notes and..."

Ms. Parks asked, "Could I not just read them to you?"

Commissioner McClintock stated, "We're not going to be able to render an opinion this evening. If you've got something that you'd like to read -- or to be copied and placed into the record and also for Mr. Price..."

Ms. Parks responded, "Okay. You can copy it. But I just want to tell you something. Because of all the meetings I have gone to, I have found the same thing -- that the answer was already decided before the question was brought up. And I want to tell you --"

Ms. McClintock interrupted, "Wait just a second, Rose, the reason the answer has already been decided is because you submitted this information to me, which I turned over to our Attorney to ask him for an opinion so that when you came to the meeting we wouldn't be sitting here going 'we don't know'. That is why you have the answer."

Ms. Parks said, "But I don't understand why your Attorney would tell you that you can't do anything about it -- that I again have to dig into my pockets and go to Court, when the people at the State House tell me that you can."

Attorney Price said, "I'm not sure what Ms. Becker was referring to nor the Hotline, I believe. But from my research this Commission does not have jurisdiction over a decision made by the Board of Zoning Appeals."

Ms. Parks asked, "Does anybody on this Board appoint anybody to the BZA?"

Ms. McClintock responded, "Yes, we do."

Ms. Parks continued, "Okay, you have the power to do that. I wanted to say that years ago -- like a hundred years ago when I was in high school -- I was taught that public officials were elected to office to serve the public and run the government the way the public wanted it run. In this case, not the way BFI wants it run. Do you want a copy of this? It doesn't matter to me."

Ms. McClintock "Yes. B. J. will make a copy for the Attorney and for the record."

RE: TRAFFIC PROBLEM/HARMONY RD. - WILLIAM LONG

Commissioner Borries advised Commissioner McClintock that Mr. William Long wants to speak and has been waiting for a period of time.

Mr. Long was recognized and stated that he resides at 2829 Harmony Rd. and he has a very major traffic problem. He is talking about a dozen vehicles onto his property and into his house. He's been before this Board in prior years. There have been a lot of surveys. When Clarence Shepard was Sheriff he did a survey and he said. 'Yes, this man needs something in front of his house to stop these traffic problems.' At that time the cars hadn't been close to his children. They had been in his yard and up to his house and up against his trees and through his landscaping. At the present time he has had two more -- one in the house where his son was sitting and one in front of his house where his son stands and waits for the school bus every morning -- and that is not to count other little ones he's had that he hasn't appeared here about. He is now to the point where his wife wants to sell his castle -- because they can't have a moat to stop intruders. He doesn't want to sell his house. His kids are a nervous wreck. They are not allowed in front of the house and his son can't stand the sound of a car passing at a high rate of speed. He might commend the Sheriff's Department, because they've written a million tickets. In the last three or four weeks they've written hundreds of tickets -- but that doesn't slow down the speeders. He's talked to Lou Wittmer several times and Lou tells him he will bring the engineers out.

Ms. McClintock said she thinks this is exactly the same place she referred to the County Engineer. Mr. Long has a neighbor who is very concerned. If he will give her his name.

Mr. Long said his name is John Spaetti.

Ms. McClintock said they talked about this briefly last week prior to the Commission meeting and she referred it to the County Engineer.

Mr. Long said the difference between his house and Mr. Spaetti's house is that they get Mr. Spaetti's mail box. Mr. Spaetti has small children and he is concerned. But they get his house -- and they're sitting there watching television. Jeremy is sitting in the window where the car came through. He is a nervous wreck. He understands there are criteria for guard rails and there aren't very many people in this town who want an ugly guard rail in front of their house. He's begging. That is where he is.

Ms. McClintock asked Mr. Savage if the Board can have a recommendation on this next week?

Mr. Long said he is supposed to meet Lou Wittmer in the morning with two more engineers.

Ms. McClintock said, "Well, let's coordinate this."

Mr. Long continued, "I just need something done other than a sign -- because a sign isn't going to slow kids down. My house is 115 years old. One hundred fifteen years ago horses and carriages were coming down through there. "

Commissioner Borries said, "David Savage, I know of one instance that occurred back in 1982 or 1983 on Darmstadt Rd. -- when Jim DeGroote was Sheriff -- and we went through this. The house got hit. We did all kinds of stuff -- but did put guard rail in front. I know the house has never been hit again. In this case it may have deterred some folks from going off the road. So I think there is some precedent set for what Mr. Long is requesting."

In response to query from Mr. Savage, Mr. Long said his home telephone number is 422-6113 and his work phone is 424-1907 (which will probably be the easiest place to reach him).

RE: 1993 BUDGETS

Commissioner McClintock said that B. J. has gathered all of the budgets that have been submitted by the various Department Heads (not offholders, department heads). Last year they missed this step and want to make sure they don't miss it this year. She will have them in the office for all the Commissioners and anyone else who would like to review them. They will be available. Any changes to those budgets -- if it is an increase or a new position or whatever -- needs to be made before July 1st, when they will be submitted to Sam Humphrey. Other changes, deletions, changes in policy, etc., can be submitted during County Council's budget hearings. Ms. McClintock said she will not be at next week's meeting. If there is any discussion on any of the budgets, that will be put on the agenda for July 6th to allow for that discussion, if there is any.

RE: STATEMENT OF VALUES

Ms. McClintock said that last week she brought the Statement of Values for the Board's review and there was a question as to whether the Department Heads had indeed reviewed these and whether these included any improvements made over the past year. She checked and, yes, it does include those improvements. Specifically, she talked with Mark Tuley and he has approved them. Therefore, they are ready for the Commissioners' action.

Mr. Borries asked if the skating rink has been removed.

Ms. McClintock said it has. The skating rink is gone. She then entertained a motion.

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

RE: COUNTY ATTORNEY - GARY PRICE

Attorney Price submitted his written report and said there are no action items. There is one area of interest on Item #13 regarding the progress with our petition to vacate the alley located by the Coliseum. As the report states, we are waiting for one utility company to give us a response as to whether they would have any interest in that particular alley vacation. Once we get that, we will file a petition to vacate.

Commissioner McClintock said she knows that the Engineer's office is proceeding with theirs, as well.

American Wholesaler's Litigation: Attorney Price said he has one item Jeff Wilhite gave to him. This concerns the agreement to settle the American Wholesaler's litigation.

Ms. McClintock said this is the agreement for American Wholesaler's for the Green River Rd. project. It provides for payment of \$55,000 for damage to the property caused by the project, as well as returning all access to the property from Spring Valley Rd. after the project. We had also widened the mouth of the driveway entrance along Green River Rd. to allow for truck traffic. This was discussed previously in an Executive Session, the offer was made and has been accepted. She then entertained a motion to approve.

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

RE: COUNTY ENGINEER - DAVE SAVAGE

Change Orders/Union Township Access Project: Mr. Savage said the first Change Order deals with various items, some of which were discussed in previous meetings. The total is around \$16,900. These can be discussed if the Board has questions. It is about 6/10 percent change to the contract. The changes were all required and he recommends approval.

Commissioner McClintock entertained a motion.

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

Mr. Savage said the second Change Order on that project was required due to an increase in the length of the span. This, again, was discussed early on by the Commissioners. This is just a bookkeeping change at the end of the project. This amounts to approximately \$4,200 and he recommends approval.

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

Request to Close Old Henderson Rd.: Mr. Savage said he needs approval to close Old Henderson Rd. for thirty (30) days beginning a week from today for the tie in for the construction project. He recommends we do this -- beginning a week from today.

In response to query from Commissioner McClintock, Mr. Savage said this will be coming UP. A Detour Sign will be posted and the detour will follow Red Bank Rd.

Mr. Borries asked, "There isn't any way you can keep it open for part of the day?"

Mr. Savage responded negatively, saying they have to take out the roadway and build the 30 ft. high embankment. It was discussed and he thinks there was a price discussed early in the project to build it under construction and it was in the tens of thousands of dollars and it was decided not to go that route.

Mr. Hunter asked if it could be less than 30 days if the weather is good? Is 30 days the maximum?

Mr. Savage responded affirmatively, stating that although anything is possible.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries approval was given to close Old Henderson Rd. as requested. So ordered.

Remedial Work/Bridge on Red Bank Rd.: Mr. Savage said that one of the items he brought up last week was the remedial work to the bridge on Red Bank Rd. to handle traffic during the detour period. He obtained a price this afternoon of approximately \$1,600. He'll follow this up with a Change Order to the Union Township Access Project. However, he'd like verbal approval to proceed with that so they can do those repairs this week. The contract is with Blankenberger Bros.

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

Transfer of Funds for Part-Time Office Help: Mr. Savage said he talked to all three Commissioners concerning this matter. He failed to bring that up last week. The Commissioners indicated it would be okay to go ahead and file it, but he didn't get to follow it up to obtain formal approval. This is in the amount of

approximately \$2,400 for \$5.00 per hour clerical help to help keep the other people off the telephones while Valerie is gone.

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

Permission to Advertise for Specified Items & Specs for Trucks from St. Joe County: With regard to the specifications for the trucks from St. Joe County discussed last week, Mr. Savage said they were unable to locate those. They obtained another copy today and it will take at least another week to review those. He would like to go ahead and set a date for the pick-up truck, the belt loader and the chipper. He doesn't feel that will really affect the price of the trucks, so he'd like to proceed with those. He believes we could advertise June 26 and July 3, with bid opening July 13th -- but he understands the Commissioners are not going to meet July 13th because of the Solid Waste District Management Board meeting.

After consulting briefly with Commissioners Hunter and Borries, Commissioner McClintock stated there will be a regular Commission Meeting on July 13th, following the Solid Waste Meeting. However, the agenda will be as light as possible.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, permission was granted to advertise, as requested, with bid opening scheduled July 13th. So ordered.

Request to Advertise for Repairs to Equipment: Mr. Savage said we have two (2) Gradall units at the County Garage, one of which is down for major repairs. He estimates this will cost about \$30,000. The money is available and he needs permission to go on Council Call for an appropriation to spend the \$30,000. Legal Counsel has indicated these repairs need to be advertised. He has prepared specs and he would like to set bid opening date for that also.

Ms. McClintock asked when he is going on Council Call.

Mr. Savage said the next available time.

Ms. McClintock asked, "July?"

Auditor Humphrey said they can't go on Council Call until August. The request would have had to have been filed last week.

Mr. Savage said, "Well, it is not an appropriation -- the money is already there. We just need to ask permission from Council to spend it, as I understand it."

Auditor Humphrey said, "It hasn't been appropriated yet, has it?"

Mr. Savage responded, "My understanding is that..."

Ms. McClintock interrupted, "Okay, let's do this. You need to do that first. We can go ahead and advertise it and take the bids -- we just can't award it. When did you want to do that?"

Mr. Savage said the same dates -- June 26th and July 3rd and open the bids July 13th.

A motion was entertained.

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

Coliseum Parking Lot: Mr. Savage said it appears the money will be available for the Coliseum Parking Lot the week of July 20th. Therefore, we're ready to proceed with advertising for bids. He would request this be advertised July 2nd and July 9th, with bid

opening on July 20th.

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

Claims: The following claims were submitted by Mr. Savage for approval, with recommendation that same be approved:

American Timber Bridge & Culvert, Inc. re Bridge #55	\$101,642.14
Alt & Witzig Engineering, Inc. re Union Township Access Project	111.10
Chrysler Credit Corp. re Union Township Access Project	586.08

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

RE: GREEN RIVER ROAD IMPROVEMENT PROJECT

Mr. Savage said that he will be bringing a recommendation concerning the final proposal on what we are going to do with the elevation of Green River Rd. On part of that, United Consulting Engineers is asking for an increase to their Design Agreement -- because these changes are being made to the final plans. The plan was previously approved and they are now getting it back to the State and make the changes. The additional design work amounts to \$7,000 and we'll need to have an agreement executed to cover this. In the interim, he'd like approval to proceed with that. Given that the plans have previously been approved and we're going back and asking them to change them, he would recommend the Board do this.

Mr. Hunter asked if this is really a Drainage Board item we're talking about?

Mr. Savage said the Drainage Board approval is where he had planned to discuss the actual changes to the project. But if the Commissioners need to discuss those....."

Ms. McClintock interrupted, "But the Commissioners have to handle the increase in the design agreement."

Mr. Savage said that is correct -- these changes really go hand in hand and need to be addressed tonight.

Mr. Hunter asked if Mr. Savage wants to go ahead and discuss both at this time?

Ms. McClintock said the Commissioners need to go ahead and discuss the \$7,000 increase in the agreement for the design. The rest will be discussed in the Drainage Board meeting.

Mr. Savage said it is recommendation that we increase the agreement with United Consulting Engineers for the design in the amount of approximately \$7,000.

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

Ms. McClintock asked if Mr. Savage wants to go ahead and discuss the Green River Rd. drainage plan while he is here, then he won't have to stay for the Drainage Board meeting?

Mr. Savage said that will be fine with him. He then proceeded to say the question was should Green River Rd. be elevated out of the 100 year flood plain? United Consulting Engineers, at our request, ran some figures through and indicated it was going to cost about \$3 million. Because when they raised the road you had that cost, plus that cut down the floodway over the road where the water used to flow. So the bridge had to be lengthened. It made it just as cheap to go with a new bridge as to patch and lengthen the sides on the old bridge. We felt that was not a wise thing to do given the fact that the whole area floods anyway. In looking at it closer, we found that there is about a 1/4 mi. stretch in the vicinity of Hirsch Rd. and he has plans if the Commissioners would like to peruse same, where that if it was raised about 2-1/2 ft. at some level of flooding you could keep the loop of Green River Rd., Hirsch Rd., and Burkhardt Rd. open and that is basically what they have proposed. They will elevate that low section of Hirsch Rd. just a few hundred feet east of Green River Rd. about 2-1/2 ft. and we will elevate about 1/4 mi. stretch of Green River Rd. about 2-1/2 ft. higher than it was on the plans. He thinks the design cost, right-of-way cost, and construction cost will be measured in the tens of thousands as opposed to the millions we were talking about previously. And there will be some real benefit to people during some flooding conditions.

Commissioner Hunter said he thinks this is a good trade-off.

Mr. Savage said this is all he has. There was one other Drainage Board item, but that matter can be addressed later.

RE: BURDETTE PARK - TOM GOODMAN

Mr. Tom Goodman, Assistant Manager at Burdette Park was recognized and stated as follows.

"Good evening. I know this has been a long evening and a stressful one for you. This has probably not been one of the most enjoyable last three days for myself. Anyway, I'm sure you've all read the lead story in the Metro section of the Sunday newspaper. In my twelve years of public service, I view this as probably one of the most unprofessional, misinformed, one-sided pieces of journalism that I've ever read. I believe the urgency of this story being printed at that time without the information from both parties involved -- I just don't believe that it was necessary. Obviously, we were not contacted on our side for the views and Burdette Park has received a black eye from this story that we do not deserve. I think stories of this nature are more suited for the National Enquirer, not the local newspaper. I do have some reports for you to read. One of them is a report I have made of the incident, as instructed by Mark, who was out of town that weekend and had no idea of what went on. I also am going to give you a Sheriff's report and this does have a Case No. to it. I will also attach the Indiana State Board of Health regulation. Also, a letter from the local Health Department explaining the regulations, why it is enforced, and their opinion of why we should keep enforcing that regulation."

Ms. McClintock asked if Mr. Goodman will provide the Board with a synopsis of what happened.

Mr. Goodman said, "I will try to briefly go through some of what happened. Obviously, we have people who rove our pool deck -- because it is a State Board of Health regulation that there be no food or drink on the pool deck or in the area surrounding the pool. There are concession areas. There are two concession areas inside the pool where people can buy food and drink, but it has to be contained in the concession area. We have let Mothers enter the pool with baby bottles before and when we see the Mothers with

these on deck, we ask them to take the child to the concession area to feed the baby. We have no problems with that and we never have. And we have never, ever tried to stop a Mother from feeding a child. Anyway, Ms. Melloy, when she was first spotted on the pool deck by a lifeguard, was informed that she needed to take her child to the concession area to feed the baby, because it is a State Board of Health Regulation that you can't have food or drink on deck. She said it was a stupid rule and she was going to feed her child on the deck -- and that Kramer's and Weslake did not enforce that rule. That is when I told her that Kramer's and Weslake were not swimming pools. Swimming pools have to abide by the regulations. We just don't make these rules up; it is not a rule made by Burdette Park -- and she was violating a State Board of health regulation. She then stated she was not told she could not have the bottle and there were no signs stating such. That is when I informed her that there were three (3) signs she had to pass to enter the pool and she told me she didn't come in the way that I had said where the signs were. I said, 'Ma'am, that is the only entrance to the pool; you had to pass those signs.' So it went from there. But there were five different people who explained the State code to her, which she refused to abide by. And there were four (4) different occasions where we had spotted her on deck after she had told us she was going to leave. She continued to act like she was leaving, but she went back to the back pool deck and fed her child -- and four different people instructed her that she could not do that. There was some very abusive, offensive, and vulgar language directed towards our staff. We'd like to commend our staff, because they acted in a very professional manner. They were not abusive, but just stated the law. Also, it got to a point where we couldn't continue to have somebody blatantly violate the State Board of Health regulation and not do anything about it. Obviously, we have inspectors for the Health Department who will cite us if we let people violate these laws; they are there for a reason. So the Deputy was informed that we needed help with the situation. He went back with the Pool Manager and again she used very foul, offensive language in the area of the baby pool where several small children were. A lot of people in the area didn't appreciate the language that was being used -- but there wasn't much we could do about that. But that was one of the points where she had asked the Deputy, 'What would you do if I breast fed my baby?' He said, "Well, there is nothing we can do. If you want to breast feed your child you have the right to do that. But I would ask you to move to a less crowded area and to cover yourself as well as possible." That is when she stated that if she wanted to she would just pull her top down and feed the child. He said, 'I would not do that if I were you, because then I would have to take action.' That is all in his report. Another thing I wanted to go into -- Mark Tuley had just walked in from Louisville, KY to his house and the reporter contacted him at 4:10 p.m. Obviously, he was caught off guard and all he could do was to tell her he had no information as to what went on and could not comment on any of the specifics she was getting into. He instructed her to call me at the pool, because my truck was there and I was still there. She stated that she had called the office and the office was closed and I couldn't be contacted. He told her she called the wrong number and he gave her the pool number. I was at the pool until 5:20 p.m. and I had stressed to my cashiers who answer the phone that I was expecting a call from The Courier and if it came through, I wanted to talk with them. When I left at 5:20 p.m., I had received no messages whatsoever. Basically that is a small version of what went on and you have the formal report in front of you."

Commissioner McClintock commented, "As I told Mark (Tuley) yesterday on the phone, I think it was a very unfortunate incident for a lot of part time staff at the pool that had no reason -- certainly you included, had no reason to put up with that kind of abuse. I know it is difficult for you all not to get upset or concerned when you read that kind of stuff in the newspaper and you

have people screaming at you. But please be assured (and I told Mark to please assure the Staff -- and I'm sure Rick and Don will chime in here) that I have never had a complaint in my years as a Commissioner about any employee at Burdette Park and would not have any reason to believe that this was just the beginning of some new horrible trend. And I'm sure everybody acted properly. We need to make sure that that park remains a place for families -- and I think that is reflected in the action taken."

Mr. Goodman said, "We strive real hard to make this a family park for people to come out and enjoy. The whole situation was avoidable had she just gone to the concession area. And I have been up there for over four years now and I have probably asked over a thousand people to take their food, baby bottles, whatever to the concession area. Or, if they wanted us to keep their baby bottles, we kept them in the office or the guard room. I have never had a problem or a refusal to do so. And I am constantly roving the decks looking for that myself -- and never had a problem."

Ms. McClintock said, "Well, I think we've got a bigger problem if we have to have a whole staff key in on one person."

Mr. Goodman said, "Right. But I wanted to stress that it was not one person after this woman to throw her out -- because that was not the case. We gave her four opportunities to abide by the law which, for some reason, she just thought was a stupid rule. We've gotten several calls. Mark has been on the phone all day long stating our point of view, because we have several mad parents that believe the story in the paper. And that's a shame, because a lot of people stated they would not come back. I hope that they would check out both sides before they make that decision -- because it is a nice place to go."

Ms. McClintock asked Attorney Price, "Counsel, do you think maybe we have a lawsuit for lost revenue against The Courier?"

Commissioner Borries commented, "Well, I want to commend you, too. I think sometimes in a situation like this, in my knowledge of all you've done, it has always been very direct in abiding by the law. I think it is very unfortunate for those young people who have such big responsibilities out there to be subjected to that kind of thing. I don't want to make light of this situation by the joke earlier -- because I know you are upset by it and I am sorry for it. I don't think in all honesty that it was fair, certainly after I've heard your side and it just seems to me that, hopefully, we will get a little more accurate report in some way of what really did occur."

Mr. Goodman stated, "And I would be happy to give any reporters a copy of our side of the story. As Paul Harvey would say, 'Now here is the rest of the story!'"

Mr. Borries said, "I think the bottom line is that you were following the law. It may be unpopular for some people, but when you're dealing with thousands of people every year out at that pool and the health hazards there..."

Mr. Goodman said, "That is why I want to commend the staff. They did an excellent job. They know the State regulations and they enforce them -- and I think that is good."

Commissioner McClintock said, "They are to be commended."

Commissioner Borries said, "Give the light and the people will find their own way -- somebody wrote that."

Use of Robot at Day Camp: Commissioner McClintock said that when Mark Tuley was here last week he was talking about using a robot at the Day Camp. She has a letter from our insurance carrier indicating to us that this is covered under our normal insurance fund. It would not cost any additional money and it would be no problem as long as they have the serial numbers, the location and description of the unit. She then entertained a motion to approve the usage of the robot at the Day Camp.

Mr. Borries asked where the robot is? He was going to bring it.

Attorney Price said it is in his garage, but it is available for viewing.

Mr. Goodman said, "The amazing thing I saw this morning was that there was an opinion in the Editor's part of the Evansville Courier about newspaper standards. I think we deserve our time. It says here that words are so often turned to such shabby and trivial ends that it sometimes is worth celebrating those with substance and a pedigree. Well, this story was not one of those."

Ms. McClintock again entertained a motion to approve the use of the robot at the Day Camp.

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

RE: CONSENT AGENDA

The meeting continued with Commissioner McClintock entertaining questions concerning the Consent Agenda. There being none, a motion to approve was entertained.

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

RE: OLD BUSINESS

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

RE: NEW BUSINESS

Executive Session: President McClintock stated that County Treasurer Pat Tuley would like for the Board to schedule an Executive Session for either July 6th or July 13th for purposes of discussing the Cash Management System. All three Commissioners need to be present, as well as himself. He also wants to include Bob Steele and Jane Berry-Bland. She thinks it is perfectly legal to do this. Is July 6th okay with everyone?

Mr. Borries asked, "What time?"

Ms. McClintock asked if 4:00 p.m. is okay? There was no response and she asked Attorney Price to check the legality of this. She then said, "Let us, pending approval from the Attorney, set an Executive Session for 4:00 p.m. on July 6th. She asked that Attorney Price check this first thing in the morning and, if not okay, to let Joanne Matthews know. She then entertained a motion to this effect.

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

Press Conference/Ohio Street Bridge: Commissioner Hunter said he had a Press Conference this afternoon, and he then distributed copies to the other Commissioners, asking them to look over what he talked about and the matter can be discussed next week.

President McClintock said she will not be here next week. Can the Board talk about it on July 6th?

Mr. Hunter said, "If you like, we can talk about it right after the Executive Session we may have -- if it is legal."


Ms. McClintock requested that this be placed on the agenda for July 6th Commission meeting. She then entertained further matters of New Business to come before the Board. There being none, the meeting was recessed at 8:40 p.m., with an announcement that the Drainage Board will convene immediately.

PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
Richard J. Borries, Member
Sam Humphrey, County Auditor
Gary Price, County Attorney
Dave Savage, Acting County Engineer
Lou Wittmer, Supt. County Bldgs.
B. J. Farrell, Commission Office
Rose Parks
Tom Goodman, Asst. Manager/Burdette Park
William Long
Jack Waldroup/United Consulting Engineers
Taylor Payne/Candidate
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews

Carolyn McClintock, President



Don Hunter, Vice President



Richard J. Borries, Member

MINUTES
COUNTY COMMISSIONERS MEETING
JUNE 29, 1992

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Update on Landscaping, Artwork for Brochure Containing Technical Data; Development of Same type of Marketing Package for the Gold Room; Approval of Claim in Amount of \$4,345; Installation of Phone Line For Ticket Master; Push to be made for marketing use during the daytime hours, etc.; Ticket Master Agreement, Rate Schedule, etc.	
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Deed for Parcel #17 on Green River Rd. Supplemental Agreement/United Consulting Engineers/ Green River Rd. Section "B";Project ME-340(3) (\$950.00) Approval of Additional Engineering Fee/Railing/\$8,400 /United Consulting Engineering Title Sheet/First Bridge on Lynch Rd. over Pigeon Creek United Consulting Engineers/Approval of Additional Engineering Fee of \$8,400 re Bridge #1C (Delaware-Columbia over Pigeon Creek	
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Meeting Adjourned @ 6:21 p.m.	8

MINUTES
VANDERBURGH COUNTY COMMISSION
JUNE 29, 1992

The Vanderburgh County Commissioners met in session on June 29, 1992, at 5:30 p.m. in the Commissioners Hearing Room with Vice-President Don Hunter presiding.

The meeting was called to order and Commissioner Hunter asked the meeting participants to stand for the Pledge of Allegiance

Commissioner Hunter: "Is there any group or individual that wishes to address the Commission that does not find themselves on the agenda?"

There being no response Commissioner Hunter moved on the first thing on the agenda.

RE: ACTION ITEMS

A. UNISYS SUPPLEMENTAL CONTRACTS

Commissioner Hunter: "This is for Unisys Supplemental contracts for signatures and I have those and this is from Angermeier. This is for what? Center, Pigeon and Knight township? And this is for the work stations that these folks need in their offices. Right?"

There being no comments or questions Commissioner Hunter called for a motion.

Motion made by Commissioner Borries and seconded by Commissioner Hunter to sign these contracts. So ordered.

B. REAPPOINTMENT OF DON L HUNTER TO EARC BOARD

Commissioner Hunter: "The second item is my reappointment to the Evansville Association of Retarded Citizens Board. Apparently that is a one year appointment. I have served one year and my reappointment is up and unless Rick, you have any problem with that I would like to serve on that for another year."

Commissioner Borries: "Sure. I move that it be approved."

Commissioner Hunter: "Ok, thank-you. So ordered."

C. ANDY DAVIDSON & DANNY SPINDLER-AUDITORIUM

Andy Davidson: "First of all I would just like to update you a little bit on what has been done at the Auditorium. If you have been by there recently you will notice on the east side of the Auditorium the ten planting areas have now been planted with flowers and also we have some nice planters out in front on Locust Street. We have received numerous calls from people parking through the Freedom Festival events about how nice the landscaping has looked. We also have a few other things besides what we mentioned on there to discuss with you."

Danny Spindler: "The things that we are bring before the Commission this evening, I think are at least the ground work or the preliminary frame work of putting the wheels in motion to be able to do that. We have developed complete new art work for the facility. We have color layouts here in front of you. This is only a partial sample of what the finished product will actually look like. What we intend to do when this is finished with this is that we will be able to have combinations of mailers to individuals more on the local as well as the regional type of groups as well as the larger name types of acts around the country. We will be able to send them a finished product in a brochure with inserts on all the

technical data. Everything that anyone would need to know about the Vanderburgh County Auditorium. The same type of package is being developed for the Gold Room site of the facility as well as even to the point of starting to promote the use of the meeting rooms. I have as part of the overall budget process of what was approved for this year, if you know the county had approved a total advertising and marketing budget of 18,000.00 dollars and this is our first step toward that direction. What we are doing with this logo and this logo will be carried through-clear down to the catering when we get into the catering part on the inside and really look at Gold Room catering as opposed to other types of catering coming into the facility, even the blazers or the jackets will have that type of logo on it. We will carry the theme all the way through also, even into the new small sign that is on the opposite corner. We will continue to bring you the rest of the marketing pieces as they develop. As part of that 18,000.00 dollars and part of our contract we have to have approval from the Commission to pay anything out of our operating fund on behalf of the county. I believe it is over 2,500.00 dollars. We have a bill to submit to you for approval on this part of the payment towards the art work and the marketing plan that is being developed."

Commissioner Borries: "I move that the claim be allowed. What is the total here? Four thousand three hundred and forty-five dollars?"

Danny Spindler: "That is correct. And that would be paid out of our operating fund on behalf of the Auditorium. The reason that we are asking for your approval is that contract is that the contract says that we can't make any expenditure over 2,500.00 dollars without making you aware of it. We anticipate having a marketing package totally complete by the end of August. And I think that the new look that the exterior of the property is starting to take with the landscaping and so forth is all starting to set the tone in that direction."

Motion made to approve payment of the claim by Commissioner Borries with a second by Commissioner Hunter. So ordered.

Danny Spindler: "The next item on that is more of a housekeeping matter than anything. Our contract also says with the county that we have to notify the County Commissioners of any contracts that we have entered into. I don't think that it is a surprise to anyone, it has been part of the original proposal from the beginning that Givens & Spindler Management Company is in conjunction with Aiken Management Company as far as our marketing as far as our catering and that type of thing and the overall management of the facility. The county's contract is specifically with Givens & Spindler and I am here this evening just to notify the County Commission that we have entered into a contract to work jointly with Aiken Management in this facility. Just to make you aware of it. The next item that I have is that we have a blue claim that we would like to present and the County Commission approved the County Council appropriated additional funds towards the 18,000.00 dollars of marketing as well as towards the ticket master person to be hired as well as some other incidentals in the overall operations. None of that 72,000.00 dollars has been drawn down and we are presenting the blue claim for the 32,420.00 dollars of which would be everything other than the management fees and those are for expenses that, according to the contract, we will need to pay out of our operating fund on behalf of the county. so we have not drawn any of that money down. We are asking for approval for the blue claim on that."

Commissioner Borries: "I move that the claim be allowed."

Commissioner Hunter: "Second. So ordered."

Andy Davidson: "If you will notice on our letterhead and our business cards that currently there are three lines at the

Auditorium. One of the phone lines is for the Ticket Master location. There are then two phone lines that come into the office itself. One of those phone lines is basically a dedicated phone line that services the elevator and the alarm systems. So that line has to be left open 24 hours a day. We have requested a additional line to be brought in for a fax line to enable us to not leave the office to walk across the street to receive fax plus a lot of the people that are there would like to go ahead and fax something back and forth and expedite contracts. It would just be a lot easier for us to be able to bring that phone line in there. With talking with Lou Wittmer and Indiana Bell we are looking at a one time installation charge of 59.00 dollars for that phone line and the additional monthly charge is 58.03 per month. The reason that we are bringing this up now is with the printing of the letterhead we would like to be able to get that phone line so that we can put that number on there so that when we are doing our mailing that people will be able to fax contracts back to us and any questions that have."

(inaudible)

Motion made to approve the request by Commissioner Borries, pending that there is enough money in the budget for phone lines and seconded by Commissioner Hunter.

Andy Davidson: "The second item is delivering the inventory that has been completed at the Auditorium per our contract to be attached to our contract. While you notice that this inventory has been a very thorough inventory and I apologize for the delay in getting that. It is something that through county...through doing the inventory I came up with an excess of 365 items that did not currently have inventory tags on them. Ranging anywhere from quite a few tables, chairs some of the major equipment. Looking back through last year's budget and the year before there were no major purchases for chairs or tables. It was just a matter of not either tagging or the tag coming off or something. So this has been a very thorough inventory and not only did the sticker go on there was also a red dot on there so we know that it was counted and then if we do it again next year it will be very easy to track."

Commissioner Hunter: "Any surprises?"

Andy Davidson: "One of the main surprises was there were 259 4x12 tables-none of those were inventoried. There were just certain things that there were a lot of major items that were just skipped. But besides that a lot of the things the tags had just come off due to wear and tear. The inventory that we were given that was in the Auditorium for 1991, has about 25 pages. I am not sure that there was ever a thorough inventory."

(inaudible)

Commissioner Hunter: "Did you have a rate sheet of some kind?"

Danny Spindler: "What we need to continue our marketing package and developing our items to go in to the overall brochure and marketing package, in order for it to be complete is a rate sheet that needs to be approved by the County Commission. The rate sheet that we are submitting would carry forward obviously into the balance of the term of 1992 and then hopefully we are really looking at this going into 1993. I can't tell you that every single item has increased in terms of rental but what I can tell you is that for the most part we are looking at about a 5%-7% increases on some items. The other thing that is probably the most different of this rate sheet from what the county previously had been doing is that, in the Gold Room side. If a user wanted to rent the Gold Room they were paying a fee to rent the room and turning around and paying for coat check, turning around paying for the parking lot if they wanted it to be totally used for that particular event and then turning around and having to go out and hire a caterer, of which then the county was

asking for 20% of the money off the catering to be used for the room. When we looked at what the marketplace is out there people especially if it is a large catered event, aren't paying room rents. But what they are paying is a 15% gratuity. If you went outside of the Vanderburgh County Auditorium to other types of facilities on your food and beverage you would be paying a 15% gratuity. So on the Gold Room portion of the rate schedule what we are showing is a little bit of a change from the approach in the past. It shows for a breakfast, lunch and dinner if your food and beverage charges are large enough then the room rental would be included. In other words, it would be free. It is all the way that you look at it I guess, because you would still charge the 15% gratuity on the food and the beverage of which that 15% would come back to Vanderburgh County. So it is just trying to be competitive in the market place."

Commissioner Hunter: "Now how is this compared to what we are doing now?"

Danny Spindler: "We have a copy of the existing rate sheets if you would like to take a look at..."

Commissioner Hunter: "I have no idea what..."

Danny Spindler: "The other approach on this rate sheet that is a little different from what the current rate sheet actually is, is that this rate sheet is showing a minimum and a optimum charges on the uses of the Auditorium as well as the Gold Room side. And what we are saying is if you approve the rate sheet then we would have the flexibility to be able to negotiate the rate within that minimum to optimum range without simply losing potential users out there. If a Broadway series is looking to come in and they are moving through and they have a cancellation on another date and we are able to pick them up for even a one time performance here the problem that we have with a fixed rate sheet with no flexibility is that by the time-if they wanted to negotiate the rate the time that we are able to come before the County Commissioners to get it approved we may end up losing that night. Now our incentive and your protection from the county's standpoint is that, the contract as far as our management fee is based upon a percentage of those rentals. So obviously when someone calls and inquires as to the rental to the facility you can image what the rate will be that is quoted. It will simply be that optimum rate. That is where we will start from and we have to negotiate downwards from there then we would have that flexibility. It is just that if it comes down to having to negotiate especially with some of the promoters in bringing shows and events in here we will at least have some flexibility to do that. So those are the major changes as far as the approach that we are looking at taking as opposed to what you have been doing in the past. Under the some of the other items since you have approved the fax machine we have included being able to look at fax charges and again, that is not uncommon for promoters using the facility needing to fax items out or receiving them as another revenue source to help defray some of that cost of that fax machine. That is fairly standard in this type of facility throughout the country. The other thing is that we are looking at more of an approach to take a look at more of a push for day time use. Push for more breakfast and lunch time uses. The Downtown Civitan or the Optimist Club, those types of things. There is certainly no reason why could not be meeting at that facility during the day time. That is just dead time for the facility."

(inaudible)

Commissioner Borries: "I would like to have a week to look over this."

Commissioner Hunter: "I am not real comfortable with this because this is the first time that I have seen it and I would like to sit down and have a little time to compare what we have done. I think

that what you are saying sounds good. You are asking us for a 550.00 dollar range-if I am reading this right-on the Gold Room for a full day?"

Andy Davidson: "That is strictly without catering. That would be like an exhibition hall."

Commissioner Hunter: "Have you ran this by the Auditorium Board?"

Andy Davidson: "We ran the preliminary past the Advisory Board, yes."

Commissioner Hunter: "And have you got any feedback from them yet?"

Andy Davidson: "Not specifically on the rates."

(inaudible)

Andy Davidson: "The other thing that this quite frankly does, is that every time that there is anyone that wants to negotiate even one dollar we don't have to continue to come back and take your time up for someone that may want 50.00 dollars off of a rate. And yet you know by contract that we have to stay within the range and that we have a real incentive to charge as much as we possibly can."

Commissioner Hunter: "What I am going to suggest is that we put this aside until next week and if you would be sure that the Advisory Board have copies of this and then this will give us a week to get some input so that if we all feel comfortable with this next week we can go ahead and pass it. I think that you logic on this is excellent. Rick, do you have anything on this you would like to add?"

Commissioner Borries: "I am prepared to support it. I think that it makes sense because what it does is address a situation that has long been a bugaboo over there anyway. Again, the fixed rates have not been the rates that in all actuality were charged anyway. Again, it allows you on a day-to-day basis to run the Auditorium here without a phone call every time someone calls and wants to know what the rate is."

Danny Spindler: "We had submitted a Ticket Master Agreement to Gary Price who has reviewed and sent his comments back to me on that. What I have now is a Ticket Outlet Agreement for Ticket Master that I would also like to have the county attorneys review. And assuming that they review that and the language is acceptable then we will be coming back to the County Commission asking for formal approval to allow us to enter into the Ticket Master location. Two other quick items. What we have done in the sense that we really have not been able to look at least this year in developing a true kitchen facility to be able to prepare food and beverage out of. With the facility is that we are working with Kokies and Reis Catering. What we are doing instead of just looking at their standard menus and their standard recipes we've developed a complete menu listing-a complete recipe listing so that as we start to sell the actual Gold Room catering over there that we have quality control at least through those two caterers. So that there is some consistency and quality in the food and still allows us the ability to be able to go ahead and to market. If someone comes in we can show them the menu items just like if they went to any other facility. The other is, that we are laying out some preliminary drawings right now, as far as looking at the box office with some minor renovations to that. It will need to be made for the Ticket Master location as well as looking to open up a actual lobby concession area. The lobby concessions stand that we are looking to be able to open up would not only be a great assistance to the Philharmonic it is something that at least in our meet with them that they would welcome. It also brings that facility more into this century as far as being able to be accommodating to users as well as an additional

revenue source for the county. That is it."

RE: DEPARTMENT HEADS

A. JEFF WILHITE-COUNTY ATTORNEY

Jeff Wilhite: "I don't have any action items."

B. DAVE SAVAGE-PUBLIC WORKS

Gary Kercher: "Four things. The first thing that I need; Lynch Road Extension. We have parcel number 17 that we are purchasing. We have gotten all the paper work in that we have needed to and the right-of-way has been signed by the property owners. So we need the County Commissioners to accept the deed in as far as the parcel goes. We need acceptance of the deed for parcel number 17 on Green River Road Extension Section A."

Commissioner Borries: "I move that the deed be approved."

Commissioner Hunter: "Second. So ordered."

Gary Kercher: "I need a blue claim. If I could get you to sign the blue claim then we can get this cleared up. The next items that I have are for Green River Road. We have a supplement we had the change in the design on Section B. We are raising the profile grade up to different elevation and so we have a supplement number 4 to the design portion of that contract with United Consulting Engineers. That is for 6,950.00 dollars to change the plans and reflect the change of the grade that was requested by the Drainage Board. That is for the design. We had to supplement number 1 for the right-of-ways. Since we raised the road we had to take more right-of-way on the outside and that was 950.00 dollars additional. I have got two original copies if I could get you sign each one. We can get those taken care of. The third is, with United Consulting also, with Columbia Delaware Street Bridge. We had the bridge designed and the state came back with a new requirement on the barrier railing. The original railing that we had on there they came back and wanted what they call a Texas rail on there. It has a little bit more steel in it. We are having that changed and the change on plans for those is quoted from United is 8,400.00 dollars. We haven't used that railing. The reason why we are doing it with this one is because it is a special, decorative rail, rather than a barrier wall. So that is why the change in that. We have got sidewalks on both sides so I have got the places marked so if I can get all the signatures on those. And the last thing that I have got-we need the title sheet for the Crawford Brandies Bridge on Lynch Road."

Commissioner Hunter: "Rick, these are new agreements. We probably need to make a motion on these."

Commissioner Borries: "I so move."

Commissioner Hunter: "Second. So ordered."

Gary Kercher: "The first bridge on Lynch Road that the one over Pigeon Creek the other one. We can get the title sheet signed and I think that is our blessing and the state knows that everything is copacetic with us. (inaudible)"

Commissioner Hunter: "And this is the one the you indicated that Carolyn had already signed?"

Gary Kercher: "Right."

Commissioner Hunter: "So all you need us to do is sign this so you can do ..(inaudible)"

Gary Kercher: "That is all that I have."

RE: CONSENT ITEMS

Motion to approve the following items on the consent agenda by Commissioner Borries and seconded by Commissioner Hunter. So ordered.

A. TRAVEL/EDUCATION REQUESTS

HEALTH DEPARTMENT 6-29-92 7-7-92 7-9-92	Barbara Roe & Gail Robb Dwayne Caldwell Bret Townsend	Indiana State Dept of Health Vincennes Univer New Harmony, In	per diem per diem
COUNTY ASSESSOR 7-21-92 7-9-92	Evelyn Lannert Latosha Pitt James Angermeier Evelyn Lannert Dorothy Joest Ramona Ireland	Vincennes Univer Vincennes Univer Lafayette, In Lafayette, In Lafayette, In Lafayette, In	mileage mileage mileage per diem, parking
COUNTY COMMISSION 7-9-92	Don Hunter	New Harmony, In	

B. STEERING COMMITTEE LETTER

Commissioner Hunter: "They are going to use Burdette Park for a county employee picnic and they would like to have access to all facilities which they can not because some of those facilities out there are under contract. I think that the baseball and the miniature golf is. But the other facilities they would like to be able for the county employees use free on August 22, 1992."

Commissioner Borries: "Is that a Sunday? Saturday. I so move."

Commissioner Hunter: "Second. So ordered."

C. HARRIS HOWERTON

Commissioner Hunter: "Harris Howerton has a new vehicle it is a fifteen passenger van, 1992. And he is requesting that we add this to the county's insurance program so I am going to ask BJ to have Norris Robinson take care of that."

D. EMPLOYMENT CHANGES

CENTER TOWNSHIP ASSESSOR	APPOINTMENT 6-29-92	Rebecca Galey Chief Deputy	22,696.00
CENTER TOWNSHIP ASSESSOR	RELEASE 6-29-92	Rebecca Galey First Deputy	17,928.00
COUNTY COUNCIL	RELEASE 6-17-92	William Taylor Councilman	11,525.00
CIRCUIT COURT	APPOINTMENT 6-29-92	Michael Dietsch Corrections Officer	17,699.00
CIRCUIT COURT	RELEASE 6-26-92	Ken Ellspermann Corrections Officer	18,059.00

E. SCHEDULED MEETINGS

See attachment

Commissioner Hunter: "Wednesday the first we have a County Council meeting at 3:30 and then of course next Monday, July 6 would be the County Commissioners meeting in here at 5:30."

F. COUNTY TREASURER'S REPORT

See attachment-County Treasurer's report for May 1992.

G. APPROVAL OF MINUTES

The minutes of June 22, 1994 were submitted for approval.

RE: OLD BUSINESS

No old business.

RE: NEW BUSINESS

Commissioner Hunter: "We have two items of new business.
This is Scott Davis' letter.

'Dear Carolyn:

The purpose of this letter is to serve as my official 'Two Weeks Notice' of resignation of my position with the Vanderburgh County Public Works Department, effective today, with my last working day being July 10, 1992. Also, I have five vacation days and ten sick days remaining. Thank you.

Respectfully,

Scott A Davis

Highway Services Manager'

The second letter that I have which is also a resignation, this is from Lou Wittmer.

'Dear Don:

To pursue other business interests I am tendering my resignation as Superintendent of Buildings effective at the close of business on July 17. My year in government has been a very unique experience. I thank the Commissioners for the opportunity to serve.

Best Regards,

Lou Wittmer'

So we have those two and I am going to suggest that...I think that we ought to advertise now we can't do anything, Lou has two weeks after the 17th. Which means that we really can't replace him until about August 1, 1992. What I am going to suggest is that we put some kind of ad in Sunday's paper. I don't think that there is anything illegal in doing that."

(inaudible)

Commissioner Hunter: "Is there any more new business? Rick do you have anything?"

There being no further business the meeting was adjourned at 6:21 p.m.

President Carolyn McClintock

Vice-President Don Hunter

Member Richard Borries



BOARD of
COMMISSIONERS
of the County of Vanderburgh

CAROLYN McCLINTOCK

DON L. HUNTER

RICHARD J. "RICK" BORRIE

AGENDA

VANDERBURGH COUNTY COMMISSIONERS

JUNE 29, 1992

5:30 P.M.

FINAL

- ✓ 1. CALL TO ORDER - 5:30 pm
2. INTRODUCTION - *Shipp*
- ✓ 3. PLEDGE OF ALLEGIANCE
4. ANY GROUP/INDIVIDUAL WISHING TO ADDRESS THE COMMISSION
5. ACTION ITEMS
 - ✓ a. Unisys Supplemental Contracts for signatures *RB/DJS*
 - ✓ b. Reappointment of Don L. Hunter to E.A.R.C. Board *RB/DJS*
 - ✓ c. Andy Davidson/Danny Spindler---Vanderburgh County Auditorium
6. DEPARTMENT HEADS
 - ✓ County Attorney --- Jeff Wilhite
 - ✓ Public Works ----- Dave Savage - *Gary Karcher*
7. CONSENT ITEMS
 - a. Travel/Education Request
 - Health Department (4)
 - County Assessor (6)

County Commissioner (1)

- b. Steering Committee Letter
re: Using Burdette Park for County Employee Picnic
on August 22, 1992 with access to all facilities
free of charge.
- c. Harris Howerton
re: Letter received requesting insurance for new work
release vehicle
- c. Employment Changes

Center Township Assessor/Appointment

Rebecca Galey/Chief Deputy.....22,696.00/YR
6/29/92

Center Township Assessor/Release

Rebecca Galey/First Deputy (Comet IV).....17,928.00/YR
6/29/92

Vanderburgh County Council/Release

William P. Taylor/Councilman.....11,525.00/YR
6/17/92 (Per Joe Harrison, Jr. County Attorney)

Circuit Court/Appointment

Michael Dietsch/Corrections Officer.....17,699.00/YR
6/29/92

Circuit Court/Release

Ken Ellspermann/Corrections Officer.....18,059.00/YR
6/26/92

e. Scheduled Meetings

WED July 1	County Council	RM 301	3:30 PM
MON July 6	County Commissioners	RM 307	5:30 PM

8. OLD BUSINESS — *L. W. T. M. Job Desc.*

9. NEW BUSINESS — *Raeis. Scot Davis.*
" " Lou W. T. M.

10. MEETING RECESSED *6:21 PM.*



BOARD of
COMMISSIONERS
of the County of Vanderburgh

CAROLYN McCLINTOCK

DON L. HUNTER

RICHARD J. "RICK" BORRIES

HOLIDAY SCHEDULE FOR 1993

The following holidays will be observed by the County Offices for 1993

New Years Day.....Friday January 1
Martin Luther King, Jr Birthday.....Monday, January 18
President Lincoln's Birthday.....Friday, February 12
President's Day.....Monday, February 15
Good Friday.....Friday, April 9
Memorial Day.....Monday, May 31
Independence Day.....Monday, July 5
Labor Day.....Monday, September 6
Veteran's Day.....Friday, November 12
(will be observed)
Thanksgiving.....Thursday, November 25
(In lieu of Columbus Day).....Friday, November 26
Christmas Eve.....Friday, December 24
(In lieu of Primary Election)
Christmas Day.....Monday, December 27
(will be observed)
New Years Eve.....Friday, December 31
(In lieu of General Election)

Note: New Years Day will be observed on Monday, January 3, 1994 and will be included in the Holidays for 1994.

APPROVED BY:

Board of Vanderburgh County Commissioners

Carolyn S. McClintock
Carolyn S. McClintock, President

Don L. Hunter
Don L. Hunter, Vice President

Richard J. Borries
Richard J. "Rick" Borries, Member

6/27/92

Board of Commissioners

of the
County of Vanderburgh
305 ADMINISTRATION BUILDING
CMC CENTER COMPLEX
EVANSVILLE, INDIANA 47708



CAROLYN MCCLINTOCK
DON L. HUNTER
RICHARD J. "RICK" BORRIES



TEL. (812) 426-5241

AGENDA REQUEST

NAME OF REQUESTOR:

Andy Davidson / Danny S. Green & Steyerle Management Company

REQUESTOR TITLE:

Commercial Property Manager

DEPARTMENT:

Vanderburgh County Auditorium

REQUEST(S) BEING MADE:

1. additional phone line
2. Bill approval
3. Rate Sheet
4. Inventory

DATE TO BE PLACED ON AGENDA:

ACTION _____ CONSENT _____ OTHER _____

Aiken Management

Agg'd.
b7 6/29/92

Post Office Box 2417 • Evansville, Indiana 47728 • 502-831-2982 • Fax 502-831-2977

INVOICE

Vanderburgh Auditorium and Convention Center
715 Locust St.
Evansville, Indiana 47708

PROGRESS BILLING

MARKETING KIT: AUDITORIUM

CONCEPT DEVELOPMENT, RESEARCH, COPYWRITING AND REVISIONS,
LOGO REVISIONS, PRELIMINARY MULTIPLE DESIGNS AND FOLLOWING
REVISIONS, LAYOUT AND INITIAL REVISIONS, COLOR MATCHING,
STOCK OPTION DEVELOPMENT, PASTE UP AND KEYLINE, TYPOGRAPHY,
PRINTS, ASSEMBLY OF PRESENTATION BOARDS:

- 1-9X12' KIT FOLDER (4 COLOR)
- 7- STAGGERED ONE (1) SHEETS (4 COLOR)
- 1- PRESS RELEASE SHELL
- 1- LETTER HEAD AND SECOND SHEET
- 2- ENVELOPE DESIGNS
- 3- BUSINESS CARDS

FOR WORK THROUGH 6/23/92

\$2,360

MARKETING KIT: THE GOLD ROOM

CONCEPT DEVELOPMENT, RESEARCH, COPYWRITING AND REVISIONS,
LOGO REVISIONS WITH DEVICE ALTERATION, MULTIPLE DESIGNS FOR
INSERT SHEETS INCLUDING MULTIPLE COMPREHENSIVE LAYOUTS, ART
DIRECTION, TYPOGRAPHY, COLOR MATCHING, PASTE UP AND KEYLINE,
PRINTS AND STATS, PREPERATION OF PRESENTATION BOARDS.

- 6-STAGGERED INSERT SHEETS
- 1-MENU FOLDER/CONTAINER

FOR WORK THROUGH 6/23/92

\$1,985

AGGREGATE DUE

\$4,345

RATE STRUCTURE FOR VANDERBURGH AUDITORIUM

<u>GOLD ROOM RENTAL</u>		<u>8 - 5 P.M.</u>	<u>6 - 12 Midnit</u>
Holds 700 people sit down dinner. 1,000 chairs.	MON - THURS	\$367.00	\$472.00
	FRI & SAT	682.00	735.00
	SUNDAY	525.00	630.00
	HOLIDAY	787.00	892.00
<u>AUDITORIUM</u>	MON - THURS	577.00	787.00
2,001 seats.	FRI & SAT	735.00	1,155.00
	SUNDAY	682.00	1,050.00
	HOLIDAYS	1,417.00	1,575.00
<u>MEZZANINE OR WALNUT LOBBY</u>	MON - THURS	157.00	236.00
<u>& GREEN ROOM</u>	FRI, SAT, SUN	210.00	262.00
	HOLIDAYS	315.00	367.00
<u>MEETING ROOMS</u> (Capacity 50)	MON - FRI	78.00	131.00
	SAT & SUN	131.00	157.00
	HOLIDAYS	210.00	262.00
(Capacity 100)	MON - FRI	105.00	157.00
	SAT & SUN	157.00	187.00
	HOLIDAYS	210.00	288.00
<u>AUDITORIUM STAGE RENTAL ONLY</u>	MON - THURS	262.00	367.00
(Capacity 150) <u>FOR MEETINGS</u>	FRI & SAT	420.00	525.00
	SUNDAY	367.00	472.00
	HOLIDAYS	630.00	735.00
<u>AUDITORIUM STAGE RENTAL ONLY</u>	MON - THURS	315.00	420.00
(Capacity 150) <u>FOR DINNERS</u>	FRI & SAT	472.00	577.00
	SUNDAY	420.00	525.00
	HOLIDAYS	682.00	787.00

STAGE RENTAL FOR REHEARSALS is \$73.00 per hour with maximum of \$315.00 per day.

Note: Rental of entire Auditorium would take precedence over Stage Rental only - Manager approval would be needed.

ENTIRE BUILDING RENTAL is 20% off regular combined price of Gold Room and Auditorium.

PARKING LOT RENTAL for evening, weekend and holidays is \$157.00.

COAT CHECK PREPAID RENTAL is \$79.00.

CATERING AND VENDORS - 20% of Gross Sales (\$1.05 minimum per person on meals)

NON-PROFIT ORGANIZATIONS - 10% of Gross Sales.

NON-PROFIT ORGANIZATIONS receive a 15% discount on rental(exception on entire building)

To encourage multiple use, any organization paying the above rates would receive a 5% DISCOUNT on any rentals starting with the 6th rental in a calendar year. This is not applicable to the non-profit organization discount and not in addition to 20% for entire building.

RENTAL CHAIRS AND TABLES TAKEN OUT OF THE BUILDING is \$1.05 a chair per day and \$5.25 on tables.

The Box Office is for day of event use by the Auditorium lessee. If there is no event in the Auditorium, the Gold Room lessee may use the Box Office on the day of event.

THE AUDITORIUM MANAGER CAN COMBINE OR ADJUST RATES ON ANY SPECIAL SET UP EVENT AND ON ANY EDUCATIONAL PROGRAMS DURING LOW USAGE PERIODS.

The effective date of this rate structure is January 1, 1992.

Signed:

Catalyn S. McClintock
Commissioner's signature

9/3/91
Date

Board of Commissioners

of the
County of Vanderburgh
305 ADMINISTRATION BUILDING
CMC CENTER COMPLEX
EVANSVILLE, INDIANA 47708



CAROLYN McCINTOCK
DON L. HUNTER
RICHARD J. "RICK" BORRIES



TEL. (812) 426-6241

AGENDA REQUEST

NAME OF PERSON REQUESTING/TITLE Serry Robbins - Environmental

DEPARTMENT Health

REQUEST(S) BEING MADE see attached

DATE TO BE PLACED ON AGENDA next available date

ACTION _____ CONSENT _____ OTHER _____

Kathy Todd
Emma Allen Day Car- YMCA
2010 College Avenue
Vincennes, IN 47591

23-30
Mary Gladys Wheeler
Vincennes Housing Authority
501 Hart Street
Vincennes, IN 47591

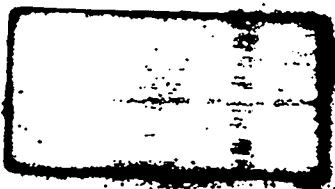
LEAD/REG

23-30
Francis B. Bieck - County Council
R.R. 5, Box 75
Vincennes, IN 47591

LEAD/REG

23-30
Lynda Young
Indiana Workforce Development
302 North Second Street
Vincennes, IN 47591

LEAD/REG



Sylvia Sauerman
St. John Lutheran Day Care
707 North Eighth Street
Vincennes, IN 47591

23-30
Lillian Sivley
BPW/IMPACT
1030 Washington Avenue
Vincennes, IN 47591

LEAD/REG

23-30
Liz Szink
Good Samaritan Hospital, OB Department
520 South Seventh Street
Vincennes, IN 47519

LEAD/REG

23-30
Maridel Sargent
North Knox School Nurse
R.R. 1
Bicknell, IN 47512

LEAD/REG

23-30
Sheryl Ring-Laakman
Knox County Red Cross
214 Buntin Street
Vincennes, IN 47591

LEAD/REG

23-30
Rita Wampler
Gingerbread Nursery School
604 North Main Street
Bicknell, IN 47512

LEAD/REG

23-30
Judge Edward Theobald
Knox County Court House
North Seventh Street
Vincennes, IN 47591

LEAD/REG

23-30
Mary Lou Terrell
Knox County Housing Authority
Tilly Estates, R.R. 1
Bicknell, IN 47512

LEAD/REG

VANDERBURGH COUNTY AUDITORIUM RATE SCHEDULE

DAILY BASIC RATE SCHEDULE

Optimum: \$1100.00 Minimum: \$900.00

Green Room and Walnut Lobby Included

	Optimum	Minimum
Matinee/Evening	\$1650.00	\$1350.00
Day Time Usage	600.00	200.00
Two Consecutive Days	10% discount off quoted rate	
Three or more consecutive days	20% discount off quoted rate	
Thirty times or more per calendar year	quoted upon request	
Rehearsal rate	\$73.00/hr.	

	Optimum	Minimum
Approved Charitable Organization:	10% discount on rental	
Vendor/Lobby Sales	25%	10%
Reserved Parking Lot	\$175.00 per event day	
Usher/Ticket Taker crew per event	\$200.00	\$100.00
House Sound System	\$100.00	0
Levee Lift or Fork Lift	\$200.00	\$100.00/day
Single Line Telephone Instrument	\$ 15.00	0/day
Facsimile -----send-----	\$5.00 1st page/\$1.00 each additional page	
-----receive-----	\$1.00 per page	
Photocopy	.12/8" x 11" page	
	.14/8" x 14" page	
Damages	cost of material in addition to hourly union manpower rate.	
Security	\$15.00 per hour/4 hour minimum	

ALL RENTALS ARE SUBJECT TO 5% INDIANA SALES TAX

HOLIDAY RATES AVAILABLE UPON REQUEST

RATE

THE GOLD ROOM RATE SCHEDULE

Gold Room Without Catering

Optimum	Minimum
\$750.00 PER FULL DAY	\$200.00 PER FULL DAY
\$800.00 PER FULL EVENING	\$500.00 PER FULL EVENING

Gold Room With Catering

	Optimum	Minimum
Breakfast	\$ 500.00	\$175.00
Lunch	\$1500.00	\$500.00
Evening	\$2500.00	\$800.00

Breakfast: If your Food and Beverage expenditure is a minimum of \$500.00 or more, you are not charged for the room.

Lunch: If your Food and Beverage expenditure is a minimum of \$1,500.00 or more, you are not charged for the room.

Dinner: If your Food and Beverage expenditure is a minimum of \$2,500.00 or more you are not charged for the room.

15% Gratuity, 5% Indiana Sales Tax, and 1% Food and Beverage Tax applied to all food and beverage purchases.

MEZZANINE * WALNUT LOBBY * GREEN ROOM

Optimum	Minimum
\$200.00 PER FULL DAY	\$125.00 PER FULL DAY
250.00 PER FULL EVENING	175.00 PER FULL EVENING

HOLIDAY RATES AVAILABLE UPON REQUEST

MEETING ROOMS		Optimum	Minimum
A	544 sq. ft	\$ 50.00	\$25.00
B	544 sq. ft.	50.00	25.00
C	544 sq. ft.	50.00	25.00
D	544 sq. ft.	50.00	25.00
Three in One	1139 sq. ft.	\$125.00	\$75.00

Approved Charitable Organizations: 10% discount on rental
Move-In/Move-Out: \$73.00 per hour; but not to exceed event day
rental rate.
Vendor/Lobby Sales: 25% of gross sales to Minimum of 10%
Reserved Parking Lot: \$175.00 per event day
Staffed Coat Check: \$1.00 per article
Staffed Parking Lot: \$2.00 per vehicle
Security \$15.00 per hour/minimum of 4 hours
Three or more meeting rooms reserved for same day event: 10%
discount

MISCELLANEOUS ITEMS

Levee Lift or Fork Lift: \$50.00/hour (1 hour minimum)
(Above cost includes operator - check for availability)

Damages: cost of material plus hourly union manpower rate

VHF wireless mic system: \$25.00/day to Minimum no charge
In-house PA system with audio cassette: no charge
Microphones (table or floor stands) \$10.00 eachday to no charge
Standing and table podiums: \$10.00/day to no charge
Staging risers .50/net sq. ft. to no charge
(sizes 8", 16", 24" and 32")
Table skirting (8' tables) \$12.00/table/day to no charge
Tables Banquet 8' x 24" no charge
Round 5' no charge
Chairs (banquet stacking) no charge
Fax -----send----- \$5.00 1st page, \$1.00 each
additional page.
-----receive----- \$1.00 per page
Photocopy .10/8" x 11"
(max. 25 copies/size) .12/8" x 14"
Ushers/Ticket Takers upon request

GOLD



United Consulting Engineers & Architects

Established 1965



ENGINEERS

Jeff S. Blüch, P.E.
Michael W. Cox, P.E.
Mark A. Eckert, P.E.
William E. Hall, P.E.
Karen B. Kontos, P.E.
Keith A. Lytton, P.E.
Ronald C. Miller, P.E.
Ozzie Proano, P.E.
William D. Richter, P.E., L.S.
Jerry D. Ritchie, P.E.
Greg L. Rominger, P.E.

OFFICERS

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

ARCHITECTS

Andrew C. Churchill, R.A., A.I.A.
Kevin L. Coppedge, R.A.
John K. Hardin, R.A., A.I.A.

June 25, 1992

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

Re: Proposal for Additional Engineering Services
Vanderburgh County Bridge No. 1C
Delaware - Columbia over Pigeon Creek

Dear Commissioners:

We are requesting herewith an additional engineering fee in the amount of \$ 8400 which is necessary to perform revisions to the approved final tracings. These revisions were mandated by the Federal Highway Administration prior to the letting of this project. The revisions involve complete revision to the bridge railing to the new "Texas" railing. The work includes redesign and detailing of the new railing.

We are submitting this request to you for your review and approval. Your approval of this request can be indicated by signing in the space provided below.

If you have any questions on the above, please contact our office.

UNITED CONSULTING ENGINEERS, INC.

BOARD OF COMMISSIONERS
VANDERBURGH COUNTY

Ronald B. Miller

Ronald B. Miller
Treasurer

Kent D. Downey

Kent D. Downey
Secretary

Richard J. Barnes



United Consulting Engineers & Architects

Established 1965

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John D. Staley, R.A., A.I.A.

ARCHITECTS

Andrew C. Churchill, R.A., A.I.A.
Kevin L. Coppedge, R.A.
John K. Hardin, R.A., A.I.A.

June 10, 1992



ENGINEERS

Jeff S. Bulch, P.E.
Michael W. Cox, P.E.
Mark A. Eckert, P.E.
William E. Hall, P.E.
Karen B. Kontos, P.E.
Keith A. Lytton, P.E.
Ronald C. Miller, P.E.
Ozlie Proano, P.E.
William D. Richter, P.E., L.S.
Jerry D. Ritchie, P.E.
Greg L. Rominger, P.E.

Vanderburgh County Commissioners
Board of County Commissioners
County Civic Center
Evansville, IN 47708

Attn: Mr. David Savage
Acting County Engineer

RE: Project: ME-340(3)
Green River Road Section "B" from
Lynch Road to Hirsch Road

Dear Commissioners:

We have investigated the request by Mr. Savage to raise all of Green River Road and Hirsch Road above elevation 380.0 to minimize the flooding at the intersection. To reach this elevation the profile grade on Green River Road would need to be raised approximately 2.5 feet maximum just south of the intersection, and the grade on Hirsch Road would be raised approximately 3 feet. This will cause small increases in the quantities of fill material and the right-of-way in the area. The property owners affected are Vanderburgh County, Leland and Mary Schnepfer, Ada Voight, and Southern Indiana Gas and Electric Company. The drive accessing the SIGECO property at this location will have a grade that is above the standard ten percent maximum. Also the full depth pavement area on Hirsch Road will also have to be increased by approximately 200 feet in order to stay above this elevation.

The design of the lake area owned by Mr. Leland Schnepfer in the northeast corner of this intersection has already been revised. Through meetings held with Mr. Schnepfer and correspondence with the Soil Conservation Service it was decided to use 4:1 slopes in this area, and to extend the rip-rap 2 feet above the proposed water surface. The existing spillway structure is to be replaced allowing the water level in the lake to reach six feet. This design is shown along with the proposed grade change in the mark-ups submitted with this letter.

We are now awaiting approval from you to proceed with these proposed changes. We are also awaiting a decision on how to incorporate the Evansville Water and Sewer relocations into our plans. We have responded to the drainage boards letter dated February 13, 1992 in a letter sent on March 30, 1992. We need an approval letter from the Vanderburgh County Drainage Board. We believe it is imperative to have an early response to these matters to avoid unnecessary delays to the letting of this project scheduled for spring 1993.

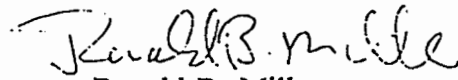
We have also estimated the cost to make the revisions to the plans as follows:

1. Additional design fee to revise construction plans - \$ 6,950.00
2. Additional fee to revise R/W Engineering plans for
the four parcels that would change - \$ 950.00

Should you need any additional information, or have any questions, please call our office.

Very Truly yours,

UNITED CONSULTING ENGINEERS, INC.


Ronald B. Miller
Treasurer

c: Mr. Steve Dilk, INDOT
File 87-410-02

RBM:AWJ:tj



United Consulting Engineers & Architects

Established 1965



OFFICERS

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Jacob E. Hall, P.E., L.S.
Kent D. Downey, P.E., L.S.
Ronald B. Miller
John D. Staley, R.A., A.I.A.

ARCHITECTS

Andrew C. Churchill, R.A., A.I.A.
Kevin L. Coppedge, R.A.
John K. Hardin, R.A., A.I.A.

ENGINEERS

Jeff S. Bislich, P.E.
Michael W. Cox, P.E.
Mark A. Eckert, P.E.
William E. Hall, P.E.
Karen B. Kuntos, P.E.
Keith A. Lytton, P.E.
Ronald C. Miller, P.E.
Ozzie Proano, P.E.
William D. Richter, P.E., L.S.
Jerry D. Ritchie, P.E.
Greg L. Rominger, P.E.

June 26, 1992

Vanderburgh County Commissioners
Board of County Commissioners
County Civic Center
Evansville, IN 47708

Re: Supplement No. 4
Project ME-340(3)
Green River Road Section "B"
Lynch Road to Hirsch Road

Dear Commissioners:

We are submitting herewith our proposal to provide additional design engineering services for the above referenced project. The scope of work is identified in our letter dated June 10, 1992, a copy of which is included for reference.

We propose to furnish the required design engineering services per the June 10, 1992 letter for a lump sum fee of \$6950. The additional right-of-way engineering services will be proposed under separate cover.

Your approval of this proposal can be acknowledged by signing in the space provided below. Please return an executed copy of this proposal to our office for our files. Our receipt of an executed copy will serve as our notice to proceed with the additional work.

We await your approval of this proposal and your notice to proceed with the work.

Proposal Accepted:

BOARD OF COUNTY COMMISSIONERS
Vanderburgh County

UNITED CONSULTING ENGINEERS, INC.

Ron B. Miller

Ron B. Miller
Treasurer

Richard J. Barries

Richard J. Barries

Kent D. Downey

Kent D. Downey
Secretary

Date

June 29, 1992

Attest

Jim Murphy

Date

June 29, 1992



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

United Consulting Engineers & Architects

Established 1965

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

June 10, 1992



ENGINEERS
 Jeff S. Biskich, P.E.
 Michael W. Cox, P.E.
 Mark A. Eckert, P.E.
 William E. Hall, P.E.
 Karen B. Kontos, P.E.
 Keith A. Lytton, P.E.
 Ronald C. Miller, P.E.
 Orrie Proano, P.E.
 William D. Richter, P.E., L.S.
 Jerry D. Ritchie, P.E.
 Greg L. Rominger, P.E.

Vanderburgh County Commissioners
 Board of County Commissioners
 County Civic Center
 Evansville, IN 47708

Attn: Mr. David Savage
 Acting County Engineer

RE: Project: ME-340(3)
 Green River Road Section "B" from
 Lynch Road to Hirsch Road

Dear Commissioners:

We have investigated the request by Mr. Savage to raise all of Green River Road and Hirsch Road above elevation 380.0 to minimize the flooding at the intersection. To reach this elevation the profile grade on Green River Road would need to be raised approximately 2.5 feet maximum just south of the intersection, and the grade on Hirsch Road would be raised approximately 3 feet. This will cause small increases in the quantities of fill material and the right-of-way in the area. The property owners affected are Vanderburgh County, Leland and Mary Schnepfer, Ada Voight, and Southern Indiana Gas and Electric Company. The drive accessing the SIGECO property at this location will have a grade that is above the standard ten percent maximum. Also the full depth pavement area on Hirsch Road will also have to be increased by approximately 200 feet in order to stay above this elevation.

The design of the lake area owned by Mr. Leland Schnepfer in the northeast corner of this intersection has already been revised. Through meetings held with Mr. Schnepfer and correspondence with the Soil Conservation Service it was decided to use 4:1 slopes in this area, and to extend the rip-rap 2 feet above the proposed water surface. The existing spillway structure is to be replaced allowing the water level in the lake to reach six feet. This design is shown along with the proposed grade change in the mark-ups submitted with this letter.

We are now awaiting approval from you to proceed with these proposed changes. We are also awaiting a decision on how to incorporate the Evansville Water and Sewer relocations into our plans. We have responded to the drainage boards letter dated February 13, 1992 in a letter sent on March 30, 1992. We need an approval letter from the Vanderburgh County Drainage Board. We believe it is imperative to have an early response to these matters to avoid unnecessary delays to the letting of this project scheduled for spring 1993.

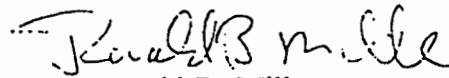
We have also estimated the cost to make the revisions to the plans as follows:

1. Additional design fee to revise construction plans - \$ 6,950.00
2. Additional fee to revise R/W Engineering plans for
the four parcels that would change - \$ 950.00

Should you need any additional information, or have any questions, please call our office.

Very Truly yours,

UNITED CONSULTING ENGINEERS, INC.



Ronald B. Miller
Treasurer

c: Mr. Steve Dilk, INDOT
File 87-410-02

RBM:AWJ:tj



United Consulting Engineers & Architects

Established 1965



OFFICERS

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Jerry D. Ritchie, P.E.
Greg L. Rominger, P.E.

June 26, 1992

Vanderburgh County Commissioners
Board of County Commissioners
County Civic Center
Evansville, IN 47708

RE: Supplement No. 1 (Right of Way)
Project ME-340(3)
Green River Road Section "B"
Lynch Road to Hirsh Road

Dear Commissioners:

We are submitting herewith our proposal to provide revised right of way engineering documents on four (4) parcels for the above referenced project. The purpose of these revisions are explained in our letter dated June 10, 1992, a copy of which is included for reference.

We propose to furnish the required revisions per the June 10, 1992 letter for a lump sum fee of \$950.00.

Your approval of this proposal can be acknowledged by signing in the space provided below. Please return on executed copy of this proposal to our office for our files. Our receipt of an executed copy will serve as our notice to proceed with the additional work.

We await your approval of this proposal and your notice to proceed with the work.

Proposal Accepted:

BOARD OF COUNTY COMMISSIONERS
Vanderburgh County

UNITED CONSULTING ENGINEERS, INC.

Ronald B. Miller

Ronald B. Miller
Treasurer

[Signature]

Kent D. Downey

Kent D. Downey
Secretary

Richard J. Barnes

June 29, 1992

Date

[Signature]

Attest

June 29, 1992

Date



- TREATED TIMBER BRIDGES
- LAMINATED BOX CULVERTS
- DECKING MATERIALS AND SUPPLIES

AMERICAN TIMBER BRIDGE & CULVERT, INC.

Phone: (317) -

Date: Jan. 21 1992

BRIDGE QUOTATION OR ESTIMATE

To: Vanderburgh County Commissioners and Public works director

In response to your request for a quotation on the design and furnishing of one pre-cut pressure-treated timber bridge complete with hardware and design drawings, we are pleased to quote as follows:

LOCATION County Bridge # 55

1. Span: The nominal length of the structure shall be 72 feet, comprised of 3 spans at 24 feet each.
2. Width: Clear roadway (curb to curb) shall be 28 feet, wing walls shall extend 8 to 10 feet at an angle of 45.
3. Height: The distance from the top of the finished deck to the stream bed shall be _____ feet; abutment height: 6 feet feet.
4. Skew angle: Skew not needed
5. Pile protection against ice: not needed
- *6. Pile estimates: Plus or minus \$9.95 per foot over or under.

<u>4</u>	Test piles at <u>60</u> feet.
<u>14</u>	Abutment piles at <u>40</u> feet.
<u>14</u>	Pier piles at <u>40</u> feet.
<u>8</u>	Wing piles at <u>20</u> feet.
<u>0</u>	Deadman piles at <u>0</u> feet.

STRUCTURE COMPLETE F.O.B. nearest siding \$ 101,647.15

This is a (firm quote) (estimate)

Thank you for your continued interest.

Sincerely yours,

Ralph D. Patton

*If pile requirements exceed estimated lengths by more than 10', add 20¢ per foot to all pile for each additional 5' in length.



- TREATED TIMBER BRIDGES
- SALT STORAGE BUILDINGS
- LAMINATED BOX CULVERTS
- DECKING MATERIALS AND SUPPLIES

AMERICAN TIMBER BRIDGE & CULVERT, INC.

P.O. Box 232 • Fishers, Indiana 46038-0232 • Phone: (317) 841-9727 • Fax: (317) 841-7772

Br #55

NAME Vanderburgh County Commissioners				SHIP TO			
STREET & NO. County Civic Center				STREET & NO.			
CITY Evansville		STATE IN		ZIP 47708		CITY STATE	
OUR ORDER NO.	YOUR ORDER NO.	BUYER G. Curtis	SALESMAN R.D.P.	WHEN SHIP as ready	TERMS net/30	HOW SHIP truck	DATE 1-29-92
Purchase Order for Bridge #55 on Redbank Road, Vanderburgh County, Indiana							
We are pleased to furnish one pre-cut pressure treated timber bridge structure with all hardware and design drawings as follows:							
1. Span: The length of Bridge #55 shall be 72' long, comprised of 3 spans 24' each.							
2. Width: Clear roadway curb to curb shall be 23'. Wing wall shall extend 8' to 10' and at an angle of 45 degrees.							
3. Height: Abutment height shall be 6'.							
4. Package: 100' (10 KIP) Federal tested guard rail; 25' each corner with buried ends.							
5. Pile Estimated: \$9.95 per foot over and/or under							
4 test pile at 40'							
14 abutment pile at 30'							
14 pier pile at 30'							
8 wing pile at 20'							
Structure complete F.O.B. Job Site						\$101,647.	15
Thank You, Ralph D. Patton American Timber Bridge & Culvert, Inc.							
Purchasing Agent Gregory Curtis P.E. Public Works Director, Vanderburgh Co.							

COMMUNITY CORRECTION DIVISION
VANDERBURGH CIRCUIT COURT
Harris Howerton
Director of Court Services
1505 N. THIRD AVENUE, ROOM 200
EVANSVILLE, IN 47710
Tx: 421-5670

June 29, 1992

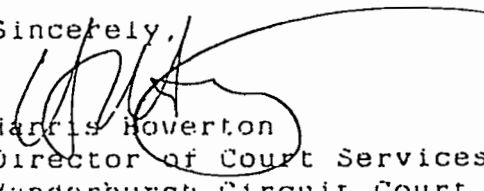
Carol McClintock, President
Richard Borries, Member
Don Hunter, Member
County of Vanderburgh, Commissioners

Dear Madam President, and Members:

The Correction Program of the Vanderburgh Circuit Court, purchased a vehicle for its Work release component. That vehicle is a 1992, 15 passenger van, blue in color, ID# 1FBJS31H1NHA69331.

I respectfully request that your Board approve and enroll that vehicle in the County's Insurance Program. Thank you.

Sincerely,


Harris Howerton
Director of Court Services
Vanderburgh Circuit Court
Evansville, Indiana

HH/al

cc: Richard L. Young, Judge Vanderburgh Circuit Court
5 for Commissioners
1 correspondence file



Board of Commissioners
of the
County of Vanderburgh
305 ADMINISTRATION BUILDING
CMC CENTER COMPLEX
EVANSVILLE, INDIANA 47708



TEL. (812) 426-5241

AGENDA REQUEST

NAME OF REQUESTOR: Employee Steering Committee

REQUESTOR TITLE: _____

DEPARTMENT: _____

REQUEST(S) BEING MADE:

We, as a Committee, are requesting the use of Burdette Park and all of its facilities for our County Employee Picnic which is scheduled for Aug 22, 1992. We would like to use the pool, water slide and with permission from the current concession-contracts, to also use the batting cages and golf facilities. We are also requesting use of the Bishea Building free of charge.

We are looking at charging 2.00 for those 12 years of age and older
1.00 for those 5 - 12 years of age
-0- for those under the age of 5

The money collected will be used solely for the purchase of food--
each department will be asked to sign up and pay in advance.

Representatives from the Steering Committee will be responsible for handling any funds collected and for the purchasing of food/supplies.

DATE TO BE PLACED ON AGENDA: June 29, 1992

ACTION _____ CONSENT X OTHER _____

VANDERBURGH COUNTY PUBLIC WORKS DEPARTMENT

Public Works Director
Vanderburgh Auditorium
715A Locust Street
Evansville, Indiana 47708



Division Managers
Engineering Services Gary U. Kercher
Maintenance Services Fred W. Howard
Administrative Services Karen S. Hadfield
Highway Services Scott A. Davis
(812) 424-9603

June 29, 1992

Carolyn McClintock, President
Board of Commissioners,
Vanderburgh County
Room 305, Admin. Bldg.
Civic Center Complex
Evansville, Indiana 47708

Dear Carolyn:

The purpose of this letter is to serve as my official "Two Weeks Notice" of resignation of my position with the Vanderburgh County Public Works Department, effective today, with my last working day being July 10, 1992. Also, I have five vacation days and ten sick days remaining. Thank you.

Respectfully,

Scott A. Davis,
Highway Services Manager

RECEIVED

JUN 29 1992

VANDERBURGH COUNTY
COMMISSIONER'S OFFICE


Don Hunter, County Commissioner

From: Lou Wittmer, Supt of Buildings

Dear Don:

To pursue other business interests I am tendering my resignation as Superintendent of Buildings effective at the close of business on July 17. My year in government has been a very unique experience. I thank the Commissioners for the opportunity to serve.

Best Regards:


Lou Wittmer

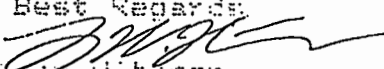
Don Hunter, County Commissioner

From: Lou Wittmer, Supt of Buildings

Dear Don:

To pursue other business interests I am tendering my resignation as Superintendent of Buildings effective at the close of business on July 17. My year in government has been a very unique experience. I thank the Commissioners for the opportunity to serve.

Best Regards:


Lou Wittmer

TO: Board of Commissioners
FROM: County Employees Steering Committee
DATE: June 22, 1992
RE: COUNTY EMPLOYEES INSURANCE BENEFITS

At our meeting held on May 19, 1992, there was much discussion concerning County Employee Insurance Benefits and reports of rumors concerning Self-Insurance; the possibility of Blue Cross/Blue Shield and PHP plans being dropped, with Welborn HMO being retained.

At our meeting held on June 16th, there was heated discussion concerning this matter. Commissioners Richard Borries and Don Hunter were present, and in response to queries from the employees both expressed opposition to going to Self-Insurance at this time. Additionally, both of the Commissioners stated they had neither asked nor instructed Lou Wittmer to obtain information or talk to Plan Administrators concerning a change. And, indeed, stated that such change had neither been requested nor authorized by the Board of Commissioners in a formal Commission Meeting. Consequently, without benefit of sufficient information they were not prepared to discuss either the advantages or disadvantages any such proposed plan might offer County employees.

It was also obvious that while Lou Wittmer acknowledged he had discussed a change in the insurance benefits with at least three Plan Administrators, his personal knowledge and understanding of the entire matter of insurance was so limited that he could not provide answers to any of the questions posed. The attached memo (unsigned) was distributed to all employees as they entered the meeting and does nothing to alleviate our many concerns. One of the primary concerns, of course, is how any change in coverage would affect those employees who might have pre-existing conditions.

This is to formally and respectfully request on behalf of all County Employees that the Board of Commissioners retain our current insurance benefits through 1993. Further, to request that if the Board considers a change in these benefits beginning in 1994, that they authorize a study, obtain a full report and present the Steering Committee with options for consideration prior to taking any final action with regard to changing our insurance benefits. In fact, there was indication that we have some employees who are knowledgeable in the area of insurance who would be willing to serve on the Committee as this issue is studied and analyzed and we would

appreciate having representatives from our group being a part of such a Committee. (Commissioner Hunter did ask DoLores Gugin of the Auditor's Office and Ron Brown of the Veterans Services Office to serve on the Committee.) There were suggestions made as to how we could perhaps reduce the County share of the cost of the current insurance plans, making it feasible to retain same. In response to questions from the group, Lou Wittmer indicated he had not negotiated with our current health care providers. It was the consensus of opinion among the employees that such negotiations might be very beneficial.

In conclusion, you should know that the County employees are very well satisfied with our current insurance coverage and commend the former Board that put this package together. Therefore, it is our sincere hope that any proposed new plan would at least offer comparable benefits, with pre-existing conditions covered.

Annie Groves, Co-Chairman

B. J. Farrell, Co-Chairman

To All County Employees

Re: Health Insurance

This memo is being sent out in an effort to answer questions that have arisen regarding perceived changes in health insurance coverage for county employees

Because the cost of health insurance has risen at a must² faster rate than the rate of inflation over the last several years, we have looked for ways to contain the cost while not cutting down on benefits or raising the employees share of those costs.

Since we are self insured in the liability field, it was only natural that we would check out self insurance as a way to lower our costs. We would also buy re-insurance to cover the costs of any catastrophic illness or events. (For example, if claims, either by case or total claims was over XX thousand of dollars then the re-insurance policy would cover all of the costs above that amount.)

Here are answers to some of most often asked questions and statements about the possible changes in health care

S. There would be at least a 30 day lapse in coverage, during any change-over.

A. There would be absolutely NO lapse in coverage, one plan would begin the minute the other one ended.

S. I won't be able to go to Welborn Hospital and use their HMO anymore.

A. Welborn HMO would remain intact exactly as it is now.

S. Under the new plan pre-existing conditions would not be covered.

A. False: Pre-existing conditions would be covered just as they are now.

S. Our benefits would be cut under the new plan.

A. One of the reasons for looking at a New Plan is that benefits won't have to be cut...in fact, benefits are likely to be increased!

S. Our share of payments for our insurance would go up.

A. Again, this is another reason for shopping for a new plan...to keep you from paying more.

**SUPERINTENDENT OF COUNTY BUILDINGS
VANDERBURGH COUNTY**

REQUIRES KNOWLEDGE OF BUILDING MAINTENANCE PROCEDURES. MUST HAVE ORGANIZATIONAL AND COMMUNICATION SKILLS AND THE ABILITY TO ASSIGN AND SUPERVISE MAINTENANCE PERSONNEL. MUST HAVE KNOWLEDGE OF FEDERAL, STATE AND LOCAL REGULATIONS. SERVE AS A LIAISON TO THE VANDERBURGH COUNTY COMMISSIONERS. STARTING SALARY \$22,074.00. EXCELLENT BENEFITS. MUST RESPOND BY JULY 17, 1992. SEND RESUME TO:

VANDERBURGH COUNTY COMMISSION
1 N.W. MARTIN LUTHER KING, JR. BLVD.
ROOM 305
CIVIC CENTER COMPLEX
EVANSVILLE, IN 47708

EOE

POSITION DESCRIPTION
COUNTY OF VANDERBURGH, INDIANA

POSITION: Superintendent of County Buildings
DEPARTMENT: County Commissioners
JOB CATEGORY: (PAT)

Incumbent serves as Superintendent of County Buildings for the Vanderburgh County Commissioners.

DUTIES:

Ensures proper condition of all buildings within County jurisdiction by coordinating and overseeing all necessary preventative and restorative maintenance work.

Serves as County Commissioners' liaison, including keeping members informed of County or State actions of interest or impact, reviewing mail and advising Commissioners of any necessary action to be taken prior to meetings, and visiting requested rezoning sites and reporting findings and opinions to the Board.

Represents County Commissioners in all activities involving employees, officeholders, the public and the news media, as requested.

Serves as County Safety Coordinator, working with Insurance Representatives and elected officials, forwarding and logging claims to insurance adjustor.

Represents County Commissioners by serving as Chairman of the County Parking Lot Committee.

Coordinates the County telephone system, including receiving and reporting citizen complaints, and maintaining monthly account of Telemarketing long distance savings.

Prepares annual budget request, administers budget upon approval.

Supervises all maintenance personnel, including assigning daily work and administering payroll.

Oversees County storage and disposal.

Performs related duties as assigned.

I. JOB REQUIREMENTS

Ability to prepare and maintain accurate employee and inventory records.

Basic knowledge of budget administration and ability to prepare annual budget.

Knowledge of maintenance procedures and ability to assign and supervise maintenance personnel.

Knowledge of operations of the department and those of other departments.

Understanding of insurance procedures and of the County telephone system.

Knowledge of zoning regulations and ability to apply such regulations to zoning request analyses.

Ability to effectively communicate with tact and courtesy as a representative of the County Commissioners.

II. DIFFICULTY OF WORK

Incumbent performs a wide variety of duties which are broad in scope and involve the consideration of numerous variables of varied complexity and importance to the maintenance and upkeep of County-owned buildings. Guidelines may often be complex as well as ambiguous in their direct application, requiring independent judgment in selecting the most pertinent guidelines and in adapting procedures to meet emergency or complex situations.

III. RESPONSIBILITY

Incumbent performs a wide variety of supervisory and management duties according to applicable federal, state, and local regulations and department policy. Independent judgment and authoritative decision making is required for the proper execution of daily assignments and supervision of maintenance personnel. Direct supervision is minimal, with work reviewed for overall soundness of judgment and compliance with department policy. Unusual situations are generally discussed with superiors at the discretion of the incumbent.

IV. PERSONAL WORK RELATIONSHIPS

Incumbent maintains frequent contact with County Commissioners, county maintenance personnel, other County governmental departments and members of the general public for the purposes of giving and receiving factual information and the explanation and interpretation of department policies and procedures.

Reports directly to County Commissioners

29-Jun-92

MONTH ENDING--MAY 1992

VANDERBURGH COUNTY TREASURER

Aud. m con.

CHARGES:

1. TOTAL TAXES COLLECTED	\$33,782,447.94
2. FINANCIAL INSTITUTION TAX	
3. INNKEEPERS TAX	
4. CASH CHANGE FUND	\$500.00
5. CERTIFIED TO CLERK	\$116,345.27
6. DEMAND FEES	\$2,508.00
7. DELINQUENT WEED	\$7,210.48
8. DRAINAGE ASSESSMENTS	\$82,065.16
9. BOAT EXCISE TAX	
10. GROSS INCOME TAX	\$18,437.32
11. LICENSE EXCISE TAX	
12. AIRCRAFT EXCISE TAX	
13. AUTO RENTAL EXCISE TAX	
14. SEWAGE COLLECTIONS	\$3,258.05
15. TAX SALE - ADVERTISING	\$100.00
16. TAX SALE - ATTORNEY	
17. TAX SALE - TITLE SEARCH	
18. TOTAL BALANCE OF LEDGER ACCOUNTS - CASH	\$10,553,166.27
19. TOTAL BALANCE OF LEDGER ACCOUNTS - INVESTMENTS	\$7,208,980.71
20. TOTAL CHARGES	\$51,775,119.20

CREDITS:

21. DEPOSITORY BALANCES AS SHOWN BY DAILY BALANCE OF CASH AND DEPOSITORIES RECORD	\$4,942,203.74
22. INVESTMENTS AS SHOWN BY DAILY BALANCE OF CASH AND DEPOSITORIES RECORD (COLUMN 12, LINE 38)	\$45,283,950.71
23. TOTAL CASH ON HAND AT CLOSE OF MONTH	
CURRENCY	\$4,227.00
COINS	\$20.56
CHECKS, MO, ETC.	\$1,194,774.05
UNCOLLECTED CKS	\$3,133.96
TOTAL	\$1,202,155.57
25.	
26. TOTAL	
27. CASH SHORT (ADD) VOLPE	\$346,939.30
28. CASH LONG (DEDUCT) TULEY	\$160.12
29. PROOF	\$51,775,119.20 \$51,775,119.20

RECONCILEMENT WITH DEPOSITORIES

30. BALANCE IN ALL DEPOSITORIES PER DAILY BALANCE RECORD (#21 ABOVE)	\$4,942,203.74
31. OUTSTANDING WARRANTS (DETAILED LIST BY DEPOSITORIES)	\$1,832,262.83
32. BALANCE IN ALL DEPOSITORIES PER BANK STATEMENTS (DETAILED LIST)	\$6,850,171.47

33. DEPOSITS IN TRANSIT	247830.97
34. ADJUSTMENTS	(\$85,905.90)
35. PROOF	\$6,774,466.57 \$6,774,466.57

=====

ANALYSIS OF CASH ON HAND AT CLOSE OF MONTH:

(A) CASH CHANGE FUND		\$500.00
(B) RECEIPTS DEPOSITED IN DEPOSITORIES	06/01/92	\$1,198,521.61
(C) UNCOLLECTED ITEMS ON HAND		\$3,133.96
(D) TOTAL (MUST AGREE WITH LINE 40 ABOVE)		\$1,202,155.57

DEPOSITORY BALANCES AT CLOSE OF MONTH

BALANCE PER BANK STMT	ADJUSTMENTS	OUTSTANDING CHECKS	BALANCE PER DAILY BALANCE OF CASH AND DEPOSITORIES
--------------------------	-------------	-----------------------	--

OLD NATIONAL BANK	\$2,967.18		\$2,967.18
CITIZENS NATIONAL BANK	\$6,772,383.51	(\$8,115.54)	\$1,832,262.83 \$4,932,005.14
NATIONAL CITY BANK	\$7,226.42		\$7,226.42
INB	\$77,795.36	(\$77,790.36)	\$5.00
TOTAL	\$6,860,372.47	(\$85,905.90)	\$1,832,262.83 \$4,942,203.74

=====

SCHEDULE OF UNCOLLECTED ITEMS ON HAND

DATE ORIGINALLY RECEIVED	RECEIVED FROM	FOR	DATE RETURNED	RETURNED BY	REASON FOR RETURN	AMOUNT
--------------------------------	---------------	-----	------------------	-------------	----------------------	--------

01/02/92	MASK ENTERTAINMENTS	VAND AUDITORIUM	01/15/92	CITIZENS	INSUFF. FUNDS	\$551.25
02/21/92	FIGHT GAME PROD.	VAND AUDITORIUM	02/21/92	CITIZENS	INSUFF. FUNDS	\$236.10
03/21/92	LEEANN GREEN	BURDETTE	04/03/92	CITIZENS	INSUFF. FUNDS	\$190.00
05/12/92	DAVID HAYES	TAXES	05/29/92	CITIZENS	INSUFF. FUNDS	\$2,156.86
05/01/92	ROBERT CAVANAUGH	OVER COLLECTED 25 CENTS/WILL CORRECT IN JUNE				-0.25

TOTAL						\$3,133.96
-------	--	--	--	--	--	------------

TRAVEL REQUEST FORM

FOR

COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: 6/23/92 DEPARTMENT: VANDERBURGH COUNTY ASSESSOREMPLOYEE(S): JAMES L. ANGERMEIEREVELYN LANNERTDOROTHY JOESTDATE(S) OF TRAVEL: RAMONA IRELAND 6/29/92DESTINATION: LAFAYETTE, IN. TIPPECANOE COUNTY ASSESSOR OFFICEPURPOSE: REVIEW THE MANATRON MAPPING SYSTEM

Proof (Copy of brochure or letter) must be attached.

LODGING REQUIRED: NO

MEANS COUNTY VEHICLE NUMBER: _____

OF OTHER: PERSONAL CAR

TRAVEL

REIMBURSEMENT CLAIMED

<input checked="" type="checkbox"/> Mileage	<input checked="" type="checkbox"/> Parking
<input checked="" type="checkbox"/> Per diem	<input type="checkbox"/> Registration
<input type="checkbox"/> Air fare	<input type="checkbox"/> Other

APPROVED: _____
Department HeadAPPROVED: James L. Angermeyer EL
Office HolderAPPROVED BY: _____
VANDERBURGH COUNTY COMMISSIONERS this 29th day of June, 1992

Carolyn McClintock, President

Don Hunter
Don Hunter, Vice PresidentRichard J. Borries
Richard J. Borries, Member

CUSTOMER PROFILE

Tippecanoe County, Indiana

Indiana, my Indiana, has been receiving its share of exposure in recent years. Sure, it's basketball country, but the Indiana corn country was also the setting for the hit movie "Hoosiers" and western Indiana the setting for the TV series "Eerie, Indiana".

Each Memorial Day weekend thousands of people jam the streets and highways to participate as spectators in the greatest racing event of the year, the Indy 500. Hotels as far away as Lafayette are booked solid for that weekend.

Money Magazine recently ranked the greater Lafayette, Indiana area 14th among the best U.S. Cities for quality of life. Lafayette, the county seat of Tippecanoe County, is located in the rich farmland of west central Indiana. I-65 cuts through the county and with four Lafayette exits, it provides access for an easy two hour trip north to Chicago, or a short 60 minute jaunt into the heart of Indianapolis.

Lafayette grew up as a transportation hub. The Wabash River drew steamboats, then keelboats. Since the mid 1850's, Lafayette has been a railroad center. Across the river from Lafayette is West Lafayette, the home of Purdue University, the county's largest employer (more than 11,000). Purdue, with its 36,000 students, is the 16th largest U.S. university with 12 schools attracting students from all 50 states and 60 foreign countries.

Lafayette's midwestern location, existing infrastructure, and educated work force makes it ideal for many industries. Half of the area's top 25 employers are manufacturers, led by Subaru-Isuzu Automotive. Rounding out the top five manufacturing employers are Eli Lilly, ALCOA, Wabash National Corp., and Fairfield Manufacturing.

Tippecanoe County's economy was primarily agriculture-based until the turn of the century when inventor David E. Ross's revolutionary steering gear put today's TRW Ross Gear Division on the map.

Getting on the map in Tippecanoe County is a lot easier these days since the county assessor's office invested in the Manatron Land Information System (LIS) to handle the increasing mapping requirements. With a population of 130,600, the county has 13 townships and more than 50,000 individual parcels with a combined assessed valuation of \$1 billion.

"In addition to collecting inheritance tax as the agent for the Department of Revenue, the county assessor's role is to establish the valuation of all real estate and personal property. The assessment is then released to the county auditor for processing and collecting taxes," said Bob McKee. He has been the county assessor for the past nine years and for 11 years before that he was a township assessor.

Wilma Jonker, chief deputy assessor, has 14 years of assessing experience, including the last six in the county's office. She reports that there are nearly 240,000 acres in the county designated as rural. Because of their limited size, ten of the townships rely on the county assessor's office for assessment and documentation of land. "There are splits and combinations coming into our office on a daily basis," emphasized Wilma. "To be effective, we must operate on a real time basis and accuracy is absolutely essential particularly when you are dealing with an individual's future tax bill."

"The county uses aerial photographs in combination with the LIS to expedite the assessing process," commented Bob.

"Although the system is capable of handling many different types of map overlays, we primarily use the system for land splits, land use and soil productivity," said Wilma.

"Soil productivity data from the university rates various types of soils on their capability to raise corn. This data is stored in the computer and when the type of soil is identified for each parcel of agricultural land, the computer can calculate the corn production capability by soil type entry and subsequently assess the value of that particular parcel," said Wilma. "This assessing process is fair to everyone. It helps to remove human error and local judgment calls from the process."

Formerly, the assessor would go out during the summer and check on the corn crop. If it was a good crop, the assessment would be higher. "The inaccuracies of that old system could actually penalize the good farmer," said Bob. "But now the system encourages good agricultural practices and like the productivity."

Four years ago, John Foley, retired agricultural engineer, joined the assessor's staff as a data collector and has since advanced to mapping technician. He has several temporary people working with him.

The assessor's office has a Unisys A4 mainframe and a network of eight workstations, plus John has two workstations in the mapping department. Other hardware includes a Calcomp digitizer and a large plotter, plus a smaller printer.

John noted that the LIS is easy to learn. "Although I had some computer experience, I certainly don't qualify as a computer expert. I started out with a slide rule and we are a long way from that now," he said.

"We found that we can get extremely accurate measurements with the system. In fact, we have land owners come in and ask us for land measurements rather than hiring a surveyor." It is easy to do with the Polygon feature of LIS which automatically computes square footage, acreage, and perimeter dimensions.

On several occasions, it has been noted the combination of aerial maps and the LIS are more accurate than when measured in the field.

John reported that this has opened a whole new use for the system. "We can now measure buildings with extreme accuracy by using aerial photographs and the LIS program. We are just beginning to use the system to check measurements of commercial and industrial building's accuracy and the potential savings could be great."

Bob said, "I can see this new application saving us \$100,000 or more per year for the manpower required to go out and physically measure the buildings. Another feature of this system is our ability to do plat books in-house."

In early March, the LIS was tied in with Manatron's XNear System, a powerful product enabling the linking of various databases from the A mainframe and the B20 workstations. "This added capability has greatly increased our productivity," said John.

"In 22 working days (of March), we processed an unbelievable 711 ag land calculations. At one time we were doing one calculation every 15 minutes while taking care of other business as well," said John.

On the morning of our interview, John started calculation on 40 different splits. He commented, "We will have them done before I go home this afternoon. To do that number before we had the LIS would have taken the better part of week."

Individual townships would wait until they had a batch of 6-10 before coming in to update the file. Now they can bring in one or two at a time. John brags that it is his goal to get the calculations done and a copy back to the township's office before they can get back there themselves... that is if they don't hurry!

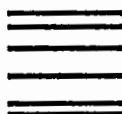
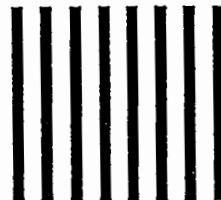
With such enthusiasm and success, it is no wonder that the Tippecanoe County Assessor's Office has been a showcase for Manatron's LIS. Bob said, "We have been doing a lot of show-n-tell for counties all over the state who have come in to see the system in operation. We have even gone out to talk with counties about the system and tell them about our success with LIS."

Wilma concluded by offering some sound advice for other governmental units contemplating taking the "Quantum Leap" into the computer mapping age. She said, "Make sure you have the capability in-house to make changes to the data and the maps because if you have to rely on someone outside, it just won't get done in your time frame. You need that ability to keep the data current, and if you don't, you have lost the major benefits of the system."

MANATRON WISHES TO EXTEND A WARM THANK-YOU TO THE FOLLOWING NEW & EXISTING CLIENTS:

City of Michigan City, Indiana
Cato Township, Michigan
Beaver Creek Township, Michigan
LaGrange Township, Michigan
Big Creek Township, Michigan
Plainfield Township, Michigan
Franklin County, Missouri
Knox County, Indiana
Morgan County, Indiana
Edgar County, Illinois
Johnson County, Illinois
Saline County, Illinois
Coshocton County, Ohio
Auglaize County, Ohio
Champaign County, Ohio
City of Rosemount, Minnesota
Calhoun County, Georgia
Hancock County, Illinois
Van Buren County, Michigan
Cook County, Georgia

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NECESSARY
IF MAILED
IN THE
UNITED STATES



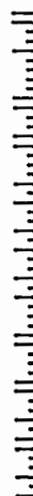
BUSINESS REPLY MAIL

FIRST CLASS PERMIT NO. 2365 KALAMAZOO, MI

POSTAGE WILL BE PAID BY ADDRESSEE

MANATRON, INC.

ATTN: PAM BOTTICHER
2970 SOUTH 9TH STREET
KALAMAZOO, MI 49009-9960



TRAVEL REQUEST FORM
FOR
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: 6/23/92 DEPARTMENT: VANDERBURGH COUNTY ASSESSOR

EMPLOYEE(S): EVELYN LANNERT

LATOSHA PITT

DATE(S) OF TRAVEL: JULY 21, 1992

DESTINATION: VINCENNES UNIVERSITY, VINCENNES, IN.

PURPOSE: TO ATTENED THE SECOND CONTINUING EDUCATION SESSION PRESENTED BY
THE STATE BOARD OF TAX COMMISSIONERS.

Proof (Copy of brochure or letter) must be attached.

LODGING REQUIRED: NO

MEANS OF TRAVEL COUNTY VEHICLE NUMBER: _____
OTHER: PERSONAL CAR

REIMBURSEMENT CLAIMED X Mileage _____ Parking _____
_____ Per diem _____ Registration _____
_____ Air fare _____ Other _____

APPROVED: _____
Department Head

APPROVED: Garret L. Angermeyer EH
Office Holder

APPROVED BY: _____
VANDERBURGH COUNTY COMMISSIONERS this 29th day of June, 1992

Carolyn McClintock, President

Don Hunter
Don Hunter, Vice President

Richard J. Borries
Richard J. Borries, Member

TRAVEL REQUEST FORM
FOR
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: 6-23-92 DEPARTMENT: Health

EMPLOYEE(S): Bret Townsend

DATE(S) OF TRAVEL: July 9, 1992

DESTINATION: New Harmony, In.

PURPOSE: Southern Indiana Training Conference

Proof (Copy of brochure or letter) must be attached.

LODGING REQUIRED: No

MEANS OF TRAVEL COUNTY VEHICLE NUMBER: 871
OTHER: _____

REIMBURSEMENT CLAIMED	Mileage	Parking
	Per diem	Registration
	Air fare	Other

APPROVED: _____
Department Head

APPROVED: _____
Office Holder

APPROVED BY:
VANDERBURGH COUNTY COMMISSIONERS this 29th day of June, 199

Carolyn McClintock, President

Don Hunter
Don Hunter, Vice President

Richard J. Borries
Richard J. Borries, Member

TRAVEL REQUEST FORM

FOR

COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: June 22, 1992 DEPARTMENT: Health - NursingEMPLOYEE(S): Barbara RoeGail RobbDATE(S) OF TRAVEL: Monday, June 29, 1992DESTINATION: Indiana State Department of HealthPURPOSE: Lead Regional Coordinators Meeting

Proof (Copy of brochure or letter) must be attached.

LODGING REQUIRED: _____

MEANS
OF
TRAVELCOUNTY VEHICLE NUMBER: 872

OTHER: _____

REIMBURSEMENT CLAIMED

Mileage

Parking

☒ Per diem

Registration

Air fare

Other

APPROVED: _____

Department Head

APPROVED: _____

Office Holder

APPROVED BY:

VANDERBURGH COUNTY COMMISSIONERS this _____ day of _____, 199

Carolyn McClintock, PresidentDon Hunter, Vice PresidentRichard J. Borries, Member

TRAVEL REQUEST FORM
FOR
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: June 23, 1992 DEPARTMENT: Health

EMPLOYEE(S): Dwayne Caldwell

DATE(S) OF TRAVEL: July 7, 1992

DESTINATION: Vincennes University

PURPOSE: Lead Poisoning Prevention Program

Proof (Copy of brochure or letter) must be attached.

LODGING REQUIRED: No

MEANS OF TRAVEL: COUNTY VEHICLE NUMBER: 872
OTHER: _____

REIMBURSEMENT CLAIMED	_____ Mileage	_____ Parking
	_____ Per diem	_____ Registration
	_____ Air fare	_____ Other

APPROVED: _____
Department Head

APPROVED: _____
Office Holder

APPROVED BY: VANDERBURGH COUNTY COMMISSIONERS this 29th day of June, 1991

Carolyn McClintock, President

Don Hunter
Don Hunter, Vice President

Richard J. Borries
Richard J. Borries, Member

MINUTES
COUNTY COMMISSIONERS MEETING
JULY 6, 1992

I N D E X

<u>Subject</u>	<u>Page No.</u>
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Board of Review/Cheryl Musgrave	1
Authorization to Open Bids/Boom Mower for County Highway	3
Pollack Avenue Proposals	4
SIGECO (Deferred)	4
Building Commission/Roger Lehman	4
Discussion re Ordinance Establishing Revolving Fund for Cutting of Weeds	
Auditorium/Sound Integrity System	9
Auditorium/Refund to Catholic Diocese	9
Auditorium/Rate Schedule	9
Budget Review/Discussion	12
Director of Public Works/Discussion re Appointment	15
County Attorney (No Report)	18
Harmony Way/Problem with Cars Running off the Rd.; County Engineer to prepare plans to improve the shoulder and come back to the Commission with a Cost Estimate and recommendation re Guard Rail	18
Claim/Bond/Union Township	19
Approval of Specs for Trucks and Authorization to Advertise with Bid Opening on July 27th	20
Consent Agenda	20
Old Business	20
Central Dispatch (Gary Price to review the Ordinance with regard to staffing, etc. to coincide with recent Amendment passed by the City	
New Business	21
Ohio Street Bridge (re-scheduled for discussion next week) Superintendent/County Bldgs. Traffic Ordinance/B.J. Farrell to check w/J. Wilhite	
Meeting Adjourned @ 7:15 p.m.	22

MINUTES
COMMISSIONERS MEETING
JULY 6, 1992

The Vanderburgh County Commissioners met in session on July 6, 1992, at 5:30 p.m., in the Commissioner's Hearing Room 307, with President Carolyn McClintock presiding.

President Carolyn McClintock called the meeting to order, made introductions and started the Pledge of Allegiance.

Ms. McClintock: "Is there any group or individual here wishing to address the Commission?"

Sherry Musgrave: "Madame President, Commissioners, I am Sherry Musgrave. I am a member of the Vanderburgh County Board of Review. Ms. McClintock I sent you a letter on June 29th, regarding some noticing issues about the first meeting of the Board of Review and I also sent a letter to Mr. Angermeier asking him some simple questions about the Board itself, such as, how long every day are the meetings going to be, and how many days is the session going to last and I asked him for agendas. I didn't get a response from Mr. Angermeier-at all and I still have those questions and I wanted you to know that I had made an effort to ask him some simple questions and get a polite response and I got nothing. Back to the more important issue of this letter asking about the noticing. It appears that no legal notice was published in the newspaper announcing the start of the '91 session of the Board of Review."

Sam Humphrey: "That is not true."

Sherry Musgrave: "What day was it published?"

Sam Humphrey: "I don't have it with me, but it has been published for July the 1st."

Sherry Musgrave: "For July the first."

Ms. McClintock: "Wait. Are we talking about '91 or '92? I'm confused."

Sam Humphrey: "'92 Board."

Sherry Musgrave: "Well it is '92 year, but we are the '91 Board. So then you would have published it two weeks in advance of July 1st? Is that what you are saying? Well that just doesn't fit under the statute. You have to do it *two weeks* before the first session-but I will check that anyway. So there was no notice."

Sam Humphrey: "I have checked it, for your information. (inaudible)"

Sherry Musgrave: "That would be fine, that would be fine. So there was no legal notice published for this."

Sam Humphrey: "There was a legal notice published, yes."

Sherry Musgrave: "For the meeting that is to be held on July 7th. Two weeks before July 7th no legal notice was published."

Sam Humphrey: "It was not necessary under the law."

Sherry Musgrave: "That is something that we can let the attorneys battle out. But I checked for July 7th. I checked for June 1st. I looked at the newspapers-it wasn't there. Somebody could say, 'Why are you bringing up this issue-legal notice?'. Well, Mr. Borries understands how important it is to play by the rules. I have asked several attorneys, 'If we went on and held this session of the Board and for example, a taxpayer came in and had his assessment raised-I would like you to confirm this if you have had a chance to look and if you haven't that is fine-if he had it raised and his attorney took this and went into Court, and said that the Board did not publish notice of their session, so what is going to happen here? And he says, 'Well, it would be void'.

County Commission Meeting
July 6, 1992

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All the actions of the Board of Review are void if we don't publish this notice. It is unlikely because we only raised like 2 or 3 assessments out of the *thousands* that went through the Board of Review last year. It is unlikely that we are going to raise anybody. What happens is that the Board of Review lowers people. Lowers their assessments, lowers them in an accumulative effect that the City can no longer offer Homestead Tax because they were hit with over a million dollar short-fall in their budget in money received. The County lost money. The School Corporations got cut a million dollars in receipts, because the Board of Review is out of control. They lower assessments without regard to the consequences. We need to follow the rules and following the rules starts with step one: Publish notice that we are having it so that our actions are not void. I am bringing this up to you. I know that you, the Commission, have no authority to do this, to prevent a meeting of the Board, but I would certainly like for you to be aware that this important Board is not following the rules. Mr. Humphrey, you say you have published notice but, I think that the state laws need to apply here in Vanderburgh County and if there are some laws that don't apply, *I would like to know what they are*. I would like to have a list of these non-applicable laws to Vanderburgh County. That is all I have to say."

Attorney Gary Price: "I don't believe there are any laws that are non-applicable, or such a list. As far as notice, Mr. Humphrey states that there was notice. Is there a question of no notice-or late notice?"

Sherry Musgrave: "At the time I wrote this letter, the statute says that it has to be two weeks in advance of the meeting, and there is a question as to whether the first meeting is that, on June 1st. The statute says you must meet on the first Monday in June, so if that is the law, then you look two weeks before the first Monday in June. There was no notice published that date. Then if you look at it another way, that the first meeting is July 7th, because that is when the County Assessor has called it, then it would have to be June the 23rd or the 26th, or something, and I looked up in both papers for that date and it is not there. If notice was published for a meeting on July 1st, and we didn't have it what are the consequences of that. It is all *very* puzzling."

Ms. McClintock: "Sam, would you be willing to provide a copy of the notice to Ms. Musgrave?"

Sam Humphrey: "It is a matter of public record. I checked with the State Board when this came up, the law says that in the year that reassessment commences or terminates, maybe started in the first week of May. This is not a year that, that happens, so it maybe be started in the first week of June. It doesn't say it shall be. The Assessor's office called me and asked me to publish it July 1st, which we did for the July 1st meeting. Then they can't beat it-it has been published, official notice has been published which opens the Board of Review. They don't have to start meeting that day. That is the law. I have checked it with the State Board and the Tax Commissioners both. Now it says also, that they meet for certain amount of days, I wish that, that were true but all you have to do, all the County Assessor has to do is to ask for an extension-it is automatically granted."

Sherry Musgrave: "The Board has to ask for an extension."

Sam Humphrey: "The County Assessor asks for that and two more people have to sign it."

Sherry Musgrave: "I would like to have a cite on that."

Sam Humphrey: "You are a lawyer, do it yourself."

Sherry Musgrave: "No, I am not a lawyer. I would like to have a cite on that."

Attorney Gary Price: "One other statement, Jeff Wilhite copied this and I believe he also talked with the State Board of Accounts. He discussed with them the procedures that the Assessor followed and they were satisfied with those procedures as he discussed with them."

Sherry Musgrave: "They were satisfied with what procedures?"

County Commission Meeting
July 6, 1992

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Attorney Gary Price: "With the procedures that Mr. Wilhite discussed with the State Board."

Sherry Musgrave: "You mean the State Tax Board?"

Attorney Gary Price: "The State Tax Board, yes. Mr. Wilhite was the attorney that copied this letter so I am just now seeing it, but I did discuss this with Mr. Wilhite."

Sherry Musgrave: "I would like to have a more complete understanding of that."

Ms. McClintock: "Sam, could you give us the date of that of when that was advertised? So that even though it is a matter of public record..."

Sam Humphrey: "Sure I can. We keep all those records downstairs. In fact we have to certify them to the State that this has been done."

Ms. McClintock: "So, could you call BJ tomorrow and give her that date? So we would have them."

Sherry Musgrave: "I am going to show up tomorrow at the Board hearings, but I'm going to have to tell anybody who appears that what the Board does is void. I don't know why you find it so amusing that we can't follow the simple steps in the law. It is hard enough to do the difficult things."

Sam Humphrey: "I don't find the circumstance amusing, I find you amusing."

Sherry Musgrave: "Why, thank-you."

Sam Humphrey: "You're welcome."

Ms. McClintock: "Thank-you Sherry. Anybody else?"

There being no one else President McClintock moved on to the next item on the agenda.

RE: BOOM MOVER-OPEN BIDS

Ms. McClintock: "First item on our agenda under 'ACTION ITEMS' is to open the bids for the Boom Mower, so we need a motion for our attorney to open those bids."

Mr. Hunter: "So moved."

Seconded by Commissioner Borries. So ordered.

The bids were read into the record:

- | | | |
|----|-----------------------------|-------------|
| 1. | Stephan's Inc. | \$33,000.00 |
| | Ford Model 6610 Boom Mower. | |
| 2. | Deeds Equipment Co, Inc. | \$34,350.00 |
| | Tiger Boom Mower | |

Ms. McClintock: "So are those in order? Both of them?"

David Savage: "Yes."

Ms. McClintock: "You don't see any problem with going with the low bidder?"

David Savage: "Well we included in the specs, a statement that the horse power of the unit and the boom length could be used to weight between the different equipment. We have a 4% percent differential in cost. The unit the Deeds quoted on is a higher horse power unit and I think it is an '84 as opposed to a '72 horse power unit, and the arm reach on the boom is 20

County Commission Meeting
July 6, 1992

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foot as opposed to 17 foot. I think that they are both good pieces of equipment. I think that the Deeds equipment is just a little bit heavier, and it is also available immediately as opposed to 30 days delivery which the Steven's unit is. In view of 4% cost differential I would think that we would get better service for longer period of time out of the Deed's equipment. So I would recommend that we would go with the higher bid."

Mr. Borries: "Is this Steven's equipment a new unit?"

David Savage: "Yes. Steven's is a new unit, and the Deed's, I believe has under 200 hours. But they both have a full 12 month warranty."

Ms. McClintock: "So Dave what is your recommendation?"

David Savage: "I would recommend that we award Deed's the purchase of the boom mower."

Mr. Hunter: "I will so move."

Mr. Borries: "I will second and ask for a roll call."

Ms. McClintock: "Commissioner Borries?"

Mr. Borries: "No."

Ms. McClintock: "Commissioner Hunter?"

Mr. Hunter: "Yes."

Ms. McClintock: "And I vote, yes."

RE: POLLACK AVENUE-PROPOSALS RECEIVED

The proposals for Pollack Ave project were read as follows:

1. Veach, Nicholson Griggs & Associates
2. Craig & McKnight Engineers & Architects, Inc.
3. Morley & Associates.
4. Three I Engineering, Inc.
5. VS Engineering, Inc.
6. Fink Roberts & Petrie, Inc.
7. United Consulting Engineers & Architects.
8. Butler, Fairman & Seufert, Inc.
9. Floyd E Burroughs & Associates, Inc.
10. Warrick Engineering, Inc.
11. Bernardin, Lochmueller & Associates, Inc.
12. R W Armstrong & Associates.

Ms. McClintock: "We need a motion to refer those to the County Engineer."

So moved by Commissioner Hunter with a second by Commissioner Borries. So ordered.

RE: SIGECO

(deferred to July 13, 1992)

RE: BUILDING COMMISSION-ROGER LEHMAN

Roger Lehman: "I am here this evening to discuss the matter of weeds in the county. In the past we have had the general information that the Commissioners were not extremely interested in

cutting weeds in the county, and I am kind of understanding maybe that has changed as time progresses and so basically what I would like to do for a few minutes is discuss the ordinance to see if this is still the Commissioners pleasure the way it is currently established and then to establish a process by which we can fund the operations of doing the weeds in the county. I might comment that when I say fund I am basically just talking about money to pay somebody to cut them, not develop the whole bureaucracy of weedcutters and administrative officers and clerks and secretaries and weed inspectors and so on. The issues, I believe that you all have a copy of the ordinance¹, if I could ask you to look at that. It is titled 'Weeds or Noxious Plants'. There are no definitions that I have found within the ordinance or the part that it is in, in the general rules. 'General Regulations', I believe is the title of the section that it is in. That brings up probably the largest problem that I have that I think that we need to address, which is within paragraph (B) third to the last line which says, 'within the opinion of the Building Commissioner, is detrimental to public health and comfort'. I'm not one that is afraid of authority, but I am one who is cautious with what I am suppose to enforce. We currently have no standards which say what constitutes something that is detrimental to public health and comfort and my comment is, that we in my opinion should have some standards and the attorney probably should know this, but I know he is busy, some of the standards that I have just jotted down, one of the main ones of course, is height. When does height become an issue? At what height does a weed become a danger to public health and comfort? Location relative to streets and intersections which is somewhat covered in another section of the ordinance but not in it's entirety, perhaps proximity to neighboring houses would be one criteria that could be used. A field of weeds out in the middle of no where, is probably not really a health problem to anybody, but one right next door to an occupied house might be. And then of course, the revolving question which was kind of the fatal blow the last go round was, when is a weed field a hay field, and when is a hay field a weed field? Those are kind of the basic issues as I see them, and there are a couple more which I will touch on cause I don't think that we need to discuss them a whole lot. In section (C) it says, that I am to make reasonable inspections of vacant land and I am interpreting that to mean responding to complaints as opposed to any kind of routine inspection of every parcel of ground in the county. The money to actually contract out the weed cutting and then lastly, the minor issue of coordination with the Auditor and Treasurer on processing the claims against the property owners that fail to pay to have the weeds cut. The big issue to me is, I don't really like my opinion being the final authority on what's bad and what's not, particularly with caveat of detrimental to public health and comfort. Somebody's comfort is really a broad issue."

Ms. McClintock: "Roger, are there general standards or guidelines that you could prepare for the Commission that we could actually..."

Mr. Hunter: "Why don't we use what the city uses. They've got a weed control lady, so they obviously have some guidelines."

Ms. McClintock: "I don't think we want to use the same thing the city uses."

Roger Lehman: "The city says, I believe 12 inches."

Mr. Hunter: "On vacant lots in a subdivision, there is no difference between a vacant lot in the city and a vacant lot in the county. That is mainly where we are getting our complaints."

Ms. McClintock: "That is true. Ok, but I want to be very careful not to just say we are applying city standards to...that's why people live in the country, they don't want those city standards applied."

Roger Lehman: "Can we have one standard for any subdivision in the county and another standard for other areas? I guess would be one question that would need to be answered."

¹Copy of Vanderburgh County Code of Ordinance Chapter 91, Section 91.02 Weeds or noxious plants, and copy of form notification letter included with 7-6-92 minutes.

County Commission Meeting
July 6, 1992

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Ms. McClintock: "I don't know why you couldn't."

Mr. Hunter: "I don't either, and I would think that if there any question about it that, particularly where it talks about health, that the Health Department could be the final answer. Particularly with a low area with weeds and water, it is a wetlands area of some kind..."

Roger Lehman: "Then it is protected by the Federal government."

Mr. Hunter: "Right, strike the word wetlands, it is a low spot, in the middle of the lot and we think that it might be breeding mosquitos. I would think that the Health Department would be your safety valve on that."

Mr. Borries: "I would like to see some words changed, maybe instead of comfort, maybe put safety in there. I think that if you have weeds in an intersection, where there is an obvious hazard, that it should give you some clear guidelines there."

Roger Lehman: "In the 'Streets and Roads' section of the ordinance that I didn't bring with me, there is a section on plants, visibility, intersections, but it deals within 25 feet of the intersection. I am aware of one particular instance where that isn't adequate to address the problem, so I think that the proximity to an intersection is a good thing to add in here also as well as, I would like to have the word safety added because that is kind of my prime thing. Let's propose then that we strike comfort and add safety."

Ms. McClintock: "So it would be public health, safety..."

Mr. Borries: "I don't know how to define comfort. I think I know it when I see it or feel it. Health and safety are fairly clear."

Ms. McClintock: "I think that pretty well defines it because safety would deal with..."

Roger Lehman: "Proximity to intersections, and health could in some degree deal with proximity to neighboring houses also."

Mr. Borries: "Well, I know a lot of folks have allergies to grass or whatever, sometimes when these weeds pollinate and all that goes on why I am sure that, that would obviously affect the health part of some people could have some allergic reactions."

Mr. Hunter: "I have a list probably this long, laying on my desk of complaints that have gone into the city that really are county problems. About half of them are really County Garage problems. In other words, areas of intersections or whatever that need to be cut and they have already been done. But the rest of them are individual lots because a few years ago there weren't as many subdivisions out in the county as there are now, so it is a whole new ball game. I had a call last Thursday, from a lady where the developer is mad at all the homeowners, and there are three unsold lots and he is refusing to cut them. And I said, 'Is it any kind of a danger from noxious weeds?' and she said, 'Well, only if the fact that the coyotes stand out in the middle of the fields and cry and bark every night in the spring-nothing.' So I think that those are really the problems that we need to address, that is the reason that I brought all these up."

Ms. McClintock: "Ok, are there any other changes that the Commissioners would like to see made to the ordinance itself? Because we will have to make those and advertise and all that stuff."

Roger Lehman: "I was going to suggest that I could maybe send a memo to the attorney or to the Commissioners and the attorney with the suggested wording on like say, height, in subdivision, I assume 12" in subdivisions is what you are going to want, which is the standard."

Ms. McClintock: "Do you want that included in the ordinance?"

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Roger Lehman: "I think that it needs to be. Otherwise it will be thrown out of court."

Ms. McClintock: "Ok, so what you are going to do is, you are going to send that to us and then we will discuss it before the attorney spends time putting it in the ordinance. Can you have us something by next Monday?"

Roger Lehman: "Probably, I will be out of town next week, but unless you want me to be here to discuss it with you then we will need to wait until the 20th. If you just want the stuff I can get it to you by next week."

Ms. McClintock: "Just get us the stuff, because we will refer to the attorney and it's going to be advertised and all that."

Roger Lehman: "I'm sure the media will advertise the fact greatly that the Commissioners are now serious about weeds in the county. We have been sending out form letters routinely but we have not been doing anything past the form letter². I did give you a copy of the form letter."

Ms. McClintock: "Ok, this is what you are sending when you get a complaint now. Ok. (inaudible)"

Roger Lehman: "No. It has been too long. But, seriously it would be good for the media to promote the fact. I really don't want to stick a bunch of people with a bunch of bills that they think that they might not get. But, by the same token, we need to get it done."

Mr. Borries: "You have used this before, haven't you? In cases where there have been complaints. Like those condemnations, you remember when we had those-remember that place out there on Highway 57?"

Roger Lehman: "Yes, you are talking about condemnation buildings? On the buildings we have used it and in conjunction with that we kind of use this a little bit. Thinking back about 3-4 years when we had some problems on Allens Lane was the last time I can recall ever bringing it up, and at that time it was determined that the definition wasn't good enough to really do much with it. So since then it has been...if we could tightened up the definitions and add some more specifications I think we can make it enforceable. So I will have something for the meeting on the 13th. Now, the other thing that we need to do is provide funding to actually do the work, in other words, I don't have money in my contractual services budget, I didn't budget any money to do this with. In other words, I've got money in my budget but it has got to last me the rest of the year so if we wanted to start this fairly soon, we could go ahead and enforce the ordinance and we could go ahead and contract out, but I would need to have some assurance that my contractual services budget would be reimbursed in the next couple of months so I don't run out of money before the end of the year. We talked about maybe revolving type of fund which the city currently uses for demolition and I don't know if they use it on weeds or not, I don't think they do on weeds, but on the demolition they do."

Mr. Borries: "Could you use a fund like that on expense?"

Roger Lehman: "A revolving fund, to where people pay the money...we are talking about cutting weeds in the county and also demolition of houses I would kind of like to lump them together. Is there a problem with establishing a revolving fund that would be funded at a certain level at the beginning of the year? As we contracted to do things we would pay money out of that as people pay back with their taxes that would be put back into that fund, so that we would have continuous..."

Mr. Hunter: "Don't we have a similar thing out at Burdette Park right now?"

Mr. Borries: "Yes, they have a revolving fund."

²Copy of form letter included with the 7-6-92 minutes.

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Mr. Hunter: "What you are wanting to do is pretty much become self-sustained with the limited amount of budget up front to get it started and then once the money starts coming in rather than going to the general fund it would go directly to you and you would become self-sustained."

Roger Lehman: "Yes."

Mr. Hunter: "Could that be done, Sam?"

Sam Humphrey: "I don't know, I can't answer that."

Ms. McClintock: "Yeah, it can be done by ordinance."

Roger Lehman: "It's up to the Commissioners I just as soon have..."

Sam Humphrey: "There are provisions for handling weeds and putting liens on the property and when they are sold and et cetera, et cetera, et cetera. I don't know that we have ever got one from the county, but I don't know that we haven't. We get a lot of them from the city."

Roger Lehman: "If the Commissioners want to keep it within their budget, and just let me administer it then that would prevent the problem of the joint funding and the city\county paying half. Since the county is not involved in the city's weeds the city probably won't want to be involved in the county's weeds and my budget is joint so, to simplify bookkeeping if the Commissioners would want to have the account in the Commissioner's budget."

Sam Humphrey: "Do the city people cut their weeds or do you know?"

Roger Lehman: "They contract it. I think they do a combination of both actually. It was brought up that the possibility of county employees cutting weeds, and to me that is really not a good thing to get into. I think that the contracting out is the best way to do it."

Sam Humphrey: "What happens for money if we don't sell the property and the county retains ownership of the property like we have in many instances."

Ms. McClintock: "I think that is a separate issue at this point."

Sam Humphrey: "No it isn't. If you bill it, and you pay for having it done, and then it is not recovered, what happens?"

Roger Lehman: "The lien stays on the property."

Sam Humphrey: "The lien is on the property and the property goes up for taxsale twice and is not sold and then the county..."

Roger Lehman: "Then the county would have gotten it anyway and the county would have to correct the problem."

Sam Humphrey: "I understand that. But see you have a revolving fund that is void of that amount of money."

Roger Lehman: "The way the revolving funds, we have them for code books and tests and things in the city and periodically there does have to be an infusion of money put in and that is done at budget time. If the thing is down to a thousand dollars and there is nothing coming in."

Sam Humphrey: "I think you have to have an appropriation to start with. Because if we receive any money it goes into the general fund."

Roger Lehman: "The other thing that we talked about was the Commissioners have 2,000.00 dollars in their demolition fund- whether or not that could be used for weeds to start with."

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Ms. McClintock: "I think it probably could. In your information let's raise the issue of the revolving fund and we will have the attorney check it out. And yes, we would have to appropriate some start up funds."

Roger Lehman: "If it is possible I would like to do that with the demolition fund too, for building demolition. If we do it in the same fund then what we don't spend on one we could do the other and vice-versa. That's all I have."

Ms. McClintock: "Ok. Thank-you."

Roger Lehman: "Are you going to send me your list, or do you want me to go get it off your desk?"

Mr. Hunter: "I'll go get it for you right now."

Sam Humphrey: "Roger, I would ask that whoever imposes these bills gets the right property. You think that's [funny], we've had 27 of them returned to my knowledge that are on my desk. We have one letter from one man has been billed from '89, '90 and '91 for property that he doesn't own."

Roger Lehman: "We will do our best to get the right property."
(inaudible remarks)

RE: VANDEBURGH COUNTY AUDITORIUM: SOUND INTEGRITY SYSTEM

Ms. McClintock: "Ok, Andy Davidson is not here this evening, we have Danny Spindler with us this evening and he has two items. I wasn't at last week's meeting and I didn't realize that you had deferred the auditorium rates that everyone's been provided with a copy of those rates³. Danny?"

Danny Spindler: "Yes, I would like to introduce our on-site manager of the Vanderburgh County Auditorium and I think that she has met most of you, but this is a formal introduction. This is Sandy Toton. And Sandy is going to be talking about the Sound Integrity system and then we will be more than happy to talk about rates."

Sandy Toton: "I want to thank-you for allowing me to speak with you this evening. I do have a Blue Claim and Bid from Sound Integrity⁴ that I would like to submit to the Council tonight for approval. This will upgrade our sound system in the Auditorium section. The problem with our present system is that our very large ceiling speakers which are mounted high in the building are projecting sound pass the seventh row. So our problem..."

Ms. McClintock: "Excuse me a second, Sandy, could we hold these two side meetings outside so we could listen to Sandy? Thank-you."

Sandy Toton: "Thank-you. With the addition house system on speakers and an amplifier, we will now be able to project sound to the first seven rows of the Auditorium, and this has been a very large complaint from patrons of the Auditorium that those seven rows are really dead. They are hearing sound bouncing off the walls verses coming at them. What I am submitting tonight is a Blue Claim for 1,991.66 and that is half of the cost which has to be turned in with the order about 3-4 weeks from the time I place the order, the system will be installed and then the balance will be due, of 1,991.65."

³Copy of Vanderburgh County Auditorium Rate Schedule included with the 7-6-92 minutes.

⁴Copies of Blue Claim and Bid Quote from Sound Integrity, Inc. included with the 7-6-92 minutes.

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Ms. McClintock: "Did you get any other bids?"

Sandy Toton: "Sound Integrity installed all of the other sound equipment in the Auditorium, so I would prefer to stay with them since they know our system and our wiring and our problems there. They have always turned a good product for good cost."

Ms. McClintock: "The follow-up question is that, Sound Integrity is a local company? Is that correct?"

Sandy Toton: "Yes they are."

Ms. McClintock: "Are there other local companies that could provide this same piece of equipment?"

Sandy Toton: "I'm not quite sure that any of the other..."

Danny Spindler: "There possibly would be, the problem is, is that this is part of what the original package should have included. So it would be taking Brand 'A' and asking Brand 'B's' equipment to work on Brand 'A'. It really is an intricate part of the ongoing sound system that was originally installed. The money is in the budget and was planned to do that for this year to start with. So, even though we find another brand or another installation out there it would be on equipment that would be working with someone else's."

Ms. McClintock: "Ok, let me ask you then, understanding all that are they giving you the same or close to the same price that they bid the original equipment?"

Danny Spindler: "Well we could determine this is probably a 1,000.00 dollars or 2,000.00 dollars less than what was originally anticipated on the equipment to start with. This does not complete the entire sound system over there either but you can look at from Phase I, that's this year's Phase I of completing a vacant spot in the Vanderburgh County Auditorium."

Ms. McClintock: "Is the money..."

Danny Spindler: "No. The money was approved and appropriated in the budget under 'sound and lighting'. Our contract requires us to have approval to spend anything over, I believe, over 2,500.00 dollars, and so that is the reason that we are presenting it to the Commissioners."

Ms. McClintock: "Ok, any other questions for Sandy on the house speaker? Then I will entertain a motion to approve."

So moved by Don Hunter and seconded by Rick Borries. So ordered.

RE: VANDERBURGH COUNTY AUDITORIUM: REFUND TO CATHOLIC DIOCESE

Sandy Toton: "We are requesting a security deposit refund of \$100.40 to the Catholic Diocese of Evansville. The reason for that is, as you may know we have the education foundation preparing their 'Peter Pan' performance in our building for the next 2½-3 weeks, seven days a week, many hours a day. Catholic Diocese was scheduled or doubled booked into the Gold Room prior to 4-6-92 for July 16th and it was their regional meeting with about thousand people plus, in attendance. A very important program for them and they are one of our very good customers. I did work with Justin Clemmons with the Catholic Diocese and trying to find a new home for their program, since all their publications went out for the Auditorium or the Gold Room, and he was very gracious about moving across the street to the Green Center. They did have a room available for him. So under those conditions I feel like the deposit needs to be returned to the Catholic Diocese. This will bring up another issue as far as the problem of double booking across the street. Approximately August 1, of this year we will have all bookings no matter where they are in that building on computer. So double booking will not be accepted by the computer. So hopefully between now and August 1, when we become on line we won't

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find anything else as a surprise and that will give us total access for years. We can book 5 years in advance, 10 years in advance through the computer. Because this is not a good thing to happen for Evansville groups or any other group. So I would like permission on the refund."

Ms. McClintock: "I'm sure that, that will get approved on that Consent agenda. Let's just do all those together. Are there any questions?"

Sandy Toton: "I would like to invite each of you over to the Auditorium to see our new 'curb appeal'. Our flowers are finally growing. So do come over and visit with us."

Ms. McClintock: "Great. Thank-you and welcome Sandy."

RE: VANDEBURGH COUNTY AUDITORIUM: RATES

Danny Spildler: "Before you discuss the rate sheet I would like to reemphasize that the double booking did not occur while we were managing the Auditorium. Just wanted to make sure that was clarified. As far as the Auditorium rate schedule I had submitted our proposed rate schedule, to the Commission on your last Monday's meeting. Commissioner Hunter and Commissioner Borries, I think I had requested a week's time to review that also we made sure the Advisory Board had received again, another mailing of the copies of rate sheet, as well I believe, the County Council. To date I have had no response, positive or negative from any of those individuals about the particular rate sheet. In fact I've heard very little or no reaction about the rate sheet itself."

Ms. McClintock: "My question is, 'Are major users, the Philharmonic and some of those people, have they seen the rate sheet?'."

Danny Spildler: "No they haven't. It is my understanding that the 1992-93 season for the Philharmonic had already been established prior to us taking over the management. So, what the rate sheet is really calling for is users of thirty times or more per calendar year be quoted upon request. At this point in time, and based on the history it would be the Philharmonic is the only one. I think when we start looking at the following season, going to the 93-94 season, at that point and time then we would simply come back to the Commission with a proposed a rate schedule for that. So I really don't see that affecting those individuals. Obviously any contracts that are booked in there that have as far as any events under a signed contract, whatever those were established for those particular contract, is what we will honor. So this would only apply to anyone new coming in, or to those users that they have booked for the remainder of the year or into 1993."

Ms. McClintock: "So these rates would go through 1993?"

Danny Spildler: "Until the Commission either decides to change it or until we would come back, and I would anticipate this would be an annual thing, about this time next year we would come back and propose rates at that time to go into effect, maybe even a little earlier next year so we could tie those into our projections for the budget for the following year."

Ms. McClintock: "Ok, let me ask you another question. What are we going to do about people who have a group and they want to book *five years* out in advance, cause I know this has happened, for New Year's Eve? What they have been doing, if they booked in 1989 they are paying the 1989 rate."

Danny Spildler: "One of the items that we still we have on our check list to do, is to take a look at with the County Attorney, the actual contract that is being used over there. I don't know the last time it was reviewed or when it was actually originally drawn up. But, it no longer is current for buildings of this type. There are a number of items, one of which though, ties into this, that under the contract or at least under a reservation, a firm reservation where a deposit would be applied for a future date, such as a 1994 date, what we would simply do is to include language in there that would explain to the individual booking that far in advance that the rate

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would be determined based upon the rate that was in effect at that time. Some language where six months prior to that we would have to notify them of what the current rate would be in effect. It is not fair to this facility and that's not abnormal for these types of facilities anywhere, that if someone is booking something for 1997, not to hold it at a 1992 rate. So that language is one of..."

Ms. McClintock: "You think you could take of that then. Ok, any other questions for Danny?"

Motion made to approve by Commissioner Hunter and seconded by Commissioner Borries. So ordered.

RE: BUDGET REVIEW/DISCUSSION

Ms. McClintock: "As I announced at the meeting, June 23, I think, BJ has had the budgets available for the past week for each Commissioner to have an opportunity to look through them if they so desire. There were a couple of things that I wanted to point out on the record, because there were slight changes in our budget that was prepared. I would like to commend BJ, she did a really wonderful job with this, it is much easier and I know you have seen that it is much easier to see where our money is going whether that having huge lumps sums of contractual services. Each and everyone is spelled out so it is very easy to see where our money is going. Basically what she had done is ask for a separate account for a copy machine, supplies, computer maintenance, and that account would be used solely for the Manatron expenses. For another computer maintenance account that we would use to pay for the Unisys contract obligations and BJ suggesting this has been beneficial for bookkeeping purposes. Separate account for Hillcrest another contractual, and for Youth Resources and other contractual, so we could keep track of both of those items. And we had listed our CAPE contract for the SMILE bus program was listed under motor vehicles which was kind of hard to determine what that was and she is suggesting that we change that 1300-4232 CAPE, so that people would know exactly what was going on. The only changes in what you have reviewed that I need to propose this evening are, we had received a letter from Gary Rexing, the Vanderburgh County Soil and Water Conservation District Chairman. He is requesting an increase in their budget from 3000.00 a year to 5000.00 a year. BJ had put in 3000.00 in and we had received this after she had prepared the budget. Basically they have only received 3000.00 a year for some time, he gives us a budget comparison back to 1990. He is requesting that increase to offset increase cost in their budget. This year they lost 2400.00 some odd dollars. So that is why they are making that request. There are only a couple of others. BJ had increased and I know you will remember, we had to each year do an additional appropriation for South-West Indiana Mental Health, because the contract calls for cost of living that we don't get that bill until after the budget is done. So she had increased from 401-540 for this year to 410 for this year because that 410 is what we are paying this year. We know we will have to pay more, but we don't until we know what that cost of living is, what that is going to be. Willard Library we included the amount that the library requested for the archives which is 42,188.00, and that is up from 36,474.00 from last year. The only other addition that I would ask you to consider this evening is for the Commissioner's budget, and it is a significant one. I know that you all remember that we had been requested last year to assist with the 'ABCDE Incubator Project'. The project to start new business's in Evansville in the old Ore Iron building on Lloyd Expressway. We did not ever act upon that request. The city of Evansville gave that group or organization 150,000.00 dollars to start with and then it was my understanding an additional 100,000.00 dollars to help work toward that project. They are looking at applying for a grant from the Lilly Foundation for 800,000.00 dollars. They are looking for the match for that grant and this would enable them to complete their project. They would like to come to the Commissioners next week to explain their progress, it is my understanding they have 11 business's in there now, what their plans are and what their hopes are. However, they could not come this evening and I told them we had to go ahead and try to get something in the budget and get it approved. We can, if the Commissioners are not satisfied next week with their presentation or certainly if Council isn't, the amount could be taken out of the budget or could be reduced. But what they are requesting from Vanderburgh County for this year is 250,000.00 dollars. Which provides for a total project a 1,050,000.00 dollars. My personal belief is, that this is a very successful project one that we

can see is spurring jobs in Vanderburgh County and I had and I'm sure that you are all aware at one point have purposed putting additional money this year in 'Vision 2000' as a challenge. Rather than doing that I would support, and it would be my preference, to provide this grant match money so that the 'Incubator Program' can complete their construction and continue to help those business's they are working with and attract other small businesses. So the changes are, and I assume you probably want to vote on them separately after I drop that bomb, is the Item #304 Soil and Conservation Service 3000.00 dollars to 5000.00 dollars. We need a motion to include that change."

Motion made by Commissioner Hunter and seconded by Commissioner Borries. So ordered.

Ms. McClintock: "The Willard Library is already in the budget that way, so we don't need a motion on that cause we are going to vote on this entire budget, and the other item is the grant match for the 'ABCDE Incubator Program'."

Mr. Borries: "Is this a one time expenditure, did you say?"

Ms. McClintock: "This is a one time, yes one grant to complete the program. So our 250,000.00 dollars, if they receive the grant that they are..."

Mr. Borries: "What happens if they don't?"

Ms. McClintock: "If they don't receive it we don't have to give them the money. I would assume we would want the motion based upon their receipt of the 800,000.00 dollars, and then we would match that grant up to 250,000.00 dollars."

Motion made by Commissioner Hunter, seconded by Commissioner Borries and so order by President McClintock.

Ms. McClintock: "I know that you all reviewed the rest of these the only major changes in the department budgets that are under the auspices of the Commission is the addition of an attorney and a secretary for Legal Aid. Now they have asked us for that. The Mayor had sent a correspondence to the Evansville Bar Association and I received a copy of, basically what the Mayor is asking the Bar Association to do, is to be a active and equal financial supporter of the Legal Aid Society. In effect he is proposing that the Bar Association become the fourth partner in the funding of the Legal Aid Society. Obviously increasing the number of organizations participating in funding will reduce the burden on each organization. This has not been responded to yet, since we have to approve this, it is my opinion that the individual involved have made their case for the additional people now it's down to how that gets paid for. Frankly, I'm kind of in a quandary at this point. If we go ahead and approve it then, we sort of discourage any participation from any outside group. But if we don't approve, and send, correct me if I'm wrong, at least the positions and maybe not the money, then we can't put them in. Is that correct?"

Sam Humphrey: "The Council is going to have to approve both positions."

Ms. McClintock: "I understand that, but, if we don't start the process can they then add..."

Mr. Borries: "They can not add, they can only cut. Can't they?"

Ms. McClintock: "They can only add with five votes? See, I'm confused."

Sam Humphrey: "You probably ought to request them."

Ms. McClintock: "Go ahead and request it?"

Sam Humphrey: "I think that they can add positions, but I wouldn't..."

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Ms. McClintock: "My memory from last year is that we could not. Because we messed up."

Mr. Borries: "Did the County Council take any review from the Jobs Committee, or their Job Study regarding these two positions?"

Sam Humphrey: "It came up before the Job Study one time and it was turned it down. Recently. In about the last four months."

Mr. Borries: "I have received a lot of information from a lot of the Bar Association members..."

Sam Humphrey: "I would say go ahead and put it in because they can cut..."

Mr. Borries: "Yes, I think the Council can probably delete. I'm not sure they can add after a specified time. I'm not familiar with that part."

Sam Humphrey: "The only one that can't add in my recollection is the Tax Adjustment Board. They can't, they can only cut. I think that is the only one that has a restriction. The Council may take the attitude if you don't request it in the budget, it is something that you..."

Ms. McClintock: "Right. That's what I think will happen, and they can always cut it out easily."

Mr. Borries: "The other thing that I want to see some follow through on them. I suppose there is some kind of commitment, when they made their presentation, I certainly think if the work is increased and that is what we are led to believe from the lobbying and the statistics that are presented to us, then that office should be open the same as the other County offices to serve the public. That is their mission and I feel very strongly about that and brought that up before, because someone from that office is on record as saying at some point that the halls were deserted and there was not any business, and that was one of the reasons that they were part of the courts and they were going to close. And frankly I don't think you can have it both ways. Someone has to be available in that office the same working hours as other county people if in fact they have this additional business."

Ms. McClintock: "Ok. I agree. I think that we ought to go ahead and act on that tonight, because if they are so overloaded, I think that they can stay open until 4:30 like everyone else. I will support that motion."

Mr. Borries: "I can support it, I will so move."

Commissioner Hunter seconded. So ordered.

Ms. McClintock: "BJ then you need to send them a letter, saying effective like, maybe Monday, they can be open until 4:30 like everybody else. Would you like to act on the Legal Aid budget as they have proposed it to the Commission, to send it the Council? With the understanding that we are still going to work with the Bar Association and then all that."

Mr. Borries: "I will move that we approve the budget at this point, to send to the Council."

Seconded by Commissioner Hunter. So ordered.

Ms. McClintock: "Then the only thing that remains to do is we have already approved Legal Aid, is we need to approve and what we are approving are the ones that you have reviewed; the Commission, the Health Department, Veterans Administration, Drainage Board, Superintendent of County Buildings, County Highway, Cumulative Bridge, Local Roads and Streets, and there are no major changes in any of those budgets from 1992."

Motion made for approval by Commissioner Hunter and seconded by Commissioner Borries. So ordered.

RE: DISCUSSION: APPOINTMENT OF DIRECTOR OF PUBLIC WORKS

Ms. McClintock: "I had attended the June 23rd, Job Study Committee meeting. At which time the Job Study approved, and Council will vote on it, is my understanding at this point, on August 5th, the change in job description and job title, from County Engineer to Director of Public Works Department. The Job Study approved impending Council approval removing that position from the Job Study and set the range for the position again, to be approved by County Council up to 45,200.00 dollars a year. We have a candidate that all of us have talked to and interviewed that is still interested in that position. I've spoken to him on the phone indicating my support for his continued candidacy and indicated that I would bring to the Commission tonight for a vote from the Commission. In my discussion with him is that, the position itself, the title and the job description and salary still all needs to be approved by County Council. But this particular candidate is retiring from the Armed Forces, and needs a minimum of 60 days to give that notice so he can, if offered that position retire and move to Evansville. Obviously, waiting to make a decision on who the individual will be to fill this position would put us back yet another 30 days in the process. I have spoken with Dave Savage who participated in the entire process; the review of the applications, the initial screening, the executive session and the interviews. He is here tonight to answer any questions that anyone has regarding this particular candidate. But what I would like to do at this point, is, nominate..."

Mr. Hunter: "Offer the position at this point, I think. I will move that we offer the position as it currently stands, which is County Engineer, to Mr. Richard Tromley."

Mr. Borries: "I would like some discussion on this but for purposes of that, I will second the motion and ask for some discussion."

Ms. McClintock: "Ok."

Mr. Borries: "I think we have changed the whole configuration here what we are asking for now. We have a salary now that is much higher than what some people were led to believe and I have some concerns, not with the character and certainly not the background of this person but, all of his qualifications in this situation may not exactly fit what this position as a County Highway Engineer needs to be. I think that there are some local alternatives in house, that could be explored. I know of at least one individual who officially is, Director of Engineering Services, Gary Kircher, who is my understanding although not a PE, which this particular position calls for, he only needs to take the test."

(Break due to change in tape)

However, when Valarie returns, or until she returns, that David Savage is going to be in current capacity. I think that this particular person could serve very well in that capacity because he has the 'hands-on' very practical experience of being in the field. Being familiar with regulations and certainly most of all, familiar with this community. I would like to see some discussion, consideration made or some alternatives before this particular person is hired. Again, first of all because of the salary and secondly, because of the qualifications that I have some concerns with. Particularly in his current position, I'm not sure that it's well suited to what we are calling for here in a County Highway Engineer a person who needs some direct 'hands-on' experience and very current experience. I think that, there are some local alternatives and some local people who again could perform in this capacity. David, in terms of being a Professional Engineer, if this department functions as with the current situation, maybe with you as a PE, you could sign off on various decisions or Valarie could when she returns, could verify any kind of legal documentation and perform those kind of services until the person that I'm familiar with, gets his Professional Engineer license. Wouldn't that suffice in that case, as long as a Professional Engineer is reviewing whatever documents there might be, or signing off on an official document of some sort?"

David Savage: "The problem is, in the current situation in some ways would be in my best interest to let this continue on indefinitely, but we are falling behind. We are not keeping up with the work load. Keeping the construction projects moving, decisions on changes, verifying the quality of the construction is more that Gary can handle right now. The design work if we

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are to turn out any of the locally funded bridges, like the one I did for you at Nesbitt's Station at the end of last year. If we want to turn any of those out, in the last half of the year, Valarie is going to be tied up totally on that. You need a full-time director."

Mr. Borries: "I think that we have to be very plain here, that there is an issue involved here that I'm not sure that this person credentials here at this point match what is necessary. He is a fine person, I was very impressed with his interview. But, I'm not at all convinced that, that kind of work can't be done by, let's say someone in Gary's position. Hiring some of the soon to be vacated slots that could then assist whoever that person is and you are also going to have Valarie returning at some point."

Ms. McClintock: "Wait. Before he answers that question. Is Gary Kercher interested in this job now?"

Mr. Borries: "I'm not sure that he is or he isn't."

Ms. McClintock: "Have you talked to him, because I have talked to him."

Mr. Hunter: "He and I have talked. I'm kind of like you on this, and our discussions have been pretty numerous the last few weeks. He really doesn't seem the least bit interested in it. Because he would have been the logical person."

Mr. Borries: "I have detected some interest and so I'm not sure."

Ms. McClintock: "Well, has he said, 'Rick, I'm interested in applying for the job?'."

Mr. Borries: "Oh, no. I don't think that the way the original situation was set up here that he wanted to apply but in view of the person that you are selecting, let me just ask you, does he have his current Indiana PE license? Is he certified?"

Ms. McClintock: "No, he is not."

Mr. Borries: "He is not certified. Then we have..."

Ms. McClintock: "But, Gary Kercher does not have his degree. Gary Kercher does not have his degree. This individual has a degree in Civil Engineering."

David Savage: "Bachelor's of Civil Engineering. Gary almost has his degree in Civil Engineering Technology. Gary is a good guy. He is very capable and he really has a heart for building a department that can handle construction engineering in-house. I'm not sure he feels that he is the guy to lead the department. Tromley doesn't have as much 'hands-on' design type of experience. But he has led a department that has been responsible for roads, for drainage, for maintenance, for sewers, in numerous military installations he has been at the top. He has been a decision maker and I see a real void in management, in leadership, in vision in the department for building the County Highway operations, the maintenance operations and the planning operations to the point that this community needs."

Mr. Borries: "I understand all that-don't argue. But we still have to get back to the fact in terms of certification here and how this department is going to function. I just think he is certainly well qualified and as certainly demonstrated his leadership capability within the United State Services, or Army Corp of Engineers. But, I'm talking about a person who in not going to be what I would envision the head of a vast bureaucracy here, in effect he might be over qualified. I'm talking about a person who needs to be 'hands-on'-get right in there with everybody else in that department, and could certainly exercise the vision of leadership that you call for because they will also have some of that extensive knowledge of the community. I don't know if Gary would be interested, or not. If he is not, again there may be others at this point who might, because now we have also changed the salary situation."

Ms. McClintock: "Now that has been pretty well publicized, I think Gary knows what the salary is. I would be more than willing to call Gary tomorrow and sit down and talk to him, and if he is interested set up an interview with Gary or anyone else that is interested. The vacancy the second time has certainly been well publicized, the salaries have been well publicized, everybody knows that we have been without a County Engineer for several months now. However, I'm not willing to delay this process past next Monday because we need to move forward and the basic philosophical disagreement about whether or not a person like Richard Tromley can be a 'hands-on' leader in this department, we can sit and argue that all day Rick, because I very impressed with his credentials, with his background what he's been able to do and with what the people that you call and ask about him say about the kind of individual that he is. As David has just said, Gary is a great guy, he has served the county well. He does not have the same qualifications that Mr. Tromley has, but I would be more than willing to sit down and talk to him about it. I think that it is silly to sit here and argue about it, when we don't know whether he even wants the job."

Mr. Borries: "I'm not trying to be silly. I'm really not, Carol. I'm trying to look at some other alternatives, I don't have any bad to say about Mr. Tromley, because I don't know him. But, I also know that we have gone through a series of changes and vacancies and this change and that change, and certainly a couple more weeks, even if we wanted to re-advertise for an Engineer, we don't have to go all over the mid-west to re-advertise. But at this..."

Ms. McClintock: "Rick, you know that we advertised, we advertised this position at salary open negotiable. We had people to apply that thought we were going to pay them 80,000.00 dollars a year. We did not advertise this salary range. We can show you the ads, and we have advertised all over the country. And we had 30 or 40 applications, if you want to get them out and look at them again, David has done that once. If you want to do that again you are more than willing to look at them. We have still got them all."

Mr. Borries: "I don't know how you could have said that the salary was negotiable at that point if you had some county standards that were governed under a Job Study that put it far lower and now we have a different salary schedule and you said that you opened it up and excluded them out of the Job Study and made it more competitive in terms of the figure here and I'm saying that there are some other alternatives that we could look at, also that tend to match what this position is and also would have the current..."

Ms. McClintock: "That is your vision of what this position is, Rick."

Mr. Borries: "It is a vision that whether or not you've got to have a person who is also validity licensed and validly set for the position. I'm not sure that you have that."

Mr. Hunter: "We could fuss about this all evening. The one thing that has come to me over the last four weeks since school was out-and I have spent a lot of time here-David Savage has said we are rowing upstream and we are getting farther and farther behind all the time, and we need to move, like David said in his opening comment, his advantage is not to, but we need to move on with this thing. If Gary Kercher is interested I will be glad to sit down with Gary, but just in our conversation, Gary seems to really enjoy the actual project, like the Union township, the thing he is working on now. He has mentioned to me, he could not handle the paper shuffling and the office work that goes with this County Engineer's job. So, I guess my concern is based on pretty much what you have said, Dave, that we need to move on this, because time's a wasting, and we are getting further behind. I'm I reading you right on that are not?"

Ms. McClintock: "Ok. I will call Gary in the morning."

Motion to accept Richard Tromley was withdrawn by Commissioner Hunter until after discussion with Gary Kercher.

Request to put on next Monday's agenda the follow up of this appointment of Director of Public Works.

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RE: REPORT FROM COUNTY ATTORNEY

Gary Price: "This is my Commissioners report⁵ for this meeting, and there are no action items on the report. However, I will respond to any questions."

There being no questions the floor was turned over to Dave Savage.

RE: PUBLIC WORKS: HARMONY WAY

David Savage: "The question of the cars running off the road at 2829 Harmony Way. I field checked the location, it's on a curve, through the curve there is a five foot gravel shoulder, and the shoulder tapers off quickly and that is the area where it tapers off is where the vehicles are leaving the roadway. I think that if we could widen the shoulder we allow a little bit more recovery area, so people don't get off the edge of the road to begin with. That might take care of a fair number of vehicles. It is obvious by looking that this would be a good test case because there is a number of vehicles that have gone off there fairly regular. As far as guard rail goes, guard rail could keep vehicles away from the guys house. The way it is set up it would keep the bulk out of the guy's yard which is somewhat extended recovery area. Since the protection of the house is something at that one isolated location, I think it might be a reasonable for the county to make some improvements to the shoulder and to allow the homeowner to install a guardrail, if you wish to, on the right-of-way, if it was done according to standard specifications. I think that the shoulder is the biggest option for keeping vehicles on the road, and the guard rail would protect his house. I don't whether he would be willing to pursue that option or not. I think that we need to give some thought that this might be a kind of involving policy too, because there are a lot of curvy-ridge roads with narrow shoulders in the county."

Mr. Hunter: "Do you have any idea what a guard rail costs?"

David Savage: "This is just a shoot from the hip but it would probably be about 3,000.00 or 4,000.00 dollars."

Mr. Borries: "Maybe if we could look into the cost, I would share your concern. I mean we can't put guard rail on every part of the county. I familiar with a instance that occurred back in 1982 off of Darmstadt Road where there were accidents and a house hit and a man came here and at that time, Jim DeGroote who was Sheriff, went out and did all the traffic studies and they did the stepped up speed enforcement and everything and we did put guard rail there-the county did. I think that it certainly, I don't know if it slowed anyone down, but to the best of my knowledge that particular property and that particular area has at least stabilized. This is the second request that I can recall. Do you think that maybe we could look at some cost estimates before we make a final decision on that, because I remember when that matter came up, but I'm not sure that the other part I'm sure that the shoulder improvement will help. I don't know of any other situation where we have asked a resident to install, at his expense in the county right-of-way. That concerns me a little bit."

David Savage: "I guess that the logic is, would be protection, that we are spending money to protect the public, whereas we would ask the property owner to spend money to protect his property. The shoulder work would probably prevent, would help prevent vehicles from leaving the roadway, the guard rail would catch the ones that did. It could be done. If you like we will work up some estimates. I do think that we need to pay a little more attention to end treatments on the guard rail. Guard rails could be hazardous."

Mr. Borries: "I agree. I think that they need to be. As what has happened in so many of our state highways, those need to be buried and placed in..I don't like the fist type. I would like to see something that is buried within the ground, a more 'state of the art' than are many that we have installed around the county at this point. Also on item about this, I had a very irate person

⁵Copy of letter to Carolyn McClintock from Gary Price regarding: Status of various legal matters dated 7-6-92 included with the 7-6-92 minutes.

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call me then, who apparently after this was done, the Sheriff's department went out and did some real traffic enforcement and caught a number of people, and this particular person who was very irate on phone, also felt that there was a little bit of entrapment involved because apparently there must be some kind of inconsistency now insofar as the speed throughout that area, saying that somehow it is a 30 mile per hour for 2 blocks and then goes back up 35."

David Savage: "I couldn't say."

Mr. Borries: "I would like to see if we could research and see what exactly the speed is. This person said that..."

David Savage: "On Darmstadt?"

Mr. Borries: "No, on Harmony Way. That it was like a 2 block area, down to 30 mile per hour then it goes back up 35. If it is then it really is inconsistent, maybe we need to lower the whole area down to 30, realizing again that sometimes folks are going to speed, but I think that we need to make it consistent. So, if you could review that, or have someone over in the department review what that error is, I think that, that might help too. Apparently there is a drop and then it goes back up."

Mr. Hunter: "Interestingly enough, I had a call on the same thing only from the Sheriff's department. You are right, Rick, it was apparently posted at 30 and they picked up 13 people, and the least amount 40-41 and it went up to, I think, 57-58 miles per hour. They did not say there was a 35 somewhere else, and there could well be. We got the same problem out off Browning Road, 35 in one place and a short distance down the way it is 30. It could be a little confusing."

Ms. McClintock: "I would like to suggest, since Mr. Long has waited these many years to get anything done, we know that we are going to have to improve the shoulder, that we go ahead and authorize the department to prepare the plans to get the shoulder improved and then come back to this commission with the cost estimate and a recommendation on the guard rail. We are going to have the shoulder either way, and we understand that's our responsibility and do it."

Motion made by Commissioner Hunter and seconded by Commissioner Borries. So ordered.

Mr. Borries: "And you will report back to us, Sir, and have something about the cost of the guard rail?"

David Savage: "Yes, we will, it may be a few weeks before we can do that."

RE: BLUE CLAIM-BOND UNION TOWNSHIP

David Savage: "I have a claim from Blankenberger Brothers Inc.⁶ in Union Township. I intended to have this on the consent agenda in the interest of moving things along better, but, we are still getting..."

Ms. McClintock: "It is \$213,856.67."

David Savage: "I recommend payment."

So moved by Commissioner Borries and seconded by Commissioner Hunter. So ordered.

RE: GREENRIVER ROAD RIGHT-OF-WAYS

⁶Copy of Blue Claim to Blankenberger Brothers Inc. for 430 Bond-Union Township Access. Invoice #91-02 11 period to 6/30/92. Amount of 213,856.67, included with the 7/6/92 minutes.

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David Savage: "Green River Road temporary right-of-ways⁷, parcels 56-60, we need authorization to purchase these, or offers that have been previously approved by the Commissioners. I recommend a approval."

Ms. McClintock: "That is 150.00 per parcel, temporary right-of-way."

So moved by Commissioner Hunter and seconded by Commissioner Borries. So ordered.

RE: TRUCK SPECS.

David Savage: "My final item is on the truck specs that were discussed a few weeks ago. We did take another look at St. Joe county's specs, and learned that the items that dealt with the reinforced frame and reinforced bed that they used had been incorporated in our specs. A number of other heavy duty type features were not, and after talking with them we felt that the difference was that they were dealing with 12 foot snow drifts regularly, and we are dealing with 4 foot snow drifts rarely. We feel like that the reinforced frame and bed will benefit the county the other features would probably not, and their figures and some that we had purchased last year run about 20% percent higher than ours but I think that these changes will be well worth while, and I would like you to approve the specs and set a bid date."

So moved by Commissioner Hunter, seconded by Commissioner Borries. So ordered.

Ms. McClintock: "When can we bid them? Purchasing will bid them, correct?"

David Savage: "Right, they are all set up to go with it. If we could advertise this week and next week, the 10th, 17th, and open the 27th."

Motion made by Commissioner Hunter and seconded by Commissioner Borries. So ordered.

RE: CONSENT ITEMS: TRAVEL/EDUCATION REQUEST

Following Travel Requests for July were turned in:⁸

HEALTH DEPARTMENT:

July 7, MCH: Gail Robb. Regional Workshop, Vincennes.

July 10, WIC: Ethel Daniels. Executive Committee, Indianapolis.

July 16, PHN: Dennis Myers. IPHA Planning meeting, Vincennes.

AUDITOR'S OFFICE:

July 23, County Auditor, Sam Humphrey. AIC Judicial Conference, Owensboro, KY.

Ms. McClintock: "Are there any questions on the Consent Agenda? I will entertain a motion to approve."

Motion moved by Commissioner Hunter and seconded by Commissioner Borries. So ordered.

RE: OLD BUSINESS

Ms. McClintock: "Is there any Old Business?"

Mr. Borries: "I have one item that has been brought to my attention regarding the Central Dispatch. I would like for this matter to be referred to the County Attorney. In 1988 the county entered into ordinance that is joint in our local governmental agreement with the city, (that created this department), and then there have been some staff changes that have been enacted

⁷Letter from Robert N Sanders, United Consulting Engineers, requesting authorization to purchase temporary right-of-ways for five parcels (56-60) on project M-E 340 Section C, included with the 7-6-92 minutes.

⁸Copies of the Travel Requests for July included with the 7-6-92 minutes.

by the Evansville City Council regarding this Central Dispatch. I am not sure that they need to be reflected in here, but, I do also have copy then of a recent ordinance that says that a modification of the agreement, under the sections here that the Mayor of the City of Evansville, or the Mayor's designee if the Mayor is unable to attend, that is amended, and then a Commissioner designated by the County Commissioners, or that Commissioner's designee, if the appointed Commissioner is unable to attend. Apparently the City has amended that and we have not, and so if we are going to have a joint department and agreement there that needs to be done and I would also like to ask Gary to review then the ordinance regarding the staffing because I think that there are some concerns with some County Officials regarding the current staffing and whether or not that in fact is going to change the agreement. So if you could just look through that I would appreciate it."

Gary Price: "I sure will."

Ms. McClintock: "Rick, that staffing proposal hasn't formally been made yet and I agree that there is some concern from some County Officials regarding that. But I'm not sure Gary that we have not done this, because..."

Mr. Borries: "I don't think that we have ever acted on that. Have we?"

Ms. McClintock: "Well, it just means that if I can't go to the meeting, someone else can go. I remember it coming up and maybe it got lost in the shuffle and didn't come back, cause I always attend the meetings, so it is not really a big deal. But, they should reflect each other. But, do check because I remember giving it to one of the Attorney's offices and referring it and maybe it just never got back or maybe it did."

RE: NEW BUSINESS

Ms. McClintock: "Ok, is there any new business? I have got a couple of real brief items. I meet with Bernardin Lochmueller last week to talk about how we are progressing on several projects. We need to have a discussion and make a decision on Ohio Street overpass. Because right now we are at a standstill."

Mr. Hunter: "I should have more information by next week on it. I had hoped to have it tonight."

Ms. McClintock: "Do you want to have that debate next week? So, do you want to set up for the 13th or the 20th?"

Mr. Hunter: "Tentatively let's set it up for the 13th."

Ms. McClintock: "Ok, even though the State has delayed it for a year, we are now..."

Mr. Hunter: "Yeah, we are going to have to come up with some decisions."

Ms. McClintock: "Ok, let's tentatively schedule it for the 13th. If we can't get the information we can delay it until the 20th, cause we do have solid waste next week. On the Superintendent of County Buildings position. We did advertise in the Sunday paper, The Evansville Courier, on the 5th of July. I just spoke to Sandi Deig today and she has received 3 applications. Those applications are on file in her office. She is going to make a copy of all those that she receives this week for each Commissioner. Sort of my preference on this, and whatever you want to do is fine, is for us to agree on 3 or 4 to talk to and to set those up on an individual, as the Commissioners can, basis. I am little uncomfortable with the Executive Session group. I would not be comfortable in that kind of situation. I don't think that we would get as good a feel as we could for an individual, and I don't like the cattle call where they go from office, to office, to office, I think that, that is very uncomfortable too. They have to sit out there with other applicants-that's awful. I mean if there is something wrong with that, we can do either one of those ways, but my preference would be, Rick, if you want to talk with 4 of them and have

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them up on Wednesday morning or whenever you want to do it, have BJ set those up at your convenience. The same for the other two Commissioners. But I would like to get those interviews done in about a week or so, so we can get that position filled. Does anyone have any problems with doing it that way? Ok, great. We will get those. You can certainly look at all the applications, but, let's make those available to each Commissioner. But, try to look at them and get them down to who you want interviewed, and then talk to BJ and she and Sandi, can get those set up at your convenience. That's all the new business that I have."

Mr. Borries: "I have one other item either new or old. But I think that at some point Jeff Whilite was working on something that had to do with an ordinance regarding a post traffic signs and whether or not we had to do those without advertisements. Have we ever considered anymore on that? We have to change the traffic ordinance on that? Remember, David?"

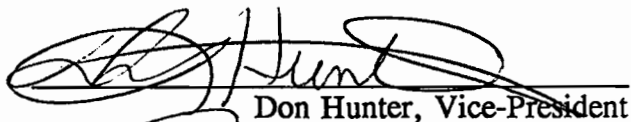
David Savage: "It is still in preparation, is my understanding."

Ms. McClintock: "Can we have Gary or someone, BJ could you check on that please?"
There being no further business the meeting was adjourned at 7:15 p.m.

PRESENT:

Carol McClintock, President
Don Hunter, Vice-President
Rick Borries, Member
Sam Humphrey, Auditor
David Savage, County Engineer
Gary Price, County Attorney
Roger Lehman
Danny Spindler
Sandy Toton
Sherry Musgrave
News Media
Joanne Matthews, Secretary
transcribed, sbt

Carolyn McClintock, President



Don Hunter, Vice-President



Rick Borries, Member



**BOARD of
COMMISSIONERS**
of the County of Vanderburgh

6/22/92
CAROLYN McCLINTOCK
DON L. HUNTER
RICHARD J. "RICK" BORRIES

AGENDA

VANDERBURGH COUNTY COMMISSIONERS

July 6, 1992

5:30 P.M.

FINAL

- ✓ 1. CALL TO ORDER
- ✓ 2. INTRODUCTION
- ✓ 3. PLEDGE OF ALLEGIANCE
- ✓ 4. ANY GROUP/INDIVIDUAL WISHING TO ADDRESS THE COMMISSION - *J. Dussan*
- 5. ACTION ITEMS
 - ✓ a. Open Bids
re: Boom Mower
 - ✓ b. Discussion for proposals received/Pollack Avenue
 - ✓ c. Sigeco/Bob Gulick (defer to July 13, 1992)
re: Electric easement to serve Sheriff Training Center Facility
 - ✓ d. Roger Lehman/Building Commission
re: Discussion about weeds/noxious plants *Recommendation on Ordinance*
 - ✓ e. Andy Davidson/Vanderburgh County Auditorium
re: Permission to spend \$3,983.31 for additional house speaker system through Sound Integrity
 - ✓ f. Budget Review/Discussion

g. - Discussion: Appointment of Director of Public Works ✓

6. DEPARTMENT HEADS

- Gary Price ----- County Attorney

✓ Dave Savage ----- Public Works

- 7. CONSENT ITEMS

- a. Travel/Education Request

Health Department (6)

County Auditor (1)

↓ b. - Vanderburgh Auditorium
re: Permission to refund \$ 100.40 to the Catholic Diocese
of Evansville. —

c. Employment Changes

Circuit Court/Appointment

Amanda Ligon/Secretary.....\$14,000.00/YR
6/29/92

Melissa Hamilton/Intern.....4.75/HR
6/22/92

Gregory D. Walker/Part-Time Corrections Officer.....5.00/HR
6/23/92

Glen Gaslin/Intern.....4.75/HR
6/15/92

Joseph A. Floyd/Part-Time Corrections Officer.....5.00/HR
6/24/92

Coby A. Markham/Part-Time Corrections Officer.....5.00/HR
6/24/92

Eldon E. Hankins/Part-Time Corrections Officer.....5.00/HR
6/24/92

Thomas E. Agnew/Part-Time Corrections Officer 5.00/HR
6/24/92

Circuit Court/Release

Amanda Ligon/Secretary.....14,000.00/YR
6/28/92

Regina Hunt/Intern.....4.25/HR
4/29/92

Jon Aarstad/Intern.....6.00/HR
6/5/92

Michael Dietsch/Part-Time Corrections Officer.....7.00/HR
6/20/92

Sheriff/Appointment

Tana Millis/Bookkeeper.....18,708.00/YR
7/1/92

Jana Wade/Clerk-Typist.....14,238.00/YR
7/6/92

Stacy Crook/Clerk-Typist.....14,238.00/YR
7/6/92

Sheriff/Release

Tana Millis/Probationary Bookkeeper.....17,841.00/YR
6/30/92

Jana Wade/Probationary Clerk-Typist.....13,584.00/YR
7/5/92

Stacy Crook/Clerk-Typist.....13,584.00/YR
7/6/92

County Highway/Release

Jeffrey Alan Cooper/Summer Crew.....5.00/HR
6/19/92

Michael O. Cain/Summer Crew.....5.00/HR
6/26/92

Burdette Park/Appointment

The following were hired effective 6/17/92

Chastity Spindler/Full Time Guard	Jeff Yan/Full Time Guard
4.75	4.75
April Schmuck/Full Time Guard	James Townsend/Full Time Guard
4.50	4.50
Shauntrece Crider/Pool Manager	Jeff Camarco/Asst. Pool Mgr
7.00	6.25
Billie J. Heppner/P.T. Ground Crew	Nancy Lasiter/Bus Driver
5.00	6.25
Kowana Pagett/P.T. Ground Crew	
5.00	
Daniel Townsend/Full Time Ground	Sara Bernhardt/Head Guard
4.60	5.25

Staci L. Sparks/Slide Guard	Michael Miller/Slide Guard
4.25 6/22/92	4.25 6/22/92
Darlla S. Walton/Cashier	Tony Knight/First Responder
4.25 6/25/92	5.00 6/19/92
Kirk Nichols/Ground Crew	
4.25 6/18/92	

Burdette Park/Releases

Chastity Spindler/Full Time Ground	4.50	6/17/92
Jeff Yan/Full Time Ground	4.50	6/17/92
April Schmuck/P.T. Guard	4.35	6/17/92
James Townsend/P.T. Guard	4.25	6/17/92
Shauntrece Crider/Pool Manager	6.62	6/17/92
Jeff Camarco/Asst. Pool Mgr	5.75	6/17/92
Billie J. Heppner/P.T. Gr. Crew	4.25	6/17/92
Nancy Lasiter/P.T. Gr. Crew	4.25	6/17/92
Kowana Pagett/P.T. Gr. Crew	4.25	6/17/92
Daniel Townsend/Full Time Guard	4.75	6/17/92
Sara Bernhardt/Head Guard	5.00	6/27/93

d. Checks Received:

City of Evansville.....\$ 8025.00
 City of Evansville..... 7317.51
 (Both are for County Permits)

e. Approval of Contract w/ Board of Health

re: Bovine, Brucellosis, Tuberculosis
 Eradication Program/Inoculation of Cattle

f. Scheduled Meetings

MON JULY 6	County Commissioners/Executive Session	4:30 PM RM 307
FRI JULY 10	Employee Steering Committee	8:30 PM RM 303
MON JULY 13	Solid Waste	4:30 PM RM 307
	County Commisssioners	5:30 PM RM 307

8. OLD BUSINESS

9. NEW BUSINESS

10. MEETING RECESSED

NOTICE TO BIDDERS
NOTICE IS HEREBY GIVEN
THAT THE DEPARTMENT OF
PUBLIC PURCHASE ACTING
FOR AND ON BEHALF OF THE
BOARD OF COUNTY COM-
MISSIONERS WILL UNTIL
MONDAY, JULY 6, 1992, AT
5:30 P.M. RECEIVE AND PUB-
LICLY OPEN AND READ
SEALED BIDS FOR THE FUR-
NISHING AND DELIVERY OF
THE FOLLOWING:
ONE (1) BOOM MOWER
REQUIREMENTS

1. Each bid must be in full
compliance with the specifi-
cations and executed by the
bidder on Standard Bid Form
#95, wherein the Non-Collu-
sion Affidavit must be com-
pleted in accordance with the
Indiana State Board of
Accounts.

2. All bids must be accompa-
nied by a Bid Bond or Certi-
fied Check payable to the
Board of County Commis-
sioners of Vanderburgh
County in an amount not less
than five percent (5%) of the
total bid amount as evidence
of good faith of the bidder
and such deposit shall be
subject to forfeiture in the
event the bidder fails to ex-
ecute his contract in accor-
dance with his bid.

3. Consideration of applica-
ble taxes shall be observed as
covered in the specifications
and Bid Forms. In no in-
stance, however, will Federal
Taxes or Indiana Sales Taxes
be applicable.

4. The Board of County Com-
missioners of Vanderburgh
County reserves the right to
award separate contracts for
each item and/or the right to
reject any and all bids if con-
sidered in the best interest of
the Vanderburgh County.

DATED THIS 16th DAY OF
MAY, 1992

THE BOARD OF COUNTY
COMMISSIONERS
VANDERBURGH COUNTY,
INDIANA

Carolyn McClintock,
President

Don Hunter, Vice-President

Richard Borries, Member

Attest: Sam Humphrey,
Auditor

(Courier & Press June 28,
1992)

aff'd. 7/6/92

(cmc)✓

VANDEBURGH COUNTY AUDITORIUM RATE SCHEDULE

DAILY BASIC RATE SCHEDULE

Optimum: \$1100.00 Minimum: \$900.00

Green Room and Walnut Lobby Included

	Optimum	Minimum
Matinee/Evening	\$1650.00	\$1350.00
Day Time Usage	600.00	200.00
Two Consecutive Days	10% discount off quoted rate	
Three or more consecutive days	20% discount off quoted rate	
Thirty times or more per calendar year	quoted upon request	
Rehearsal rate	\$73.00/hr.	

	Optimum	Minimum
Approved Charitable Organization:	10% discount on rental	
Vendor/Lobby Sales	25%	10%
Reserved Parking Lot	\$175.00 per event day	
Usher/Ticket Taker crew per event	\$200.00	\$100.00
House Sound System	\$100.00	0
Levee Lift or Fork Lift	\$200.00	\$100.00/day
Single Line Telephone Instrument	\$ 15.00	0/day
Facsimile -----send-----	\$5.00 1st page/\$1.00 each additional page	
-----receive-----	\$1.00 per page	
Photocopy	.12/8" x 11" page	
	.14/8" x 14" page	
Damages	cost of material in addition to hourly union manpower rate.	
Security	\$15.00 per hour/4 hour minimum	

ALL RENTALS ARE SUBJECT TO 5% INDIANA SALES TAX

HOLIDAY RATES AVAILABLE UPON REQUEST

RATE

THE GOLD ROOM RATE SCHEDULE

Gold Room Without Catering

Optimum	Minimum
\$750.00 PER FULL DAY	\$200.00 PER FULL DAY
\$800.00 PER FULL EVENING	\$500.00 PER FULL EVENING

Gold Room With Catering

	Optimum	Minimum
Breakfast	\$ 500.00	\$175.00
Lunch	\$1500.00	\$500.00
Evening	\$2500.00	\$800.00

Breakfast: If your Food and Beverage expenditure is a minimum of \$500.00 or more, you are not charged for the room.

Lunch: If your Food and Beverage expenditure is a minimum of \$1,500.00 or more, you are not charged for the room.

Dinner: If your Food and Beverage expenditure is a minimum of \$2,500.00 or more you are not charged for the room.

15% Gratuity, 5% Indiana Sales Tax, and 1% Food and Beverage Tax applied to all food and beverage purchases.

MEZZANINE * WALNUT LOBBY * GREEN ROOM

Optimum	Minimum
\$200.00 PER FULL DAY	\$125.00 PER FULL DAY
250.00 PER FULL EVENING	175.00 PER FULL EVENING

HOLIDAY RATES AVAILABLE UPON REQUEST

MEETING ROOMS		Optimum	Minimum
A	544 sq. ft.	\$ 50.00	\$25.00
B	544 sq. ft.	50.00	25.00
C	544 sq. ft.	50.00	25.00
D	544 sq. ft.	50.00	25.00
Three in One	1139 sq. ft.	\$125.00	\$75.00

Approved Charitable Organizations: 10% discount on rental
Move-In/Move-Out: \$73.00 per hour; but not to exceed event day rental rate.
Vendor/Lobby Sales: 25% of gross sales to Minimum of 10%
Reserved Parking Lot: \$175.00 per event day
Staffed Coat Check: \$1.00 per article
Staffed Parking Lot: \$2.00 per vehicle
Security \$15.00 per hour/minimum of 4 hours
Three or more meeting rooms reserved for same day event: 10% discount

MISCELLANEOUS ITEMS

Levee Lift or Fork Lift: \$50.00/hour (1 hour minimum)
(Above cost includes operator - check for availability)

Damages: cost of material plus hourly union manpower rate

VHF wireless mic system: \$25.00/day to Minimum no charge
In-house PA system with audio cassette: no charge
Microphones (table or floor stands) \$10.00 eachday to no charge
Standing and table podiums: \$10.00/day to no charge
Staging risers .50/net sq. ft. to no charge
(sizes 8", 16", 24" and 32")
Table skirting (8' tables) \$12.00/table/day to no charge
Tables Banquet 8' x 24" no charge
 Round 5' no charge
Chairs (banquet stacking) no charge
Fax -----send----- \$5.00 1st page, \$1.00 each additional page.
 -----receive----- \$1.00 per page
Photocopy .10/8" x 11"
 (max. 25 copies/size) .12/8" x 14"
Ushers/Ticket Takers upon request

GOLD



163

EVANSVILLE - VANDERBURGH COUNTY
BUILDING COMMISSION

ONE NORTHWEST SEVENTH STREET
310 CIVIC CENTER COMPLEX
EVANSVILLE, INDIANA 47708-1874
(812) 428-5463

FRANK F. McDONALD II
MAYOR

ROGER L. LEHMAN
BUILDING COMMISSIONER

Dear

You are hereby notified that it has been determined by inspection of the above referenced property that you are in violation of the Vanderburgh County Code of Ordinance, Chapter 91.02, by allowing the growth of weeds or noxious plants within the County, being deemed injurious to public health and is declared to be a nuisance.

You are further notified that you have ten days from the date of receipt/delivery of this notice to remove the weeds or noxious plants. Failure to comply with this order in a timely fashion may result in the issuance of an ordinance violation citation and/or the Building Commissioner causing the removal of the vegetation with the cost and administrative charge being assessed to you. Failure to pay the cost of weed removal will result in the cost being placed on the tax duplicate against the property.

Your immediate cooperation in maintaining your property in compliance with Vanderburgh County Code will result in a healthy more beautiful Vanderburgh County.

Sincerely,


Roger L. Lehman
Building Commissioner

RLl:kek

164
July 13 mtr.

Section

General Provisions

- 91.01 Abandoned refrigerators
91.02 Weeds or noxious plants

Abandoned Vehicles

- 91.10 Application of state statute
91.11 Abandonment declared a nuisance
91.12 Abandonment prohibited
91.13 Building Commissioner as responsible agent
91.14 Authority to contract
91.15 Temporary storage area
91.16 Processing charge

91.99 Penalty

GENERAL PROVISIONS§ 91.01 ABANDONED REFRIGERATORS.

(A) No person shall leave outside of any building or dwelling in a place accessible to children any abandoned, unattended, or discarded icebox, refrigerator, or any other container of any kind which has an airtight door or lock which may not be released for opening from the inside of the icebox, refrigerator, or container.

(B) No person shall leave outside of any building or dwelling in a place accessible to children any abandoned, unattended, or discarded icebox, refrigerator, or any other container of any kind which has an airtight snap lock or other device thereon without first removing the snap lock or doors from the icebox, refrigerator, or container. Any icebox, refrigerator, or other container, with or without these doors, so found, may be impounded by any police officer. (Ord. passed 10-24-77) Penalty, see § 91.99

§ 91.02 WEEDS OR NOXIOUS PLANTS.

(A) The growth of weeds or noxious plants within the county, being deemed injurious to public health, is declared to be a nuisance.

(B) No owner or occupant of any lot or parcel of real estate within the county shall allow the property to become overgrown with weeds or noxious plants to the extent that the overgrowth, within the opinion of the Building Commissioner, is detrimental to public health and comfort.

(C) It shall be the duty of the Building Commissioner to make reasonable inspections of vacant land within the county to determine whether or not any weeds or noxious plants have been permitted to grow thereon. Whenever weeds or noxious plants have been

permitted to grow in a manner as to become injurious to public health, safety, or welfare, the Building Commissioner shall cause notice to be sent to the owner or occupant of the land by registered mail ordering abatement or destruction of the weeds or noxious plants. In case the owner or occupant is unknown, the Building Commissioner may cause the notice to be published by one insertion in each of two daily newspapers of general circulation in the county.

(D) If the owner or occupant upon whom the notice required in division (C) above has been served fails to remove weeds or noxious plants within ten days from the date of mailing or the date of publication, as the case may be, the Building Commissioner shall cause the weeds or noxious plants to be removed, and shall thereupon certify this fact to the County Auditor, giving the actual cost of the removal. The County Auditor shall thereupon place the amount of cost of the removal of the weeds or noxious plants on the tax duplicate as a charge against the owner or occupant of the lands. This cost shall be a lien thereon and shall be collected by the County Treasurer at the same time and in the same manner as taxes due the county and state are collected. (Ord. passed 10-24-77) Penalty, see § 91.99

ABANDONED VEHICLES§ 91.10 APPLICATION OF STATE STATUTE.

The Board of County Commissioners adopts the procedures for the impounding, storage, and disposal of abandoned vehicles as set forth in IC 9-9-1.1-1 through 9-9-1.1-16, specifically including the definitions incorporated in IC 9-9-1.1-2, with the addition of the words "MOBILE HOME, MOTOR HOME, or TRAILER" to the definition of "vehicle" and with the further qualification that whenever the term "OFFICER" is used, this shall be taken to mean a regular member of the County Sheriff's Department. (Ord. passed 10-24-77)

§ 91.11 ABANDONMENT DECLARED A NUISANCE.

The Board of County Commissioners finds that abandoned or junk vehicles which are located in any place where they are visible from a public place or public right-of-way are detrimental to the safety, morals, and welfare of the general public and a detriment to the economic welfare of the state, by producing a scenic blight which is adverse to the maintenance and continuing development of the county. These vehicles are therefore declared to be a public nuisance. (Ord. passed 10-24-77)

ZIEMER, STAYMAN, WEITZEL & SHOULDERS
ATTORNEYS AT LAW

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

—
TELEPHONE (812) 424-7575
TELECOPIER (812) 421-5069

JOHN E. EARLY
(1912-1983)

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

July 6, 1992

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

Re: Report of County Attorney to Regular Meeting of
Commissioners (July 6, 1992); Status of Various Legal
Matters

Dear Ms. McClintock:

Herewith I submit to the Vanderburgh County Commissioners my report as Vanderburgh county Attorney on the status of various legal matters as of the regular meeting of the Vanderburgh County Commissioners held July 6, 1992:

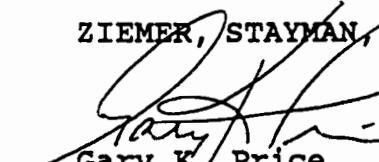
1. In regards to the Commissioners' request to vacate a certain alley located to the rear of the Vanderburgh County Coliseum, please be advised that a final hearing on this matter has been scheduled for July 27, 1992, before the Evansville Common Counsel.
2. At the request of the Vanderburgh County Coroner's Office, this office prepared a Coroner's Subpoena to be used by the Coroner's Office when requesting medical records from various medical facilities.
3. At the request of the Vanderburgh County Assessor's Office, this office prepared an opinion detailing the functions and responsibilities of the Vanderburgh County Land Valuation Commission.

Ms. McClintock
July 6, 1992
Page 2

4. At your request, this office reviewed the issues surrounding discussion of the Cash Management System, and advised that such discussion must be held at public meeting.

Sincerely,

ZIEMER, STAYMAN, WEITZEL & SHOULDERS



Gary K. Price

GKP/te



United Consulting Engineers & Architects

Established 1965



OFFICERS

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

ARCHITECTS

Andrew C. Churchill, R.A., A.I.A.
Kevin L. Coppedge, R.A.
John K. Hardin, R.A., A.I.A.

ENGINEERS

Jeff S. Bislich, P.E.
Michael W. Cox, P.E.
Mark A. Eckert, P.E.
William E. Hall, P.E.
Karen B. Kontos, P.E.
Keith A. Lytton, P.E.
Ronald C. Miller, P.E.
Ozzie Proano, P.E.
William D. Richter, P.E., L.S.
Jerry D. Ritchie, P.E.
Greg L. Rominger, P.E.

June 26, 1992

Authorization to Purchase

From: Robert N. Sanders
United Consulting Engineers, Inc.
1625 North Post Road
Indianapolis, IN 46219

Project: M-E 340 Section C
Road: Green River Road
County: Vanderburgh

Temporary Right-of-Way is required of the following five (5) parcels for driveway construction, and yard grading.

<u>Parcel Numbers</u>	<u>Compensation</u>
56	\$150.00
57	\$150.00
58	\$150.00
59	\$150.00
60	<u>\$150.00</u>
	\$750.00

Approved For Purchase:

Vanderburgh County Board of
County Commissioners

Carolyn S. McClintock
Robert N. Sanders
Richard J. Barnes



United Consulting Engineers & Architects

Established 1965



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Jeff S. Bislich, P.E.
Michael W. Cox, P.E.
Mark A. Eckert, P.E.
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ARCHITECTS
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Kevin L. Coppedge, R.A.
John K. Hardin, R.A., A.I.A.

LETTER OF TRANSMITTAL

To: VANDERBURGH COUNTY
COMMISSIONERS

DATE	6-26-92	UCEI JOB NO.	91-508
RE:	PROJECT: M-E 340 SECC PARCELS: 56 thru 60		

ATTN: _____

We are transmitting herewith via ☐ Mail ☐ Our Courier ☐ Express Mail ☐ FAX ☐ Your pick up
☐ For your approval ☐ For your files ☐ For your review and comment

Sets

- ☐ Preliminary Plan Details
- ☐ Grade Review & / or Structure Type Selection
- ☐ Structure Size & Type Plans
- ☐ Field Check Plans
- ☐ Soil Boring Plans
- ☐ Design Hearing Plans
- ☐ Prel. Plans For Final Approval
- ☐ R/W Plans - Check Prints
- ☐ R/W Tracings
- ☐ Final Check Prints
- ☐ Final Plans and or Specifications
- ☐ Tracings
- ☐ Cross Sections
- ☐ Marked-Up Prints

Sets

- ☐ Engineers Estimate w/ _____
- ☐ Special Provisions
- ☐ Design & Quantity Calculations
- ☐ Field Note Book
- ☐ CADD Documents
- ☐ CADD Disk
- ☐ Categorical Exclusion
- ☐ Prel. Draft Loc. - Design Study Report
- ☐ Draft Loc. - Design Study Report
- ☐ Final Location - Design Study Report
- ☐ Environmental Assessment
- ☐ Environmental Impact Statement
- ☐ Progress Report
- ☒ AUTHORIZATION TO PURCHASE

Remarks SUBMITTED FOR THE BOARDS APPROVAL

Copy to: 91,508

Signed: PN SANDERS
by SA BOYER

claim to be properly itemized, must show: Kind of service where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

Vanderburgh County, Indiana

To... *Sound Integrity* Dr.

On Account of Appropriation For Auditorium 194-4100

[illegible]

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date July 7, 19 92

Tina A. Gill President
Title

DATE TO BE PLACED ON AGENDA:

July 6, 1992 :

ACTION _____ **CONSENT** _____ **OTHER** _____

AM No. WARRANT No.

IN FAVOR OF
NAME AND ADDRESS

NAME AND ADDRESS
Sound Integrity, Inc.

• 1991.66

ON ACCOUNT OF APPROPRIATION

ACCOUNT NO. 144-4100

PURCHASE ORDER NO. none

INVOICE NO. 6/17/92

PURPOSE installation stand

Allowed _____ **19** _____

In the sum of \$ -----

Carolyn S. McClintock

Andy Hunter

Richard J. Bonnes
Commissioner _____ County

**I have examined the within claim and hereby certify
as follows:**

That it is in proper form.

That it is duly authenticated as required by law.

That it is based upon **contract.**
statutory authority.

That it is apparently ~~correct.~~
incorrect.

Auditor

July 1 1908

19
 92
 93

I certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

Board of Commissioners
of the
County of Vanderburgh
305 ADMINISTRATION BUILDING
CMC CENTER COMPLEX
EVANSVILLE, INDIANA 47708



AGENDA REQUEST

NAME OF REQUESTOR: Green & Spindler Mfg. Co. Inc.
REQUESTOR TITLE: Andy Davidson, Commercial Property
DEPARTMENT: Auditorium

REQUEST(S) BEING MADE:
Green & Spindler request to spend \$3,983.31
for additional house speaker system for the
Auditorium through Sound Integrity.

DATE TO BE PLACED ON AGENDA: July 6, 1992

ACTION _____ CONSENT _____ OTHER _____

SOUND INTEGRITY, INC.
 421 E. SYCAMORE
 EVANSVILLE, IN 47713
 1-800-253-8165/1-812-421-0463

QUOTATION

DATE: 6/17/92 SALESMAN: Ted Bowling
 CUSTOMER: Vanderburgh Auditorium ADDRESS: 715 Locust Street
 CITY: Evansville, IN 47708
 PHONE: (H) 477-4739 (W) 426-2270 CONTACT: Bud Pitt

QTY:	MODEL:	DESCRIPTION:	EACH:	TOTAL:
1	CT 200	Crown Stereo Power Amplifier		824.65
1	CEX 4 L	Peavey Stereo Digital Delay & Parametric EQ		738.45
1	ME 60	Rane Dual 1/3 Octave EQ for the House System		602.85
2	CSV 28 M	Community 12" Speaker System with High Frequency Horn which will be painted white with white screens.	309.12	618.24

ANY DEVIATION OF EQUIPMENT OR
 OR INSTALLATION, OF THIS QUOTE
 WILL CHANGE PRICE QUOTED!!!!

TOTAL EQUIPMENT: \$ 3,417.11
 EXEMPT
 SALES TAX: \$ 735.00
 LABOR: \$ 81.20
 FREIGHT: \$ - 250.00
 CREDIT ON EV EQ & EV CROSSOVER: \$ 3,983.31
 TOTAL: \$ 1,991.66
 DUE ON ACCEPTANCE: \$ 1,991.65
 DUE ON COMPLETION: \$

CUSTOMERS SIGNATURE: _____ DATE: _____

THANK YOU FOR YOUR BUSINESS

2	WB 1	Mounting Brackets for new House Speakers	29.25	58.50
740'	CL2-227	West Penn 12 AWG Speaker Cable	.42	310.80
30'	CL2-291	West Penn Single Pair Microphone Cable	.14	4.20
2	A3M	Switchcraft	3.25	6.50
4	A3F	Switchcraft	3.55	14.20
8	280	Switchcraft	2.05	16.40
4	226	Switchcraft	4.80	19.20
		Misc. Hardware		63.12

MINUTES
COUNTY COMMISSIONERS MEETING
JULY 13, 1992

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened @ 5:30 p.m.	1
Introduction of Staff & Pledge of Allegiance	1
City Clerk	1
Car Pool	
Metered Parking/Auditorium	
Authorization to Open Bids/Co. Highway Equipment	1
Petition to Vacate Portion of Nurrenbern Road in Front of Doves Chapel Missionary Baptist Church	2
Utility Easement/Sheriff's Training Center Facility	2
Proposal from Full Circle Services to Recover Monies for Vanderburgh County	2
Appointment of Director of Public Works	4
(Purchasing to Re-Advertise)	
Discussion re Ohio Street Overpass (Deferred to next week) ..	4
Weeds & Noxious Plants Ordinance	4
(Atty. Wilhite to prepare Amended Ordinance and bring back for further discussion, etc.)	
1992 Budgets/Burdette Park & Auditorium	5
Reading of Bids/County Highway Equipment	6
(Bids taken under advisement until next week)	
Agreement/American Wholesaler's Condemnation Settlement	6
Electric Line Distribution Easement/Alley Behind Coliseum ..	6
County Engineer/Dave Savage	7
Closing of Theater Drive (tomorrow)	
Additional Utility Relocations/Green River Rd. Project	
Orchard Rd. Project	
Warranty Deeds (Adolph & Margaret Hurm)--Deeds Accepted and Claim approved)	
Acceptance of Streets (Hunter's Ridge, Country Trace/ Section III, Audubon Estates/Section D-2, Brookview Sub/Section F-2, and Brookview Heights IV	
Tandem Axle Trucks/Specs/Bid Advertisement (Bid Opening 8/3/92)	
Authorization to Hire Charles Ruston/Independent Contractor Basis/\$12.00 per hour; 20-30 hrs., Not to Exceed \$7,000	
Consent Agenda (Approved)	9
Old Business	9
County Employees Family Picnic (8/22/92)	
Interviews/Supt. County Buildings	
New Business	9
Meeting Adjourned @ 6:20 p.m.	9

**MINUTES
COUNTY COMMISSIONERS MEETING
JULY 13, 1992**

The Vanderburgh County Board of Commissioners met in session at 5:30 p.m. on Monday, July 13, 1992 in the Commissioners Hearing Room with President Carolyn McClintock presiding.

RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

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

Ms. McClintock then asked if there are any individuals or groups in the audience who do not find their particular item of interest on tonight's agenda.

RE: CITY CLERK - CAR POOL

City Clerk Marsha Abell was recognized and submitted the following proposal. Ms. Abell said that in the City paychecks last Friday they included a slip concerning a proposal to start car pooling among City and County employees. They have a map drawn up so they can locate where people live to match them up with someone if they don't know people who live in their area for car pooling. She talked to Steve Utley, Building Authority Manager, and they propose to line off prime parking space in the 9th Street Lot (maybe the first row behind the metered row and the row for the media) for people who do participate in the car pooling program and have more than one person in their car. This is in an effort to cut down on the problem we have with parking around the Civic Center, of which she is sure everyone is aware; also, to show our awareness in the City of the problem with pollution. She is proposing that we furnish these same slips to be included with the County paychecks the next time the payroll comes out.

Commissioner McClintock said she thinks this is an excellent idea and something we should encourage our employees to do. She asked to see the slip to be included prior to the Commission taking a vote and solicited comments or questions from the other Commissioners. There being none, a motion was entertained.

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

Ms. McClintock then asked County Auditor Sam Humphrey what the next step is.

Mr. Humphrey said Ms. Abell needs to contact Karen Joest in Bookkeeping/Auditor's Office with regard to the number of slips needed, etc., and they will be included with the next paychecks.

Metered Parking/Vanderburgh Auditorium: Ms. Abell said the Commissioners will recall she appeared before them a few months ago with regard to putting meters in the Auditorium Parking Lot. She has been reporting to Given-Spindler recently, but that went up from somewhere around \$17.00 per month on the metered lots to just shy of \$100 per month, so this has been a very successful program.

RE: AUTHORIZATION TO OPEN BIDS

Ms. McClintock entertained a motion to authorize Attorney Wilhite to open bids on the following four items:

- 3/4 ton pick-up truck
- Belt Loader
- Chipper
- Gradall Repair

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

RE: PETITION TO VACATE PORTION OF NURRENBERN ROAD IN
FRONT OF DOVE CHAPEL MISSIONARY BAPTIST CHURCH

Commissioner McClintock said she is sure the Board will recall that the subject church wanted to expand and is asking the County to vacate a portion of this public road. They do have letters from all of the utility companies indicating this will be no problem. She asked if there is anyone present to speak for/against the requested vacation.

Mr. Bob Chester, a member of Dove Chapel Missionary Baptist Church said he is here in support of the petition.

Ms. McClintock entertained questions of Mr. Chester. There were none and a motion was entertained.

Motion to approve the vacation, as requested, was made by Commissioner Borries, with a second from Commissioner Hunter.

Ms. McClintock said since this is an Ordinance she will ask for a roll call vote: Commissioner Borries, yes; Commissioner Hunter, yes; and Commissioner McClintock, yes. Motion passed by unanimous affirmative vote. So ordered.

RE: UTILITY EASEMENT/SHERIFF'S TRAINING CENTER FACILITY

Commissioner McClintock said that Bob Gulick of SIGECO is here this evening with regard to a Utility Easement at the Sheriff's Training Center.

Mr. Gulick said he brought an easement to the Commission about a month or so ago and they signed same. Everything was okay except that Shell Mining signed their copy with an Attorney-in-Fact and that information was not recorded on the easement, which is required for SIGECO to record the easement. The reason he is here today is there was only one copy where all the Commissioners had signed it and he can't record the easement without it being fully executed. The Auditor also needs to Attest.

RE: PROPOSAL FROM FULL CIRCLE SERVICES TO RECOVER MONIES
FOR VANDERBURGH COUNTY

President McClintock said this same issue came up about six months ago when we received a proposal from the same company. Basically, this firm is a public records research firm that specializes in identification and recovery of unclaimed cash assets held by governmental subdivisions. Their business is unique in that they are not involved in bankruptcy proceedings, wills or trusts. They say they have access to information which indicates three uncashed checks totaling \$12,708.28 are being held for Vanderburgh County. The information also indicates the funds are available for recovery from the holder. Accordingly, they have submitted their standard contract for services. Section II provides that no compensation is owed until recovery of the funds is completed.

Ms. McClintock again said this came before the Commission about six months ago. What the Commission requested at that time was that we turn this over to Glenn Deig, who does our recovery for ambulance and some tax recovery and ask if this is a service he can provide. This is not a service he can provide. This kind of research is very specialized. It might take him who knows how long to find this same \$12,708.28. His recommendation was to go ahead and enter into this agreement. The agreement basically provides that once our money is recovered that we pay Full Circle, Inc. 30% of the recovered amount as their fee.

Mr. Borries asked if Ms. McClintock sees this as a one time payment.

Ms. McClintock responded affirmatively, saying it is her understanding that what these companies do is to continually research records. When they find whoever it might be listed as a potential recipient of some of these funds, they then contact that local governmental entity, and indicate the money is available, submitting a proposal.

Auditor Humphrey said he reviewed this about six months ago and he had the State research our claims division to find out if there were any outstanding claims and there didn't seem to be. In looking at this he finds one thing wrong -- they are uncashed checks totaling \$12,708.00. All companies he knows who do business with us have a disclaimer after 60 days and it's been over six months since we received this.

Ms. McClintock said, "Sam, we had this same discussion about six months ago and I remember all of that. My point is, if this company -- what harm is it to us to enter into an agreement that if they recover funds for us that we obviously have no idea where they are, that we pay them 30% of that? Otherwise we are not going to get the \$8,000."

Mr. Humphrey said, "If the Attorney thinks there is no harm in it, I see no reason not to do it. Has anyone checked on this Full Circle? Did anybody check with the Better Business Bureau in wherever they are from to see what kind of reputation they have?"

Ms. McClintock stated we did call a couple of communities that have done business with them (Lou is not here this evening and he is the one who called). She then asked Attorney Wilhite if he has a problem with the agreement?

Attorney Wilhite said he reviewed the one page agreement and if we fill in the right definitions and who we are, he thinks it's fine. His concern early in the document was that it may apply to too many funds. But in Paragraph #5 he thinks it is clear that they are only going to get a cut of those funds which we are not actively pursuing -- so if there are things out there that we do know about that we are going after, they are not going to get a cut of that.

Ms. McClintock asked if we can just say that we just want them to get these three checks totaling \$12,708?

Mr. Wilhite said the second thing he was going to suggest was that we add something just to incorporate by reference this letter. It seems to him this letter is the basis of the appeal of this service. He thinks the Board can limit it to this if they want.

Mr. Borries asked, "We wouldn't have to pay them anything until we see the funds anyway, would we?"

Mr. Wilhite said that is correct -- he thinks that is pretty clear in the agreement.

Ms. McClintock asked if Attorney Wilhite wants to make any changes in the agreement?

Attorney Wilhite said the Board needs to make the policy decision first. Do they want to limit it to the designated \$12,708?

The Commissioners agreed to limit it to the \$12,708. If they find more, they can always come back with another agreement.

Attorney Wilhite said this can be handled by defining funds in the agreement to mean the \$12,708 referred to. He can do this quickly -- or B.J. can define funds in the agreement as those checks

referred to in the letter.

Ms. McClintock said that change will be made and the agreement brought back next week.

RE: APPOINTMENT OF DIRECTOR OF PUBLIC WORKS

Ms. McClintock said the Board is not prepared today to make that appointment. The individual she was going to support and recommend accepted a position today in Indianapolis. The Board needs to re-open that opportunity with the new job description and the new salary. We do have some old applications the Commissioners may wish to review (Sandi Deig and B. J. Farrell have same). She looked through them this afternoon and believes there are a couple of applicants the Commissioners could talk to. What she'd like to do is advertise the new job title and description and new salary in some of the professional journals and ask Purchasing to work with Dave Savage to do that. She doesn't think we need to advertise locally.

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

(Dave Savage entered the meeting and Ms. McClintock informed him that the Board just authorized him to work with Susan Jeffries in Purchasing re advertising the position of Director of Public Works in some of the professional journals.)

RE: DISCUSSION RE OHIO STREET OVERPASS

It was noted by President McClintock that this matter has been deferred to next Monday. This will give Commissioner Hunter time to get additional information together.

RE: WEEDS & NOXIOUS PLANTS ORDINANCE

President McClintock said the Board had asked Roger Lehman to prepare (and it was delivered last Tuesday) information regarding changes to the County Ordinance re Weeds & Noxious Plants. Each Commissioner was provided with a copy of this. Basically what he is proposing is that no owner/occupant of any lot or parcel of real estate within the County shall allow the property to become overgrown with weeds or noxious plants. The following standard shall be the criteria used by the Building Commission and the Board of Health in determining that the growth is detrimental to health and/or safety.

- 1) In a platted subdivision, grass or similar vegetation in excess of 12 inches will be considered weeds. (So if within a subdivision we have a lot or two not developed and the other lots are developed -- 12 inches.)
- 2) In all other areas grass or similar vegetation in excess of 18 inches may be considered weeds if,
 - a) within 100 ft. of a County intersection
 - b) within 25 ft. of the County right-of-way
 - c) within 300 ft. of a County residence
 - d) it causes a nuisance to the rodent, insect, reptile or mosquito harborage
- 3) Noxious plants shall be considered in violation of this ordinance when, in the opinion of the Building Commissioner, they are harmful to the senses or health of the public.

Ms. McClintock said she thinks this is pretty broad.

Mr. Borries said he thought we were going to talk about health and

safety -- but senses? Is this something like allergies or something? He doesn't understand that.

President McClintock said we had asked the Building Commissioner to provide us with their proposal and we wanted to make a determination on the recommendation for those rules before we had the County Attorney draw up a change in the ordinance and advertise the amended ordinance. That is where we are. The Commissioners can propose changing any or all of these rules. She agrees, she thinks #3 above is very broad -- as broad as the ordinance is now and doesn't really define anything and she thought the Commissioners were pretty clear about health and safety at the last meeting.

Mr. Borries said he doesn't like #3 at all.

Following brief discussion among the Commissioners, it was determined to strike #3 above.

Ms. McClintock then asked about the 12 inch height in the platted subdivision.

Attorney Wilhite interjected that by eliminating #3, they are only allowing it to be a violation if it meets these 12 inch or 18 inch standards. While the Commissioners might not like the word "senses", what Roger was wanting to leave open -- though it is the Commission's choice -- is what if it were 11 inches tall but for some reason there was some problem -- just make sure they are comfortable saying the only way there is going to be a violation is if it is 12 inches in a platted subdivision or 18 inches elsewhere. So if you pass this, you're saying if it is 11 inches tall in a platted subdivision or 17 inches tall elsewhere there is no circumstance under which there is going to be a violation. And that may be fine -- he doesn't have an opinion on that.

Ms. McClintock said she understands what Attorney Wilhite is saying, but our biggest problem is in the subdivisions and secondly, at intersections. She then asked Commissioners Hunter and Borries for their comments.

Commissioner Hunter said he has no problems with the 12 inch stipulation at all.

Mr. Borries said he has no problem with it with the exception of #3 as mentioned earlier.

President McClintock asked Attorney Wilhite to prepare the amended ordinance and bring it back to the Commission for further discussion.

RE: 1993 BUDGETS

Ms. McClintock stated that last week the Board approved all the proposed 1993 budgets with the exception of two that had not been turned in at that point -- Burdette Park and the Auditorium. With regard to Burdette Park, basically their line items remain the same and she is not proposing the Commissioners cut things out of these budgets. But under #3690 we have \$5,000 in there again this year for park planning. We just finished doing a Five Year Master Plan last year and doesn't know that that needs to be updated again. Other notable items in the budget -- under Repairs & Maintenance we have another \$100,000; \$20,000 in capital outlays (4110) for paving of the old skating rink lot; in Buildings & Structures (4120) Burdette Park has requested \$2,310,000 for building new structures and that is for three (3) new vacation cottages and improvements to the main office. They requested another \$10,000 (4130) for playground equipment and another \$300,000 (4090) for speed slides. She then entertained questions concerning items in the Burdette Park budget. There were none.

With regard to the Auditorium budget, she noted \$8,700 for the parking lot and sidewalk sealing and repair; \$5,000 for Phase II of the sound equipment (we spent \$4,000 last year); 10" and 16" risers and a push mower; miscellaneous microphones and podiums; a grass/hedge trimmer (\$6,700). The most notable big ticket item in the budget is marketing at \$18,000; their management fee at \$70,000. She then entertained questions on this budget. There were none.

Ms. McClintock entertained a motion to approve the two aforementioned budgets as presented and forward same to Council.

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

RE: READING OF BIDS

The meeting continued with Attorney Wilhite reading the following bids into the record:

<u>3/4 Ton Pick-Up:</u>	D. Patrick Ford	\$16,436.00
	Broerman Chevrolet (response, but no bid)	
	Hendrickson Enterprizes	\$16,323.30
	(No bid bond or Non-Collusion Affidavit)	

<u>Belt Loader:</u>	Rudd Equipment	\$80,900
	(Less \$12,000 Trade-in value, or net of \$68,900)	
	Brandeis (response only, no bid)	
	Southeastern Equipment	\$99,549
	(Less Trade-in of \$3,549) for a net of \$96,000	

<u>Chipper:</u>	Ditch Witch	\$17,835.00
	Deeds Equipment Co.	\$16,791.25
	(Alternate bid of	\$16,980

<u>Gradall Repair</u>	Southeastern Equipment	\$28,137.09
	Carlisle Equipment	\$29,432.44

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the bids will be taken under advisement and a recommendation made next week.

Agreement/American Wholesaler's Condemnation Settlement: Mr. Wilhite said the Commissioners previously signed an agreement and there were a couple of minor changes we had not negotiated in time for a Court imposed settlement deadline (which was the morning after the meeting two weeks ago) so the landowner's Counsel and himself agreed that in case the Court didn't let us out of that settlement deadline to go ahead and have the Commissioners sign in case they needed it. What he now has prepared for the Commissioners' signatures reflects a couple of changes that are mostly technical in nature. Landowner's Counsel wanted to add to the agreement something called an Acknowledgment & Consent for the City of Evansville to sign. Since this property is technically in the City he wanted to add to the form something that would allow the City to sign off on it, as well. Mr. Wilhite said it is his recommendation that the Board sign the Amended Agreement in the amount of \$55,000 plus an agreement to widen some access points, which was previously discussed.

Electric Line Distribution Easement/Alley in Rear of the Coliseum: Attorney Wilhite said he also has something from the other County Attorney for the Board to sign, which SIGECO has submitted. This is a vacation request with regard to the alley at the rear of the Coliseum. This is an electric line distribution easement and has been reviewed by Gary Price, who recommended Commission approval.

The Commissioners executed both of the aforementioned documents.

RE: COUNTY ENGINEER - DAVE SAVAGE

Closing of Theater Drive: For informational purposes, Mr. Savage said that Theater Drive just west of Green River Rd. will be closed tomorrow for pipe work in conjunction with the Green River Rd. widening project. This will be a one day closure. The media has been notified.

Additional Utility Relocations/Green River Rd. Project: Mr. Savage noted that some additional utility relocations will be necessary with regard to the Green River Rd. project and he needs to get verbal approval from the Commissioners to authorize SIGECO to proceed. This is a gas line located outside the right-of-way on an easement they had obtained. The standard procedure is that we reimburse them for that relocation expense. This will cost approximately \$8,000. He recommend the Commissioners authorize up to \$8,000 for additional gas line relocation.

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

Orchard Rd. Project: Mr. Savage said he has a Utility Agreement to be signed for relocation of some electric lines -- same situation. This worked out to where just part of the work was within easements and it appeared reasonable that we reimburse SIGECO for one-third of the expense and it comes to a total of \$906.00. He is recommending that we do not submit this for reimbursement from Federal Highway, because it would slow the process up considerably and we expect Notice to Proceed on that project to come at the beginning of next week. Therefore, he is recommending that we authorize approximately \$910.00 for electric line relocation on the Orchard Rd. project -- not to be reimbursable, but to come one hundred percent from County funds.

Motion to this effect was made by Commissioner Borries, with a second from Commissioner Hunter. Commissioner Borries said he is very pleased to hear that Dave Savage thinks things are going to proceed on this next week.

Mr. Savage said he talked with the State today and they expect to give the order to proceed either Friday or the beginning of next week.

Ms. McClintock requested that Mr. Savage advise the Board next week as to the construction time table on this project.

Mr. Savage said the State is going to be sending down the paperwork requesting the County's portion of the construction money for Orchard Rd., which will amount to around \$60,000. He asked Auditor Humphrey if it is possible to have a check ready to fire back in the mail immediately -- or do we need to have all the paperwork, claim, etc., signed by them before the check can be cut?

Auditor Humphrey said if the signed claim comes with the paperwork we can probably get the check cut.

Ms. McClintock asked if the Commissioners can't go ahead and approve the expenditure in today's meeting and then when it arrives Mr. Humphrey can have the claim stamped. The money is already appropriated out of local roads and streets.

Mr. Humphrey said this can be done and the check cut -- if they will bring it to his attention.

Motion to approve the expenditure and process the claim when it arrives was made by Commissioner Borries and seconded by

Commissioner McClintock. So ordered.

Warranty Deeds/Parcels #2 and #2-A/Lynch Rd. Project: Mr. Savage said he needs the Warranty Deeds accepted with regard to the two subject parcels (Adolph Hurm and Margaret Hurm) and a claim approved.

Motion to accept the deeds from Adolph Hurm and approve the claim in the amount of \$2,346.00 was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

Acceptance of Streets: Mr. Savage said he has a number of streets for acceptance today, as follows:

Hunter's Ridge Subdivision
Country Trace/Section III
Audubon Estates/Section D-2
Brookview Sub/Section F-2
Brookview Heights IV

With regard to Hunter's Ridge, Mr. Savage noted the dirt creating the problem has been removed and it will probably continue to be a problem. It may possibly take a number of years to stabilize those slopes and we will have to track that and the property owner will continue to be responsible for that mud. But the situation is typical in subdivisions that have fairly steep grades. It is his recommendation that we go ahead and accept the streets, with the understanding that the owner is still responsible for cleaning off the mud.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, all of the foregoing were accepted, as recommended by the County Engineer. (Copy of acceptance documents attached hereto as part of the formal minutes.)

Tandem Axle Trucks/Spec Requirements/Bid Advertisement: Mr. Savage noted there were problems with the spec requirements on the tandem axle trucks at the last meeting and we could not advertise. He now recommends we advertise on July 16 and 23, with bid opening scheduled August 3rd.

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

Authorization to Hire Charles Ruston/Independent Contractor Basis: Mr. Savage requested permission to hire Charles Ruston on an independent contractor basis for 20-30 hours per week or several weeks until such time as we can get Mr. Pinkston and Mr. Davis' slots filled. They're going through Job Study Committee on Mr. Pinkston's position and it may take some time. However, we need to stay on top of things. He is requesting permission to negotiate with Mr. Ruston in a not-to-exceed amount of \$12.00 per hour for 20-30 hours per week -- not to exceed a total of \$7,000. The money is available in the contractual services account to cover this.

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

In conclusion, Mr. Savage said the Commissioners are aware there are several open slots in the County Engineer's office. Gary Kercher is the supervisory technical type person still on staff. As he reviews Mr. Kercher's normal job responsibilities, let alone what he is picking up now, he feels his salary needs to be somewhat adjusted to avoid the situation of his possibly leaving. If he left, there'd be a number of things difficult to go on with on a day-to-day basis. If we could increase the level of Mr. Kercher's salary to \$29,500, then this would be reasonable. This can be pursued through Job Study and he is requesting to pursue this via Job Study to make it permanent. Nonetheless, he is requesting

permission to make this effective immediately, in the same fashion that it was handled with Dave Franklin, who worked at the County Garage. That would be a separate line item that would contain an amount that would take him up to \$29,500 -- to be paid out of the Commissioners' overtime account.

Ms. McClintock asked if this is clear to everyone -- the same procedure we used with Dave Franklin when he was covering the County Garage. We paid him for additional duties performed.

Commissioner Borries said he would think this would have to be run by the Council.

Ms. McClintock said the Commissioners can go ahead and approve it and if it needs Council approval we can take it to Council. She asked if we can make that effective tomorrow -- even if Council doesn't approve it, we can get a lump sum payment retroactive to tomorrow. She has individually talked to enough members to get this accomplished and get the vote. But Sandi has told her since the money is already there we don't have to go to Council. But if we have to go to Council, that is fine. What she would like is a motion from this body to approve it effective tomorrow, pending Council approval if necessary.

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

RE: CONSENT AGENDA

Ms. McClintock asked the Board to scratch off Area Plan Commission/Don Hunter. He has already been approved the \$35.00 per diem. Apparently B.J. found a line item in the budget indicating Don was supposed to be paid for the Area Plan Commission work. If there are no questions, she will entertain a motion to approve.

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

RE: OLD BUSINESS

County Picnic: Ms. McClintock said the Employee Steering Committee is planning the first County Employee Family Picnic at Burdette Park on August 22nd. They're going to be serving food at two different times (12:00 - 2:00 p.m. and 4:00 - 6:00 p.m.). They're asking the Commissioners, Councilmembers, and officeholders to volunteer to serve the meals. She asked that the Commissioners/officeholders get with B.J. Farrell to let her know which food shift they want to serve, or if they want to serve both. Apparently all kinds of activities are planned between the meals.

Commissioner Hunter said he understands all the candidates from both parties will do the cooking.

Applications/Supt. of County Buildings: Ms. McClintock said there were several applicants and she's interviewed several this past week. She hopes the other Commissioners have also been interviewing. She'd like to get the interview process concluded so an appointment can be made next Monday (July 20th)

RE: NEW BUSINESS

President McClintock entertained matters of New Business to come before the Board. There being none, a motion to adjourn was entertained.

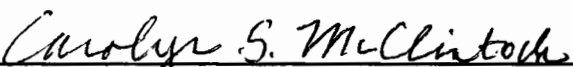
Motion to this effect was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

Meeting declared adjourned at 6:20 p.m.

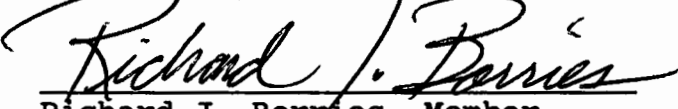
PRESENT:

Carolyn McClintock
Don Hunter
Richard J. Borries
Sam Humphrey, County Auditor
Jeff Wilhite, County Attorney
Dave Savage, County Engineer
Marsha Abell, City Clerk
Susan Jeffries/Purchasing
Bob Chester/Doves Chapel Missionary Baptist Church
Bob Gulick/SIGECO
B. J. Farrell
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Carolyn S. McClintock, President


Don Hunter, Vice President


Richard J. Borries, Member



**BOARD of
COMMISSIONERS**
of the County of Vanderburgh

CAROLYN McCLINTOCK

DON L. HUNTER

RICHARD J. "RICK" BORRIES

AGENDA

VANDERBURGH COUNTY COMMISSIONERS

July 13, 1992

5:30 P.M.

FINAL

1. **CALL TO ORDER**
2. **INTRODUCTION**
3. **PLEDGE OF ALLEGIANCE**
4. **ANY GROUP/INDIVIDUAL WISHING TO ADDRESS THE COMMISSION**
5. **ACTION ITEMS**
 - a. **Open bids**
 - 1) **3/4 Ton Pick Up Truck**
 - 2) **Belt Loader**
 - 3) **Chipper**
 - 4) **Gradall Repair**
 - b. **Petition to vacate for portion of Nurrenbern Road**
re: Dove Chapel Church Representative/Bob Chester
 - c. **Sigeco/Bob Gulick**
re: Electric easement to serve Sheriff Training
Center Facility

- d.. Full Circle Letter
re: Proposal Regarding Unclaimed Funds Listed in the
Name of Vanderburgh County
- e. Discussion: Appointment of Director of Public Works
- f. Discussion: Ohio Street Overpass (Defer until 7/20/92)
- g. Roger Lehman/Building Commission
re: Weeds/Noxious Plants and ordinance changes regarding
the same
- h. Budgets for Review and discussion:

Burdette Park / Vanderburgh County Auditorium

6. DEPARTMENT HEADS

Jeff Wilhite ----- County Attorney

Dave Savage ----- Public Works

7. CONSENT ITEMS

- a. Travel/Education Request

Health (1)

- b. Southwestern Mental Health
re: Audit for year ended December 31, 1991

- c. Invoices for payment:

Given & Spindler.....2766.29
(Management fee percentage for April 6 - June 30, 1992)

- d. Employment Changes

Vanderburgh Co. Assessor/County Land Valuation Commission/Appointment

James L. Angermeier/Chairman of CLVC.....	35.00	(Per Diem)	3/9/92
Al Folz/Twp. Assessor CLVC/Member	35.00	(Per Diem)	3/9/92
Randall Kron/Twp Assessor CLVC/Member ...	35.00	(Per Diem)	3/9/92
John Bittner/CLVC Member.....	35.00	(Per Diem)	3/9/92
Kelley M. Coures CLVC/Member.....	35.00	(Per Diem)	3/9/92
Marion Deig CLVC/Member.....	35.00	(Per Diem)	3/9/92
Alvin E. Mann CLVC/Member.....	35.00	(Per Diem)	3/9/92
James W. Rittenhouse CLVC/Member.....	35.00	(Per Diem)	3/9/92

Circuit Court/Release

Yilmaz Adams/Part-Time Corrections Officer.....5.00/HR 6/5/92

Cumulative Bridge/Release

Scott A. Davis/Hwy Svc Mgr.....19,267.00/YR 7/31/92

Vanderburgh Superior Court/Appointment

John Schwentker/Bailiff/Transportation Off 120.00 6/20/92
(Operation City Beautiful--Extra Pay)

Area Plan/County Commissioner

Don L. Hunter/Appointment to Board.....35.00 Per Diem
effective on 1/1/92

e. Scheduled Meetings

FRI July 10/Employee Steering Committee RM 303 8:30 AM

MON July 13/County Department Head Meeting RM 303 3:00 PM

/Solid Waste Committee Meeting RM 307 4:30 PM

/County Commissioners RM 307 5:30 PM

/Alcoholic & Beverage Commission RM 303 6:30 PM

MON July 20/County Commissioners RM 307 5:30 PM

8. OLD BUSINESS

9. NEW BUSINESS

10. MEETING RECESSED

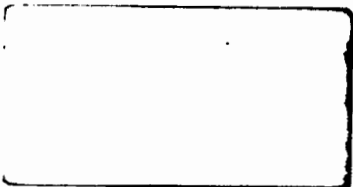
ATTENTION CITY/COUNTY EMPLOYEES!
CAR POOL OPPORTUNITY



We are attempting to determine if there is interest in car pooling among employees in the complex area. This is simply a poll and nothing specific is set as yet. We would propose that some prime parking space would be reserved for vehicles with three or more passengers. If you would be interested, please submit your name, department, work phone and home address to the City Clerk in Room 314. We will aide in finding persons living near you or you can submit the names of the people who will ride together.

Sincerely,
Marsha Abell, City Clerk

NAME: _____ PHONE: _____
DEPARTMENT: _____
ADDRESS: _____



STATE OF INDIANA)
) SS:
 COUNTY OF VANDERBURGH)

RECEIVED
 FOR RECORD

JUL 14 4 09 PM '92

BEFORE THE BOARD OF COMMISSIONERS
 OF VANDERBURGH COUNTY, INDIANA

PAUL STILLE
 RECORDER OF
 VANDERBURGH COUNTY

IN THE MATTER OF THE PETITION TO VACATE A)
 PORTION OF NURRENBERN ROAD RIGHT-OF-WAY)
 IN FRONT OF THE DOVES CHAPEL MISSIONARY)
 BAPTIST CHURCH PROPERTY AT)
 4420 NURRENBERN ROAD)

Ordinance

AN ORDINANCE TO VACATE
A PORTION OF A PUBLIC ROAD

Be it ordained by the Board of County Commissioners of Vanderburgh County, Indiana, as follows:

Section 1. Pursuant to IC 36-7-3-12, a petition was presented to the Board of County Commissioners of Vanderburgh County, Indiana, requesting that the public road described in Section 3 below be vacated.

Section 2. That after due and proper notice, a public hearing was held by the Board of County Commissioners of Vanderburgh County, Indiana, at which time all interested persons were permitted to address said Board.

Section 3. That the Board of County Commissioners of Vanderburgh County, Indiana, after due investigation and consideration, have determined that the public road hereinafter described has never been used and that it is in the public's interest to vacate said public road and being more particularly described as follows:

Part of the East Half of the Northeast Quarter of the Southwest Quarter of Section 3, Township 7 South, Range 11 West, Vanderburgh County, Indiana described as follows:

Beginning at a point in the North line of said Quarter Quarter Section said point being distant West 445.0 feet from the Northeast corner of said Quarter Quarter Section; thence South 20.0 feet to the true point of beginning said point also being the Northeast corner of Lot 8 in C.B. and C. Subdivision, as per plat recorded in Plat Book I, page 125, in the office of the Recorder of Vanderburgh County, Indiana; thence along the South right of way line of Nurrenbern Road (40 feet wide)

- 1st: West 218 feet, more or less, to the South right of way line of the curve on relocated Nurrenbern Road (80 feet wide); thence along said South right of way line
- 2nd: Northeasterly 130 feet, more or less, to the North right of way line of Nurrenbern Road (40 feet wide); thence along said North right of way line
- 3rd: East 100 feet, more or less, to the Northerly prolongation of the East line of said Lot 8 in said C.B. and C. Subdivision
- 4th: South 40 feet to the true point of beginning, containing 6120 square feet (0.14 acres), more or less.

and said public road as above described is hereby vacated.

Section 4. The County Auditor shall furnish a copy of the ordinance to the County Recorder for recording.

Section 5. This Ordinance shall be in full force and effect from and after the date hereof.

PASSED this 13th day of July, 19 92.

BOARD OF COUNTY COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA

By Carolyn McClintock
Commissioner

John D. Hunter
Commissioner
Richard J. Doves
Commissioner

Sam Thompson
Secretary

Prepared by: Andy Easley Engineering
1133 W. Mill Road
Evansville, IN 47710

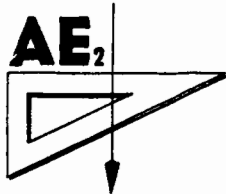
Petitioner: Doves Chapel Missionary Baptist Church
4420 Nurrenbern Road

DULY ENTERED FOR TAXATION SUBJECT
TO FINAL ACCEPTANCE FOR TRANSFER.

JUL 14 1992

Sam Thompson
AUDITOR

3895



ANDY EASLEY ENGINEERING

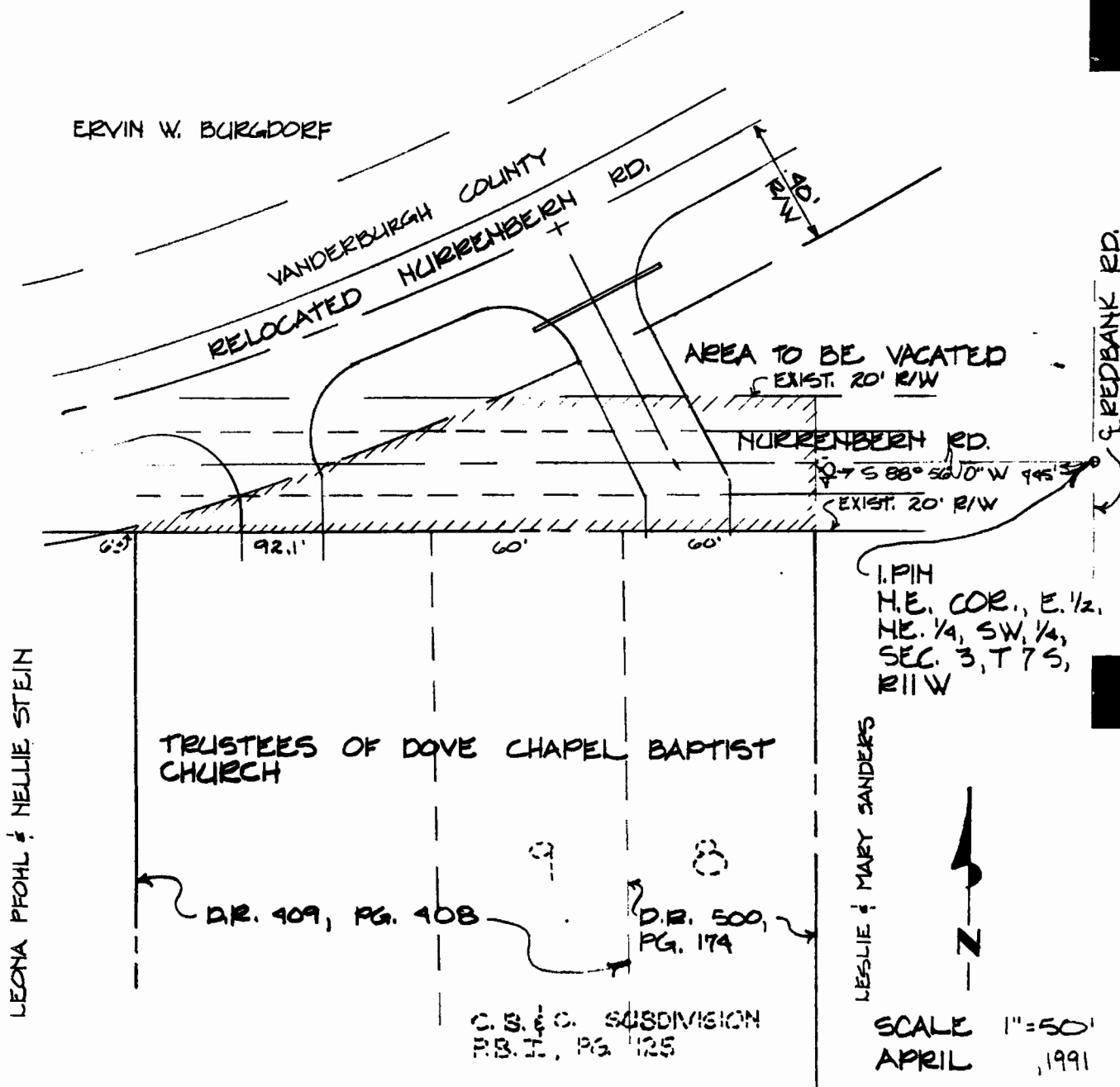
1133 W. MILL ROAD
EVANSVILLE, INDIANA 47710

TELEPHONE (812) 424-2481

CIVIL ENGINEERS
LAND SURVEYORS

REGISTERED IN
INDIANA - KENTUCKY - ILLINOIS
RALPH A. EASLEY, JR. P. E.

VACATION OF PORTION OF NURRENBERN ROAD FOR DOVES CHAPEL MISSIONARY BAPTIST CHURCH 4420 NURRENBERN ROAD, EVANSVILLE, INDIANA



COUNTY UTILITY AGREEMENT

The Board of County Commissioners of Vanderburgh
County hereinafter referred to as the Board, and SIGECO
(utility)

hereinafter referred to as the Permittee, hereby agree that utility facilities consisting
of (See attached)

located at the following described location : Orchard Road Bridge
#158

are hereby granted permit to be located within the highway right-of-way in accordance with the attached drawings or if no drawings are attached, the utility facility will be placed adjacent to the present utility facilities and within two feet of the right-of-way line as indicated on the plans for the proposed project. In consideration thereof the Permittee hereby agrees to abide by and conform with the following terms and conditions:

1. The above described utility facilities to be retained, installed, adjusted or re-located on, over, along or under the highway within the right-of-way limits will be located and accommodated in a manner that will not impair the planned highway, or its construction, or maintenance or interfere with its safe operation.

2. The Permittee hereby agrees to assume liability for making any necessary utility adjustments should future traffic conditions or road improvement necessitate when so requested by the Board and assume the cost thereof, except where Permittee has a compensable property right therein or where reimbursement of such costs is provided for by law.

The Permittee further agrees to comply with the rules and regulations of the Board in servicing, maintaining, replacing and removing the above described facilities, and to obtain a permit before performing any of these functions on such facilities located within the highway right-of-way.

3. The Permittee shall save harmless and indemnify the Board from any claim for damages of any nature whatsoever arising out of Permittee's negligence in connection with any work done pursuant to this agreement.

4. During the progress of any construction undertaken within the limits of the said highway in pursuance hereof, the Permittee shall provide watchmen and flagmen as may be reasonably required by the Board for safety and convenience of the public and shall furnish all barricades, signs and lights reasonably necessary to protect the public. Traffic shall be maintained at all times unless otherwise indicated hereon by special endorsement of the Board's duly authorized representative.

5. All damage to drainage structures; roadbeds, pavements and other highway appurtenances arising from the installation, maintenance or repair of Permittee's utility facilities shall be repaired at expense of Permittee. No portion of the pavement of any highway shall be disturbed without prior permission of the Board. Upon completion of any work within limits of the highway all disturbed portions shall be replaced as nearly as practicable in as good a condition as they were when work was begun.

6. It is understood and agreed by the Board and the utility that the utilities shall comply with the "State of Indiana, Indiana State Highway Commission Policies Covering the Use and Occupancy of Public Highway Rights-of-way by Utilities 1971".

BOARD OF COUNTY COMMISSIONERS

Vanderburgh County

Cassidy McClintock
Member

John H. Hume
Member

Richard J. Barnes
Member

Authorized Representatives of
Permittee
Date 2/13/92

Attest

Ann Humphrey
County Auditor

715A Locust Street
Evansville, IN 47708

Tel. (812) 424-9603

Vanderburgh County Board of Commissioners
Rm. 305 Civic Center Complex
Evansville, IN 47708

**RE: Acceptance of Street Improvements in
Hunter's Ridge Subdivision**

Dear Commissioners:

The undersigned have made an inspection of the subject Street & form
Improvements on June 5, 1992. These Street Improvements were
constructed/finished on/by April 1992. All streets were
constructed with Concrete in accordance with the
approved plans.

The following is a summary of the length of the completed 29.0 feet wide streets in the subject Subdivision:

Hunter's Ridge Court	700	LFT
		LFT
		LFT
		LFT
		LFT
TOTAL:	620	LFT

It is recommended that these Street Improvements be:

ACCEPTED XXXX REJECTED FOR MAINTENANCE

If you have any questions please call the Public Works Office.

Public Works Director

Highway Services Manager

CC: Developer
Design Engineer
APC

Accepted for Maintenance by the
Board of County Commissioners

Carolyn McClintock
President


Vice-President

Richard J. Barnes
Member

715A Locust Street
Evansville, IN 47708

Tel. (812) 424-9603

RE: Acceptance of Street Improvements in
Country Trace - Section III

The undersigned have made an inspection of the subject Street & Storm Improvements on June 5, 1992. These Street Improvements were constructed/finished on/by September 15, 1991. All streets were constructed with Concrete in accordance with the approved plans.

Fox Hollow Court	480	LFT
Fox Hollow Lane	140	LFT
		LFT
		LFT
		LFT
TOTAL:	620	LFT

ACCEPTED XXXX REJECTED FOR MAINTENANCE

Richard J. Bonies
Member

Accepted
7/13/92

Tel. (812) 424-9603

Vanderburgh County Board of Commissioners
Rm. 305 Civic Center Complex
Evansville, IN 47713

RE: Acceptance of Street Improvements in
Audubon ~~Audubon Estates~~
Section D-2

Dear Commissioners:

The undersigned have made an inspection of the subject Street and Storm Drainage (included within the street right-of-way) Improvements on July 1, 1968. These Improvements were constructed/finished on/by [redacted]. All streets were constructed with Concrete [redacted] in accordance with the approved plans.

The following is a summary of the length of the completed 29.0
feet wide strip in the subject Subdivision:

Plaza Drive	1080.5	LFT
Highway Avenue	134.0	LFT
Clinton Court	527.5	LFT
		LFT
		LFT
TOTAL:	1762.0	LFT

It is noted that these Street and Storm Drainage (included within the Sidewalk and Ways) Improvements are:

ACCOMPLISHED _____ REJECTED _____ FOR MAINTENANCE

If you have any questions please call the Public Works Dept.


(Respectfully)

Accepted for Maintenance by the
County Commissioners

Pu: 1 0 2

Carolyn McIntosh
President

Hic...


President

CC:

ice-President
Richard J. Bonier
Member

Accepted
7/13/92

Tel. (812) 424-9603

RE: Acceptance of Street Improvements in
Brookview Subdivision
Section F-2

The undersigned have made an inspection of the subject Street and Storm Drainage (included within the street right-of-way) Improvements on July 7, 1992. These Improvements were constructed/finished on/by July 1992. All streets were constructed with Concrete in accordance with the approved plans.

Brookview Drive (Ext.)	96.5	LFT
Southbrook Drive	640.7	LFT
		LFT
		LFT
		LFT
TOTAL:	737.2	LFT

ACCEPTED XXXX REJECTED FOR MAINTENANCE

Respectfully,

Scott G. L. Dary
Highway Services Manager

Accepted for Maintenance by the
County Commissioners

Carolyn McClench
President
Chris Dent
Vice-President
Richard J. Bonier
Member

Rec'd
7/13/92

Tel. (812) 424-9603

Vanderburgh County Board of Commissioners
Rm. 305 Civic Center Complex
Evansville, IN 47708

RE: Acceptance of Street Improvements in
Brookview Heights IV

Dear Commissioners:

The undersigned have made an inspection of the subject Street and Storm Drainage (included within the street right-of-way) Improvements on July 7, 1992. These Improvements were constructed/finished on/by June 1992. All streets were constructed with Concrete in accordance with the approved plans.

The following is a summary of the length of the completed 29.0 feet wide streets in the subject Subdivision:

Belmont Drive	300.5	LFT
Brookline Drive	716.5	LFT
		LFT
		LFT
		LFT
TOTAL:	1017.0	LFT

It is recommended that these Street and Storm Drainage (included within the street right-of-ways) Improvements be:

ACCEPTED _____ REJECTED _____ FOR MAINTENANCE _____

If you have any questions please call the Public Works Dept.

Respectfully,

Public Works Director

Highway 100

CC: [redacted]

I

T

Accepted for Maintenance by the
Board of County Commissioners

Carolyn McClintock
President

President

ice-President

ice-President
Richard J. Bonies
Member

Member

LAW OFFICES

KAHN, DEES, DONOVAN & KAHN

305 UNION FEDERAL BUILDING

P. O. BOX 3646

EVANSVILLE, INDIANA 47735-3646

TELEPHONE (812) 423-3183

FACSIMILE (812) 423-3841

ALAN N. SHOEVERS
THOMAS O. MAGAN
LARRY R. DOWNS
WM. MICHAEL SCHIFF
ROBERT H. BROWN
JON D. GOLDMAN
MARILYN R. RATLIFF
BRIAN P. WILLIAMS
G. MICHAEL SCHOPMEYER
DAVID L. CLARK
JEFFREY A. WILHITE
JOHN E. HEGEMAN
JEFFREY K. HELFRICH
JEFFREY W. AHLERS
MARY LEE FRANK
D. BRYAN WEESE
MARJORIE J. SCHARPF
RICHARD O. HAWLEY, JR.

(SIDOR KAHN
(1887-1963)
ROBERT KAHN
(RETIRED FROM
PRACTICE 1963)

OF COUNSEL
HARRY P. DEES
ARTHUR R. DONOVAN
DIANE L. BENDER
GAYLON L. CLARK

July 13, 1992

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

Re: County Attorney Report

Dear Ms. McClintock:

Please let me report on the status of various legal matters as
County Attorney:

1. We have completed our drafting of an ordinance concerning regulating speed, stop and traffic control devices and parking in the County. It was forward to David Savage for his comments, which have been received. I am amending the draft ordinance to reflect Mr. Savage's suggestions, and should be able to submit the ordinance for your publication decision at the next meeting.
2. Attached for your signature is an amended agreement concerning settlement of the American Wholesalers condemnation. You may recall signing a similar agreement two weeks ago because the court had imposed a settlement deadline. We were in the process of negotiating some additional language changes, but went ahead and had you sign the most recent draft in case the court held the parties to the deadline. The court has allowed sufficient time now to enter into the attached final version.
3. We continue to be consulted on various issues concerning the Lynch Road project.

Ms. Carol McClintock
July 13, 1992
Page 2

In addition to the above, I continue to spend the bulk of my time on litigation matters. If you have questions on any specific case, please let me know.

Very truly yours,

KAHN, DEES, DONOVAN & KAHN

A handwritten signature in dark ink, appearing to read "Jeffrey A. Wilhite", is written over the printed name.

Jeffrey A. Wilhite,
County Attorney

JAW/jes
Enclosure
cc: Don Hunter
Richard Borries

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN THAT THE DEPARTMENT OF PUBLIC PURCHASE ACTING FOR AND ON BEHALF OF THE BOARD OF COUNTY COMMISSIONERS WILL UNTIL MONDAY, AUGUST 3 1992, AT 5:30 P.M. RECEIVE AND PUBLICLY OPEN AND READ SEALED BIDS FOR THE FURNISHING AND DELIVERY OF THE FOLLOWING:

**FIVE (5) TANDEM AXLE TRUCKS WITH P.T.O.
HYDRAULIC SYSTEMS, DUMP BODIES, SPREADERS & SNOW PLOWS**

REQUIREMENTS

1. Each bid must be in full compliance with the specifications and executed by the bidder on Standard Bid Form #95, wherein the Non-Collusion Affidavit must be completed in accordance with the Indiana State Board of Accounts.
2. All bids must be accompanied by a Bid Bond or Certified Check payable to the Board of County Commissioners of Vanderburgh County in an amount not less than five-percent (5%) of the total bid amount as evidence of good faith of the bidder and such deposit shall be subject to forfeiture in the event the bidder fails to execute his contract in accordance with his bid.
3. Consideration of applicable taxes shall be observed as covered in the specifications and Bid Forms. In no instance, however, will Federal Taxes or Indiana Sales Taxes be applicable.
4. The Board of County Commissioners of Vanderburgh County reserves the right to award separate contracts for each item and/or the right to reject any and all bids if considered in the best interest of the Vanderburgh County.

DATED THIS 6th DAY OF JULY, 1992

THE BOARD OF COUNTY COMMISSIONERS
VANDERBURGH COUNTY, INDIANA

Carolyn McClintock, President
Don Hunter, Vice-President
Richard Borries, Member

Attest: Sam Humphrey, Auditor

PUBLISH IN THE EVANSVILLE COURIER AND PRESS: July 16, 1992
July 23, 1992

CITY—COUNTY PURCHASING DEPARTMENT

RM. 323 CIVIC CENTER COMPLEX
1 N.W. MARTIN LUTHER KING, JR. BOULEVARD
EVANSVILLE, INDIANA 47708-1833
PHONE: (812) 426-5495

July 10, 1992

Mr. John Brennan
Deeds Equipment Co.
8015 East 45th St.
Lawrence, IN 46226

Dear Mr. Brennan:

Congratulations! The Board of County Commissioners awarded your firm the bid for One Boom Mower at its meeting of July 6, 1992.

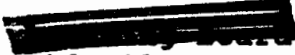
The terms and conditions as specified in the bid shall govern this transaction. You should not accept any order without an appropriate purchase order number for your records.

If you have any questions concerning this award, please feel free to contact me.

Sincerely,

Susan Jeffries
Susan Jeffries
Buyer

cc:


Bid File

CITY—COUNTY PURCHASING DEPARTMENT

RM. 323 CIVIC CENTER COMPLEX
1 N.W. MARTIN LUTHER KING, JR. BOULEVARD
EVANSVILLE, INDIANA 47708-1833
PHONE: (812) 426-5495

July 10, 1992

Mr. Ron Whitesides
Stephan's Inc.
1806 W Franklin St
Evansville, IN 47712

Dear Mr. Whitesides:

Thank you for your interest and bid with the City of Evansville and Vanderburgh County.


The Board of County Commissioners awarded the bid for One Boom Mower to Deeds Equipment Co. at the total bid price of \$34,350.00.

Please contact me if you have any questions.

Sincerely,

Susan Jeffries
Susan Jeffries
Buyer

cc: ~~Awarding Board~~
Bid File

		PEOPLES BANK & TRUST CO. <small>MEMBER OLD NATIONAL BANKCORP P.O. Box 746 • Mt Vernon, IN 47620</small>	138393
REMITTER	<u>Stephan's, Inc.</u>		DATE 6-30-92
PAY TO THE ORDER OF	City of Evansville-Vanderburgh County*****\$1,650.00*****		
PEOPLE'S BANK & TRUST COMPANY		16500000	
CASHIER'S CHECK		<i>Nolan Allyn, Adm. Asst.</i>	
⑈138393⑈ ⑆081303182⑆ 005 198 3⑈			

REQUEST FOR APPROPRIATION

DEPARTMENT: County Commission

DATE: 7/14/92

ACCOUNT	LINE ITEM	AMOUNT
130-3300	Codification of Records	8,500.00

EXPLANATION OF NEED FOR REQUEST

We would like to have this money for the purpose of ordering
12 new Ordinance Code Books and also to order 27 copies of the
supplements.

VANDEBURGH COUNTY
REC'D

JUL 14 1992

BALANCE OF ACCOUNTS:

Sam Thompson
AUDITOR

ACCOUNT NO.	BUDGET	DISBURSEMENTS	BALANCE	BALANCE AFTER APPRO
130-3300	300.00	-0-	300.00	8800.00

VANDEBURGH COUNTY
REC'D

JUL 14 1992

Sam Thompson
AUDITOR

VCC-2

DEPARTMENT HEAD: *Carolyn McClintock*

By.

MINUTES
COUNTY COMMISSIONERS MEETING
JULY 20, 1992

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened @ 5:30 P.M.	1
Rezoning VC-2-92/Withdrawn	1
Authorization to Open Bids/Coliseum Parking Lot	1
Award of Bid for 3/4 Ton Pick-Up Truck for County Highway Department (D Patrick Ford - \$16,323)	1
Award of Bid/Belt Loader to Southeastern Equipment Co. (\$96,000.00)	1
Award of Bid/Chipper to Ditch Witch (\$17,835)	2
Reading & Award/Bids on Coliseum Parking Lot	2
(Awarded to Koester in amount of \$24,964.50)	
Ohio Street Bridge & Lloyd Expressway (Discussion)	3 - 7
(Excerpt of Minutes re Ohio Street Bridge & Lloyd Expressway and copy of Letter signed by businesses affected in the area to the Commission for forwarding to the State with their letter)	
Fireworks/Illegal Sale and Use of	7
Resolution re Alcohol & Drug Abuse	8
Data Processing/Roger Elliott	8
Agreement w/ATEK re Software Modification Percentage Allocations for 1993/City & County Request to Sell Equipment/Authorized	
Appointment/Mark Abell/Supt. of County Buildings	8
Employee Steering Committee/Study Health Insurance	9
Cancellation of Commissioners Meeting on August 3, 1992.....	9
County Attorney/Gary Price	9
Written Report Claim/American Wholesalers (\$55,000)	9
Request for Executive Session on 7/17/92 @ 5:00 p.m. to discuss Pending Litigation	
Public Works/Dave Savage	9
Gradall Repair	
Consent Items	9
Old Business (None)	10
New Business	10
County Auditor/Seminar re Sate-Federal Mandates Sunset Park Pavilion placed on National Register Rezoning Withdrawn (VC-2-92)	
Meeting Adjourned @ 6:45 p.m.	11

MINUTES
VANDERBURGH COUNTY COMMISSION
JULY 20, 1992

The Vanderburgh County Board of Commissioners met in session at 5:30 p.m., July 20, 1992 in the Commissioners Hearing Room, with President Carolyn McClintock presiding.

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

RE: REZONING VC-2-92/WITHDRAWN

Commissioner McClintock: "Is there anyone in attendance for our advertised rezoning this evening? We have received a letter from Counsel for VC-2-92 located at 520 State Road 65. The petitioners (Tim Furbee and Larry Koester) are withdrawing their petition for rezoning, which was to have been considered by the Vanderburgh County Commissioners. So, " If there is anyone here for that you are welcome to stay, but that was the only rezoning scheduled and the rezoning petition has been withdrawn."

Commissioner Borries asked that a note indicating that the petition is being withdrawn be posted on the door of the Commissioner's Hearing Room.

RE: AUTHORIZATION TO OPEN BIDS/COLISEUM PARKING LOT

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, Attorney Wilhite was authorized to open the bids received on the Coliseum parking lot. He will read the bids into the record later in the meeting.

RE: ACTION ITEMS

A. AWARD BIDS

a. 3/4 Ton Pick Up Truck

Susan Jefferies of the Purchasing Department stated that last week two bids were received on a 3/4 ton pick-up truck. Hendrickson & Sons and D Patrick Ford. The bid from Hendrickson & Sons did not meet the specs in several areas and was not in order. It was the recommendation that this bid be rejected at this time. The bid from D Patrick Ford was in the amount of 16,323.30 and meets all specs.

Motion made to reject the bid from Hendrickson & Sons and award bid to D Patrick Ford by Commissioner Hunter and seconded by Commissioner Borries. So ordered.

b. Belt Loader

Two bids were received. The bid from Rudd Equipment Company was in the amount of 80,900.00 dollars, less 12,000.00 dollars trade-in for a total bid of 68,900.00 dollars for a used unit. The unit does not have an air conditioner or tool set. The bid from Southeastern Equipment was in the amount of 99,549.00 dollars for a new unit which meets the specs, less trade-in, with the total bid amount of 96,000.00 dollars.

(Inaudible comments from Susan Jeffries were made.)

Commissioner Borries asked, "Susan, are you saying here that the specs did call call for air conditioner and tool set -- and not

(inaudible) equipment. But then you said there was no mention in the specs of any type of trade-in.

Ms. Jeffries interrupted, saying that is correct.

Mr. Borries said, "Shoot -- because what disturbs me a little bit is not only the difference in price here, but also the less trade-in. I can't quite understand why they wouldn't be willing to negotiate a little bit better trade-in."

Ms. McClintock said that is something we could negotiate once we select the equipment -- and indicate we had a better trade-in offer from another company.

Ms. Jeffries again made comments, but they were inaudible.

Following almost simultaneous discussion between the Commissioners, David Savage and Ms. Jeffries, which was inaudible, Ms. McClintock asked Mr. Savage if he is recommending then, that we go ahead and purchase the new equipment. Mr. Savage confirmed that is correct. President McClintock entertained further questions or comments. There being none, she entertained a motion.

Commissioner Borries said he is not saying the price for the equipment is out of line. What he is saying is there is a difference of some \$30,000 to \$32,000 that is involved. He is not sure at this point that he has adequate information. He is just not sure and would like more information.

The representative from Rudd Equipment Company offered brief comments which, for the most part, were inaudible.

The gentleman from Southeastern Equipment noted he is the only dealer in town who can offer the new model of this equipment, as Rudd lot their dealership.

Mr. Borries said he is not interested in going across the river for a piece of equipment. But the gentleman from Southeastern Equipment is saying that the piece of equipment bid by Rudd is the same brand, the same dealership? But it has different items on it -- no air conditioner, no tool set.

The gentleman said that is correct.

Mr. Borries said that is what he needs to know.

Commissioner McClintock entertained a motion.

Motion made by Commissioner Borries and seconded by Commissioner Hunter to award the bid for the new unit to Southeastern Equipment in the amount of 96,000.00 dollars after trade-in. So ordered.

c. Chipper

There were three bids on this piece of equipment. A bid from Ditch Witch in the amount of 17,835.00 dollars. A bid from Deeds Equipment in the amount of 16,791.25 and an alternate bid from Deeds Equipment in the amount of 15,900.00 dollars. Neither of the bids from Deeds met the specs. Their main bid has a unit with two blades rather than four blades as specified. The alternate bid included a unit with a drum type rather than a disk type.

Motion made by Commissioner Hunter and seconded by Commissioner Borries to accept the bid from Ditch Witch in the amount of 17,835.00 dollars.

B. READING OF BIDS ON COLISEUM PARKING LOT

The following bids were received on paving the Veteran's Coliseum

parking lot and were read into the record by Gary Price.

Sam Oxley & Co. Inc.	30,570.50
Koester Contracting Corp.	24,964.50
J H Rudolph & Co.	27,054.50

Commissioner McClintock: "Do you want to take those under advisement Dave?"

Dave Savage: "If it would be okay, we would like to get this out of the way before Orchard Road gets underway. We have reviewed the prices and it's obvious Koester is the low bidder, so we recommend the awarding to Koester in the amount of \$24,964.50.

Commissioner Borries: "So moved."

Commissioner Hunter: "I will second."

Commissioner McClintock: "So ordered."

C. OHIO STREET BRIDGE/DISCUSSION

Commissioner McClintock: "Commissioner Hunter had made a proposal several weeks ago. There has been some opportunity for discussion but obviously at some point this Commission has to make a decision on what type of bridge we are going to construct on Ohio Street, so we can authorize our engineering firm to begin final design on that construction. So before we make a decision and got too far along here, we wanted to offer an opportunity for public input and that is why we placed that item on this evening's agenda.

Commissioner Hunter: (inaudible)

Ray Andrews: "I am the Republican candidate State Representative of District 76. While the decision on the Lloyd Expressway closing over Pigeon Creek has been postponed (inaudible)... in making the resolution I bring forward some information that I think is important. I think that we are all aware of the possible economic impact to those businesses located on the west side of Evansville. One of things that is yet to be considered is the possible danger of loss of blood. Since this is the main artery. This is the lifeline to the emergency medical services to those in Union township and also for the southern part of Vanderburgh County. Now I have met with the emergency medical services on several occasions and they indicate to me this is the main route into the hospitals. And surprisingly enough 70% of the emergencies handled in Posey County originate in Mt. Vernon. Out of those 70% of emergencies handled the majority fall between 7:00 in the morning and (inaudible). You can just imagine trying to handle an emergency with trains blocking the intersections and traffic being detoured. I suggest that you watch what happens in the event of a catastrophic accident. Any kind of multiple injury type accident that might occur. We are facing now today, trains blocking the intersections 20-25 times a day. By 1993, they project that they may run possibly as many as 40 trains a day. It would make it absolutely impossible to handle any emergency situations. I would suggest to the Commissioners that you all seriously consider utilizing the existing bridge. Do one side at a time. You have three lanes on each side. We could perhaps bring the heavy traffic in two lanes in the morning and then reverse it in the afternoon. This is successfully done in other cities. I think that this is an effective alternative. I don't believe that we can afford to close that bridge down. (inaudible)"

Mike Sitzman: "I am with Evansville Concrete. I would like to present a letter to the Commissioners. This letter has been signed by the President of Evansville Concrete, Harris Tekoppel; Doris

Tekoppel, Tekoppel Block; Russell Woosley, Evansville Materials; Jim Helfrich, Helfrich Realtors and Cargill Incorporated by John Bryant. I guess the best thing to do is to read the letter and (inaudible).

'To: Vanderburgh County Council

RE: Lloyd Expressway and Ohio Street Bridge Renovations

The companies signing this letter sit on the firing line of Ohio Street and Lloyd Expressway and we are very concerned about the potential one or two year closing of the Lloyd Expressway Bridge and the proposed elevation of the Ohio Street Bridge. We feel it appropriate to voice our serious concern over both these projects. First, let's address Ohio Street. In our opinion, Ohio Street does not need an elevated bridge at this time for the following reasons:

- 1) It is a short street from Fulton Avenue to St. Joseph Avenue that goes nowhere. It serves the river industry which can account for approximately 2,000 truck units per day on that small stretch. The total count of trucks and cars is 8,000 per day with a rise to 14,000-19,000 per day after the Lloyd Expressway bridge is closed.
- 2) To elevate with a bridge would effectively block all of Tekoppel Block Company, Mead Johnson Terminal and Evansville Concrete Company and would lengthen the trips of the aggregate trucks flowing from Evansville Materials, and create more traffic for other streets, especially in front of Bristol-Myers Squibb on St. Joe and in front of Evansville Materials turning north on Fulton Avenue.
- 3) It is ultra important to keep 9th Avenue open at all costs. If you analyze each 'feeder' street off Ohio Street to the north you will find we are quite limited. Other than Wabash Avenue, 9th Avenue is the only street open to residential and truck traffic that can flow both ways to Franklin Street down to Maryland. You can also get to the Columbia-Delaware Overpass from 9th Avenue. You cannot take truck traffic down Wabash north off the Lloyd Expressway. The next feeder street to the west is 10th Avenue and serves only George Koch Sons. The street beyond that is a private vacated street that is in front of the main entrance of George Koch Sons.
- 4) In addition to the above, we would further suggest that Ohio Street be widened at Fulton Avenue to make room for the extremely long trucks that haul constantly in and out of Ohio Street. The present entrance is far too narrow.
- 5) CSX Railroad Company is also a vital partner along with the trucks that serve the river industry adjacent to Ohio Street and it probably can't be moved either. Any plans for this Ohio Street area must include the prime users of Ohio Street. We urge you to form an engineering coordination group that will meet with the 'river industry'.

Regarding the Lloyd Expressway Bridge, various meetings have been held by City, County, State, industry and concerned citizens pertaining to the proposed one year shutdown 'earth-filled' bridge versus the two to three year planned shutdown. We would like to have it on record that we strongly support the two to three year plan for the following reasons:

- 1) Safety cannot be compromised. Ambulances, fire and police vehicles use this highway constantly. Of the two plans we feel the 2-3 year shutdown offers fewer safety problems. Ohio and Franklin Street are not prepared to handle all the normal traffic plus the construction vehicles that this project will

demand. Franklin Street will jump from a normal vehicle count of 11,000 per day to 30,000 after the Lloyd Expressway Bridge closure. Ohio Street's normal vehicle count of 8,000 per day will jump to 14,000 to 19,000 per day after the Lloyd Expressway Bridge closure. Even the best cannot anticipate the delays and problems once a job of this magnitude starts. It is far better on a 1-3 year basis that a rush 1 year program built through a busy area. Also, Franklin Street and Ohio Street have been blocked by as many as 25 trains a day. Can you imagine this in a 1 year time frame of construction?

2) 9th Avenue, as mentioned previously, must stay open! I have been told that with an earth-filled scenario this cannot happen. Many west side business owners and residents will take 9th Avenue to Ohio Street to downtown to save time.

3) Last, property owned on both sides of the Lloyd Expressway Bridge will not be accessible with the earth-filled plan without considerable traffic to get from one side to the other. Another reason to keep 9th Avenue open.

In summary, we think you will find the positions we have taken in this letter no different than all our neighbors around us, namely; Mead Johnson Terminal, Evansville Material, George Koch Sons, Cargill Co., Evansville Barge & Marine, Kosmos Cement and Bristol Myers Squibb. As a member of the 'river industry' we urge your consideration to move on these projects at a measured rate consistent with safety and a master plan that is sensible.'

This is basically our position and I would like to leave the letter if I could as a matter of record."

(inaudible)

Commissioner McClintock: "Anyone else wishing to speak?"

Bob Koch: "We have the opportunity to really do some things the same as we have always done them in the past or the opportunity to improve them. I suggest that we take advantage of the opportunity to make an improvement. My name is Bob Koch. I am the President of George Koch & Sons. Also I am the Vice-President of Brake Supply. Combined, we represent over 500 employees. Why I mention Brake Supply is because the proposed move from Brake Supply is from their location on Congress and Vogel over to the Ohio Valley building. (inaudible) That is a total of 500 employees or 1,000 trips a day plus another equal amount of visits by truckers, customers to our counters. It is something like 2,000 trips per day. In the consideration on Ohio Street I would like to present this little chart to you. It is our very strong recommendation that an improvement be made in changing the bridge to add a rail overpass. If you travel the Lloyd Expressway from 7:00-8:30 in the morning or from about 3-5 in the evening you know that it is already over packed. (inaudible) Why reconstruct something that was the same way from when the bridge was first put there on Ohio Street in 1891? Why? Why don't we move ahead from 1891 as we consider what to do with that location? The points are that 9th Avenue ought not to be closed. And we concur with that. That requires perhaps moving the rail track that goes fairly close to 9th Avenue back closer to Pigeon Creek and so in doing that perhaps the total cost of the project, but possibly the overpass, could be substantially reduced. In addition, we strongly recommend as did the previous speakers that the Russell Lloyd Expressway not be totally closed and that it be closed only a half at a time and traffic be diverted around the expressway. I suppose in closing I would like to recommend that perhaps an engineering investigation be conducted to determine what the costs are of this kind of proposal. I didn't really have any data as to the incline or decline of exactly where it would come in, soil conditions (inaudible). Thank-you very much."

Jim Will Jr: "I am representing two organizations. West Side Nut Club and the West Business and Professional Association. Basically we would just like to echo what Mr. Koch and Mr. Sitzman have said and we both have voted unanimously to support the partial closing of the bridge for basically the same reasons that they have given. (inaudible)."

Sherman Greer: "I am with the Emergency Management Agency. I am still in the process of doing my homework on this to tell you the truth. I have heard a lot of good things mentioned here today. I do agree with Mr. Koch in that this is an opportunity for us to not fix things the same way that they were and maybe enhance some (inaudible)... There is always the possibility of having an accident happen and it may shut down both of those lanes. (inaudible)"

Commissioner McClintock: "Let's take these one at a time. Lloyd Expressway first. Are there comments from the Commissioners?"

Commissioner Borries: "I want to be very clear that I would agree with all of the speakers here this evening. This particular road, literally a major artery in the city, should not be closed. I intend to make every effort to see that it stay open. Partial closing seems far more acceptable than any kind of (inaudible). I remember very clearly in 1983 that bumper stickers came out on the First Avenue bridge, and what happened is we set a contract which was certainly more expensive in the short run but it allowed for two shifts-16 hours a day of workers. And the bridge was completed in 79 days. Now I am not saying that the State could do that, but in view of all the preparation of the proposals and (inaudible) it would be far more cost effective for the State to try to double load up front working conditions and try to shorten that and get as much as they possibly could in a short amount of time. Sixteen hours a day. Study some of the options here. So I am strongly in favor of a partial closing."

Commissioner Hunter: "I agree. (inaudible)."

Commissioner McClintock: "I think that it is the impression then that we got to hear testimony and we agree with everyone that we heard from. That doesn't happen very often in this chamber, where everyone agrees with us and we agree with each other. Before we start on the Lloyd Expressway I did want to implore the Commission that following the fatality last week on the expressway I did send a letter to the State of Indiana and you should have been provided a copy indicating a request that they look at installing or reinstalling the barricade that previously existed from St. Joe up underneath the Barker overpass. When I called the State they indicated to me that the reason that the barricade was taken down was because they continually had to repair it. In my letter I indicated to them that I thought it was unfortunate that they had taken it down and that the State should reconsider installing it. I would like to either send a letter or resolution or something to the State of Indiana in regards to the Lloyd Expressway. Again, I agree and would like to reiterate that we should only close half of the expressway and I think that one of the things that we need to emphasize here is half of the expressway means that three lanes are still open. It is a six lane road and that provides three lanes. The State could work out a system where during rush hours two could be used from the east and west and vice-versa, whichever is more appropriate. Again, I also agree with Rick that we should request from the State to take it one step further as opposed to working in two shifts I think that we should encourage the State of Indiana to include in their contract working three shifts. They do this on projects in Indianapolis and Chicago and I don't see any reason why they can't do it in Evansville, Indiana. The other thing that I would like to request the State to do -- and I have not seen their design -- they have not met with the Commission -- but I want to look at their design. It is my understanding that now that design

is basically a fill. They are going to fill the bridge and several engineers have indicated to me that there is a possibility that some of that work could be done prior to closing any portion of the bridge. That the fill could be put in place and secure or some of it at least prior to them closing down the bridge. When you look at that bridge with the fill you are going from a fifteen hundred foot span down to a three hundred foot span. (inaudible). If there are other suggestions, if you would like to change those suggestions that we will make to the State-is it your pleasure to send a letter to the State along with this testimony? Or do you want to pass a Resolution to indicate that we are in favor of a partial closing and would like for them to consider (inaudible)."

(inaudible)

Sam Humphrey: "We could send an excerpt of these minutes."

Commissioner McClintock: "And then attach that to..."

Commissioner Hunter: "Again, Rick what is your feelings? (inaudible)"

Commissioner Borries: "Well, I am not sure. That one, I think, is very clear in the minutes as to what our feelings are and I am not sure that a Resolution is necessary. I am not opposed to that. But I am saying that the bottom line is, this is a State Highway. What we are saying is that this community needs this road. This community wants it to stay open at some point. This community wants the whole construction process to be critically short. Short as it can possibly can be. (inaudible) Those are the three items that I concur with and would be happy to go on record with a Resolution."

(inaudible)

Motion made by Commissioner Hunter and seconded by Commissioner Borries to prepare a Resolution to be signed at the next meeting. So ordered.

Commissioner McClintock: "Ok, Ohio Street. Comments on Ohio Street?"

(inaudible)

Motion made by Commissioner Hunter and seconded by Commissioner Borries to form a committee to study the feasibility of this project to be voluntarily done by Bernardin- Lochmueller and with an advisory council of representation from the business owners in that area that will be affected. So ordered.

D. ILLEGAL SALE AND USE OF FIREWORKS

Commissioner McClintock: "The next thing on the agenda is a letter from State Representative Phyllis Pond. Basically what Mrs. Pond is asking us to do is to explore the possibility of enacting legislation to discourage wholesalers from selling fireworks to individuals. She is wanting our support in passing local legislation. The current law in the State of Indiana states that it is illegal to set off certain types of Class C fireworks in Indiana. However, it is perfectly legal to sell them if the purchaser signs an affidavit promising not to set the fireworks off in Indiana and to take them outside the state within five days. Do you have interest in pursuing it? If you want our attorneys to look at it to see if they think that we can pass something that would have some kind of effect or my initial reaction when I read it, was if we are opposed to the sale and use of illegal fireworks that we pass our support of State legislation to handle this (break due to changing tape)

.....can do that this week and we can run it by you to see if that is what you want to say. Ok."

E. RESOLUTION/ALCOHOL & DRUG ABUSE

Commissioner McClintock: "Cindi Landes is here. I hope that you all remember Cindi was here last year regarding the local coordinating committee for Drug Free Vanderburgh County. And she basically outlined a program and indicated to us that she would be coming back with this resolution."

(inaudible)

Commissioner McClintock: "Let me see if I understand you. The State has already passed this. The money has to go to a group like your's."

(inaudible)

Commissioner McClintock: "Can we get copies of the plan this week?"

Cindi Landes: "It is updated. You will be looking at the third edition that we have passed out. (inaudible)."

(inaudible)

Commissioner McClintock: "I don't think that we will need to come back unless they have questions. Do you have any questions for Cindy?"

Commissioner Borries: "I strongly concur with her recommendation upon review that we continue the relationship with (inaudible)."

F. DATA PROCESSING/ROGER ELLIOTT

Roger Elliott: "I have two items for your signatures. One, is a software modification and development agreement in Vanderburgh County and the City of Evansville between ATEK information Services, Inc. (inaudible) The second item that I bring to you is 1993 percentage allocations between the City and the County. (inaudible). The third item that I bring to you tonight is a request. I have some equipment that is surplus that I would like to sell and see if I can make some more money again. (inaudible)."

Motion made by Commissioner Hunter and seconded by Commissioner Borries to grant permission to sell the surplus property. So ordered.

Commissioner McClintock: "We need a motion on approving the master agreement and 1993 percentage allocations between the City and the County."

Commissioner Borries: "I will so move."

Commissioner Hunter: "I will second."

Commissioner McClintock: "So ordered."

G. APPOINTMENT/SUPERINTENDENT OF COUNTY BUILDINGS

Commissioner McClintock said the next item on the agenda is the appointment of a new Superintendent of Buildings. We had announced two weeks ago that we were accepting applications, following our advertising in the newspaper. She is assuming everyone has reviewed the applications.

Motion was made by Commissioner Hunter to appoint Mr. Mark Abell and seconded by Commissioner Borries. So ordered. Ms. McClintock said she believes Lou Wittmer works through July 31st and the appointment would be effective the first Monday following -- August 3, 1992.

Ms. McClintock continued, "In my discussions with Mr. Abell, he appeared willing or expressed the desire to get a jump start on that job. There are a lot of people to speak with -- and he'd like to start with the Commissioners. She has no problem with him meeting with each of the Commissioners and trying to make some contacts -- free.

It was the consensus of the Commissioners that this would be agreeable to them.

RE: EMPLOYEE STEERING COMMITTEE

Commissioner McClintock stated that each of the Commissioners has a copy of a letter from the Employee Steering Committee indicating they have appointed a Sub-Committee from among their group to work with Norris Robinson, Council and the Commissioners for the 1993 year. The Committee is as follows: Dolores Gugin (Auditor's Office); Ron Brown (Veterans); S. Labhardt (Courts); Jayne Berry-Bland (Treasurer's office); Nancy Seib (Health); Lt. Althoff (Sheriff's Dept.); Alberta Matlock (County Clerk's office); Sandie Deig (Council) and B. J. Farrell (Commissioners).

H. CANCELLATION OF MEETING ON AUGUST 3, 1992

It was noted that Commissioner Hunter is going to be on vacation. Commissioner McClintock, as will she. Commissioner Borries noted he will be out of the city on August 3rd, but he will be in town on August 10th. "So we will need to cancel the meeting of August 3, 1992. Rick and I will hold a session on the 10th. So if anybody has anything, you need to get that in next week -- because we won't have a meeting the following week. We will have a meeting next week and then we will skip a week."

RE: DEPARTMENT HEADS

A. COUNTY ATTORNEY/GARY PRICE

Gary Price: "There are no action items on my written report. I do have some other items I would like to discuss.

Settlement Claim/American Wholesalers: Attorney Price said he has a claim to American Wholesalers in the amount of \$55,000.00.

Ms. McClintock entertained a motion.

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

Request for Executive Session: Secondly, Attorney Price said he would like to schedule an Executive Session on July 27th at 5:00 p.m. to discuss pending litigation.

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

RE: PUBLIC WORKS - DAVE SAVAGE

Gradall Repair: Mr. Savage said this is his only item. They would recommend the bid be advertised for July 30th opening.

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

RE: CONSENT ITEMS

A. TRAVEL/EDUCATION REQUESTS

Motion made by Commissioner Hunter and seconded by Commissioner

Borries to approve the requests for travel as submitted. So ordered.

HEALTH 7-20-1992	Gail Robb Barbara Roe	Indianapolis Indianapolis	per diem per diem
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B. CHECKS RECEIVED

STATE FARM MUTUAL INSURANCE COMPANY	546.00
SOUTHWESTERN MENTAL HEALTH	163,364.85
TRI-STATE ORTHOPEDIC SURGEONS	11.00
AT&T	57.54
TOTAL	163,979.39

C. EMPLOYMENT CHANGES

Employment changes are listed on the attached Meeting Agenda.

D. COUNCIL CALL

- a. County Commissioners

RE: OLD BUSINESS

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

RE: NEW BUSINESS

County Auditor: Auditor Sam Humphrey said he will be attending the a Seminar this coming Thursday in Owensboro, KY, where representatives from four states will be discussing mutual problems. Participating in the meeting will be representatives from Kentucky, Ohio, Tennessee and Indiana. He was invited and asked to bring any County officials who would like to participate. Among the subjects to be discussed that were mentioned to him was the matter of State and Federal mandates and funding for same. He believes the Seminar starts at 1:00 p.m.

Sunset Park Pavillion: President McClintock said that Joanne Matthews has just handed her a communication from the Indiana Department of Natural Resources, which reads as follows:

"Vanderburgh County Commissioners
c/o County Auditor
208 Civic Center Complex
Evansville, IN 47708

Re: Sunset Park Pavillion located at 411 S.E. Riverside Drive,
Evansville, Indiana

Dear County Commissioners:

The Department of the Interior has notified us that the Sunset Park Pavillion located at 411 . E. Riverside Drive, Evansville, Vanderburgh, Indiana was entered in the National Register of Historic Places on June 17, 1992.

Authorized by the National Historic Preservation Act of 1966, the National Register of Historic Places is the official directory of sites with national, stat, or local significance in the development of our nation's historic, architectural, or cultural heritage. Listing on the National Register i official recognition of the

significance of the site and provides a measure of protection for the property.

In Indiana the National Register program is administered by the Department of Natural Resources. In addition to a degree of environmental protection, owners of listed properties are eligible to apply for matching federal grants for restoration or preservation work, if funds are available. Owners of commercially-used properties are also eligible for federal tax benefits for certified rehabilitation work. Please contact the Division of Historic Preservation and Archaeology should you have any questions about the above programs, telephone 317/232-1646.

Very truly yours,

Patrick R. Ralston
State Historic Preservation Officer

Ms. McClintock entertained further matters of new business.

Commissioner Hunter asked if this isn't the pagoda.

Ms. McClintock responded affirmatively, saying she guesses we will have to do something with it now.

Rezoning/Withdrawn: President McClintock said she wishes to announce one more time that the one rezoning scheduled for tonight (VC-2-92) Petitioners, Tim Furbee & Larry Koester) has been withdrawn. Notice to that effect will be posted on the meeting room door. She subsequently entertained a motion for adjournment.

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

Meeting adjourned at 6:45 p.m.

RE: ADJOURNMENT


PRESENT:

Carolyn McClintock
Don L. Hunter
Richard J. Borries
Jeff Wilhite
Sam Humphrey, County Auditor
Susan Jeffries/Purchasing Dept.
Dave Savage/Public Works
Cindi Landes/Governor's Commission/Drug Free Indiana
Jim Will, Jr./WNC
Bob Koch/George Koch & Sons
Scott Randolph/Bernardin-Lochmueller, Inc.
Mike Sitzman/Evansville Concrete
Jerry Schmits/Koester Contracting, Inc.
Susan Sauls/Chamber of Commerce
Greg Frey/Ditch Witch
Paul Legeay III/Evansville Barge
Ray Andrews/Candidate/State Representative (R)
Sherman Greer/EMA
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews

Carolyn McClintock, President


Don L. Hunter, Vice President


Richard J. Borries, Member

R E Z O N I N G

NO REZONING HEARINGS HELD
VC-2-92 WAS WITHDRAWN



**BOARD of
COMMISSIONERS**
of the County of Vanderburgh

CAROLYN McCLINTOCK

DON L. HUNTER

RICHARD J. "RICK" BORRIES

FINAL

AGENDA

VANDERBURGH COUNTY COMMISSIONERS

July 20, 1992

5:30 P.M.

1. CALL TO ORDER
2. INTRODUCTION
3. PLEDGE OF ALLEGIANCE
4. ANY GROUP/INDIVIDUAL WISHING TO ADDRESS THE COMMISSION
5. ACTION ITEMS
 - a. Award Bids
 - 1) 3/4 Ton Pick Up Truck
 - 2) Belt Loader
 - 3) Chipper
 - Open Bids
 - 1) Veteran's Coliseum Parking Lot
 - b. Ohio Street Bridge/Discussion
 - c. State of Indiana House Representatives letter
re: illegal sale and use of fireworks
 - d. Resolution
re: supervision of comprehensive local alcohol and drug abuse

- ✓ e. Roger Elliott/Data Processing
re: 1) ATEK (Master Agreement)
2) Approval and signature of the 1993 percentage allocations
between city and county
3) Declare property as surplus
- ✓ f. Discussion/Appointment:
re: Superintendent of County Buildings
- ✓ g. Letter from Steering Committee:
re: Insurance Committee/those who have been selected to
work with the County Commissioners, County Council
and Norris Robinson, regarding County Health Insurance

6. DEPARTMENT HEADS

- ✓ Gary Price ----- County Attorney
- Dave Savage ----- Public Works

7. CONSENT ITEMS

a. Travel/Education

Health (2)

b. Checks Received:

State Farm Mutual Automobile Insurance Company.....\$ 546.56

Southwestern Mental Health
(Hillcrest-Washington Youth Home - 2nd Qtr.).....163,364.85

Tri-State Orthopaedic Surgeons, Inc.....11.00

AT & T.....57.54

c. Employment Changes: (see pages 3 - 6)

d. Go On Council Call:

County Commissioners

Vanderburgh Auditorium

Employment Changes
July 20, 1992

Prosecutor/Appointment

Sarah Goss/Deputy Prosecutor	31,528.00/YR	7/16/92
Laura Ann Smith/ParaLeg Sec'y	17,775.00/YR	7/13/92

Prosecutor/Release

Sarah Goss/Deputy Prosecutor	28,674.00/YR	7/16/92
Laura Ann Smith/ParaLeg Sec'y	16,952.00/YR	7/13/92

IV-D Support Prosecutor/Appointment

Debra J. Day/Director	22,692.00/YR	6/03/92
Nancy G. Hankins Long/Deputy Pros.	40,090.00/YR	6/03/92
Krista Clayton/ParaLeg Sec(Step Increase)	17,775.00/YR	7/15/92

IV-D Support Prosecutor/Release

Debra J. Day/Director	20,574.00/YR	6/03/92
Nancy G. Hankins Long/Dep Pros	38,253.00/YR	6/03/92
Krista Clayton/ParaLeg Sec'y	16,952.00/YR	7/15/92

Circuit Court/Appointment

Carrie Heldt/Intern	4.75/HR	6/28/92
Todd J. Meyer/Intern	4.75/HR	6/28/92
Kerri Turnock/Intern	4.75/HR	6/28/92
Greg Fredrich/Intern	5.00/HR	6/28/92
Cindy Eickhoff/Intern	4.75/HR	6/28/92
Stacey Burger/Office Assistant	7.00/HR	6/28/92
Terry McIntosh/Typist	4.75/HR	6/28/92
Sheila Eichmiller/Intern	4.75/HR	6/28/92
Susan Borries/Intern	4.75/HR	6/28/92
Holly Harl/Intern	4.75/HR	6/28/92
Melissa Hamilton/Intern	4.75/HR	6/28/92
Jason Davis	4.75/HR	6/28/92
Teresa Dyer/Office Assistant	7.00/HR	6/28/92
Patricia Hadden/QMA	7.00/HR	6/28/92
John Baumeyer/Intern	6.00/HR	6/28/92
Glenn Gaslin/Intern	5.00/HR	6/28/92
Charles Campbell/Office Assistant	6.00/HR	6/28/92

Sandra Wehr/QMA	7.00/HR	6/28/92
Rebecca Springer/Typist	5.25/HR	6/28/92
Robert Jackson/Part-Time Corrections Officer	5.00/HR	7/01/92
Glenn Gaslin/Intern	5.00/HR	6/28/92
Barry Standley/Public Defender	Other	7/01/92
Brian K. Spadlin/Corrections Officer	7.00/HR	6/28/92
Kim Laib/Corrections Officer	6.00/HR	6/28/92
Deborah Mowbray/Counselor	Other	7/08/92

Drug & Alcohol Defferal/Appointment

Deborah Ransom/Greenwell/Counselor I Coordinator	23,153.00/YR	6/03/92
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County Council/Appointment

Royce Sutton/Councilman	11,525.00/YR	7/13/92
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County Clerk/Appointment

Melissa Cosby/Deputy Clerk(6 mo. raise)	14,864.00/YR	7/13/92
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County Commissioners/Appointment

Gary Kercher (approved by County Commissioners on 7/13/92)	13.36/Day	7/14/92
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Vanderburgh Auditorium/Appointment

Larry Craddock/Security	12.00/HR	7/16/92
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Vanderburgh County Hwy./Appointment

Eric A. Acker/Laborer	10.42/HR	7/12/92
Mark J. Shortridge/Summer Crew	5.00/HR	7/14/92
Kerry M. Moore/Summer Crew	5.00/HR	7/08/92

Burdette Park/Appointment

John Lavanch/Security	12.00/HR	7/01/92
Angie Redman/Asst Head Guard	5.00/HR	7/01/92

Brad Gerard/Asst Head Guard

5.00/HR 7/01/92

Full Time Guards/effective 7/01/92

Nick Jankowski/5.00
Chasidy Spindler/5.00
Susan Bernhardt/5.00
Jeff Ludwig/5.00
Jeremy Kieffner/4.60
Andrea Muth/4.60
Dana Gourley/4.60
Beau Shumate/4.60
James Townsend/4.60
Missy Muensterman/4.60
Shawn Helmer/Head Guard
Michelle Scott/Cashier

Rachel Polk/5.00
Jeremy Jourdon/5.00
Bryan Arnold/4.85
Ben McCarthy/4.60
Doug Kieffner/4.60
Heather Lehr/4.60
Lisa Austill/4.60
Dan Kolb/4.60
April Schmuck/4.60

4.60/HR 7/01/92
4.25/HR 7/01/92

Circuit Release

Carrie Heldt/Intern
Todd J. Meyer/Intern
Kerri Turnhock/Intern
Greg Fredrich/Intern
Cindy Eickhoff/Intern
Stacey Burger/Office Assistant
Terry McIntosh/Typist
Sheila Eichmiller/Intern
Susan Borries/Intern
Holly Harl/Intern
Melissa Hamilton/Intern
Jason Davis/Intern
Teresa Dyer/Office Assistant
Patricia Hadden/QMA
John Baumeyer/Intern
Amy Austin/Typist
Charles Campbell/Office Assistant
Sandra Wehr/QMA
Rebecca Springer/Typist
Ann Michel/Intern
Glenn Gaslin/Intern
Barry Standley/Public Defender
Brian K. Spradlin/Corrections Officer
Kim A. Laib/Corrections Officer

4.75/HR 6/27/92
4.75/HR 6/27/92
4.75/HR 6/27/92
5.00/HR 6/27/92
4.75/HR 6/27/92
7.00/HR 6/27/92
4.75/HR 6/27/92
4.75/HR 6/27/92
4.75/HR 6/27/92
4.75/HR 6/27/92
4.75/HR 6/27/92
5.25/HR 6/27/92
7.00/HR 6/27/92
7.00/HR 6/27/92
5.00/HR 6/27/92
5.00/HR 6/27/92
6.00/HR 6/27/92
7.00/HR 6/27/92
5.25/HR 6/27/92
4.75/HR 6/27/92
4.75/HR 6/27/92
Other 7/01/92
5.00/HR 6/27/92
5.00/HR 6/27/92

Drug & Alcohol Deferral/Release

Deborah Ransom/Greenwell/Counselor I Coordinator 25,475.00/YR 6/03/92
County Clerk/Release

Melissa Brown/Deputy Clerk 14,180.00/YR 7/10/92

Superintendent of County Buildings/Release

Lou Wittmer/Superintendent of Co. Bldgs. 23,153.00/YR 7/31/92
(This includes 10 days vacation)

Vanderburgh Auditorium/Release

Ruby Norris/Laborer Lead Person 10.79/HR 7/17/92

Vanderburgh Co. Hwy/Release

Eric Acker/Laborer 10.49/HR 7/10/92

Kerry M. Moore/Summer Crew 5.00/HR 7/10/92

Burdette Park/Release

Shawn Helmer/Head Guard 40.00/DAY 7/01/92

Angie Redman/Asst Head Guard 4.75/HR 7/01/92

Brad Gerard/Asst Head Guard 4.75/HR 7/01/92

Full Time Guards/effective date 7/01/92

Nick Jankowski/4.75
Chasidy Spindler/4.75
Susan Bernhardt/4.75
Ben McCarthy/4.75
Andrea Muth/4.25
Dana Gourley/4.50
Beau Shumate/4.50
James Townsend/4.50
Missy Muensterman/4.35

Rachel Polk/4.75
Jeremy Jourdon/4.50
Jeff Ludwig/5.00
Jeremy Kieffner/4.60
Heather Lehr/4.50
Lisa Austill/4.50
Dan Kolb/4.50
April Schmuck/4.50
Doug Kieffner/4.50

Bryan Arnold/Pt. Time Guard 4.86/HR 7/01/92

e. Scheduled Meetings:

MON	July 20	Job Study	3:00 PM	RM 303
TUES	July 21	City-County Council Budget Hearing	5:00 PM	RM 301
THURS	July 23	Employee Steering Committee	8:30 AM	RM 303
MON	July 27	County Department Head Meeting	3:30 PM	RM 303
		County Commissioners	5:30 PM	RM 307
		Drainage Board Immediately Following		
WED	July 29	County Council		
		Personnel/Finance	3:30 PM	RM 303
SAT	Aug 22	County Employee Picnic	11:00 AM - 7:00 PM	
		(at Burdette Park)		

8. OLD BUSINESS

9. NEW BUSINESS

10. MEETING RECESSED

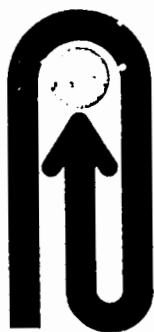
*****7:00 REZONINGS*****

VC 9206 3/4 TON PICK UP TRUCK

VC 9207 BELT LOADER

VC 9208 CHIPPER —→

BIDDER:	DITCH	/ DEEDS	/ DEEDS
	WITCH	/ EQUIPMENT	/ EQUIPMENT
		/	/ (alternate)
Bid Deposit	bond	/ bond	/ bond
		/	/
Bid Proposal Form	yes	/ yes	/ yes
		/	/
EEO Statement	yes	/ yes	/ yes
		/	/
Bid Form 95	yes	/ yes	/ yes
		/	/
Meets specs?	yes	/ **NO	/ **NO
		/ 2 blades	/ drum type
		/ instead	/ instead of
		/ of 4	/ disk type
		/	/
		/	/
TOTAL BID	\$17,835.00	/ \$16,791.25	/ \$15,980.00



Southwestern Indiana Mental Health Foundation, Inc.

415 MULBERRY ST.

EVANSVILLE, INDIANA 47713-1298

(812) 423-7791

July 13, 1992

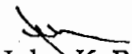
Ms. Carolyn McClintock, President
Vanderburgh County Commissioners
Room 305, City-County Building
Evansville, Indiana 47708

Dear Carolyn,

In accordance with our contract for the operation of the Hillcrest-Washington Youth Home, I am pleased to send you the enclosed check #11886 in the amount of \$163,364.85. This represents the fees the Foundation collected for services in the 2nd Quarter, 1992.

It has been a pleasure to provide this needed service for Vanderburgh County. We look forward to continued success in the future.

Sincerely,


John K. Browning
Executive Director

JKB/jim
Enclosure

EVANSVILLE CONCRETE COMPANY, INC.
1816 W. Lloyd Expressway,
Evansville, IN 47712

BY: H.C. [Signature] PRESIDENT

TEKOPPEL BLOCK COMPANY
1701 W. Ohio Street
Evansville, IN 47712

BY: [Signature] Tekoppel

EVANSVILLE MATERIALS
900 N. W. Riverside Drive,
Evansville, IN 47708

BY: [Signature] Russell [Signature]

JAMES J. HELFRICH REALTORS
2303 W. Franklin Street
Evansville, IN 47712

BY: [Signature] Helfrich

CARGILL, INCORPORATED
2000 W. Ohio Street
Evansville, IN 47712

BY: [Signature] Bygones

TO: VANDERBURGH COUNTY COUNCIL

RE: Lloyd Expressway and Ohio Street Bridge Renovations

The Companies signing this letter sit on the firing line of Ohio Street and Lloyd Expressway and we are very concerned about the potential 1 or 2 year closing of the Lloyd Expressway Bridge and the proposed elevation of the Ohio Street Bridge. We feel it appropriate to voice our serious concern over both these projects. First, let's address Ohio Street. In our opinion, Ohio Street does not need an elevated bridge at this time for the following reasons:

1.) It is a short street from Fulton Avenue to St. Joseph Avenue that goes nowhere. It serves the river industry which can account for approximately 2,000 truck units per day on that small stretch. The total count of trucks and cars is 8,000 per day with a rise to 14,000-19,000 per day after the Lloyd Expressway bridge is closed.

2.) To elevate with a bridge would effectively block all of Tekoppel Block Company, Mead Johnson Terminal and Evansville Concrete Company and would lengthen the trips of the aggregate trucks flowing from Evansville Materials, and create more traffic for other streets, especially in front of Bristol-Myers Squibb on St. Joe and in front of Evansville Materials turning north on Fulton Avenue.

3.) It is ultra important to keep 9th Avenue open at all costs. If you analyze each "feeder" street off Ohio Street to the north you will find we are quite limited. Other than Wabash Avenue, 9th Avenue is the only street open to residential and truck traffic that can flow both ways to Franklin Street down to Maryland. You can also get to the Columbia-Delaware Overpass from 9th Avenue. You cannot take truck traffic down Wabash north off the Lloyd Expressway. The next feeder street to the west is 10th Avenue and serves only George Koch Sons. The street beyond that is a private vacated street that is in front of the main entrance of George Koch Sons.

4.) In addition to the above, we would further suggest that Ohio Street be widened at Fulton Avenue to make room for the extremely long trucks that haul constantly in and out of Ohio Street. The present entrance is far too narrow.

5.) CSX Railroad Company is also a vital partner along with the trucks that serve the river industry adjacent to Ohio Street and it probably can't be moved either. Any plans for this Ohio Street area must include the prime users of Ohio Street. We urge you to form an engineering coordination group that will meet with the "river industry." After all, this industry is a major vital economic hub of the City and needs cooperation, not earthwalls that create economic stagnation.

Regarding the Lloyd Expressway Bridge, various meetings have been held by City, County, State, Industry and Concerned Citizens pertaining to the proposed one year shutdown "earth-filled" bridge versus the 2 to 3 year planned shutdown. We would like to have it on record that we strongly support the 2 to 3 year plan for the following reasons:

1.) Safety cannot be compromised. Ambulances, fire and police vehicles use this highway constantly. Of the two plans we feel the 2-3 year shutdown offers fewer safety problems. Ohio and Franklin Street are not prepared to handle all the normal traffic plus the construction vehicles that this project will demand. Franklin Street will jump from a normal vehicle count of 11,000 per day to 30,000 after the Lloyd Expressway Bridge closure. Ohio Street's normal vehicle count of 8,000 per day will jump to 14 to 19,000 per day after the Lloyd Expressway Bridge closure. Even the best cannot anticipate the delays and problems once a job of this magnitude starts. It is far better on a 2-3 year basis than a rush 1-year program built through a busy area. Also, Franklin Street and Ohio Street have been blocked by as many as 25 trains a day. Can you imagine this in a 1-year time frame of construction?

2.) 9th Avenue as mentioned previously must stay open! I have been told that with an earth-filled scenario this cannot happen. Many West Side business owners and residents will take 9th Avenue to Ohio Street to downtown to save time.

3.) Last, property owned on both sides of the Lloyd Expressway Bridge will not be accessible with the earth-filled plan without considerable traffic to get from one side to the other. Another reason to keep 9th Avenue open.

In summary, we think you will find the positions we have taken in this letter no different than all our neighbors around us, namely; Mead Johnson Terminal, Evansville Materials, George Koch Sons, Cargill Co., Evansville Barge & Marine, Kosmos Cement and Bristol Myers Squibb. As a member of the "river industry" we urge your consideration to move on these projects at a measured rate consistent with safety and a master plan that is sensible.

MARYLAND STREET

FRANKLIN STREET

LLOYD EXPRESSWAY

RELOCATE
RAILROAD

OHIO STREET

FULTON AVENUE

24 30
25 30
BRAKE SUPPLY
COMPANY

NEW BRIDGE
WITH RAIL
OVER PASS

IVE
TREET

ST JOSEPH AVENUE

WABASH AVENUE

9TH AVENUE

GEORGE KOCH SONS

OHIO STREET

KEEP 9TH AVE
OPEN AT OHIO S

AGENDA REQUEST

NAME OF REQUESTOR: Roger Elliott

REQUESTOR TITLE: Director

DEPARTMENT: Computer Services Department

REQUEST(S) BEING MADE:

- Approval and signature of an Applications Software Modification and Development Agreement Deliverables Schedule (#IN 89-0015.03.05) to the Master Agreement between ATEK Information Services, Inc and Vanderburgh County/City of Evansville. Data Board, at their June 23rd meeting, reviewed and recommended this document for your approval.
- Approval and signature of the 1993 percentage allocations between the City and County under the Joint Agreement between Vanderburgh County, Indiana and the City of Evansville, Indiana Concerning Data Processing Services. Data Board, at their July 14th meeting, reviewed and recommended this document for your approval.
- Request for items to be declared as surplus and an authorization to proceed with the sealed bid sale of the items. Data Board, at a previous meeting, recommended this action for your approval.

DATE TO BE PLACED ON AGENDA:

Board of Public Works Wednesday, July 22, 1992

County Commissioners Monday, July 20, 1992

ACTION _____ CONSENT _____ OTHER _____

ATEK INFORMATION SERVICES, INC.

VANDERBURGH COUNTY, INDIANA
SUMMARY PAYMENT SCHEDULE NO. IN 89-0015P

This Summary Payment Schedule is part of Master Agreement No: IN 89-0015

The purpose of this Summary Payment Schedule ("Payment Schedule") is to identify all payment obligations of Customer arising pursuant to the above-captioned Master Agreement. This Payment Schedule shall either set out such payment obligations in full below, or shall set out the maximum amount of such payment obligations and make express reference to another document included in the Master Agreement where the payment obligations are set out in full. ATEK shall maintain this Payment Schedule and provide Customer with a copy of each new entry each time it is changed.

Date of Entry	Component Agreement and Related Deliverables Schedule Under Which Payment Obligation Arises	Description of Payment Obligation and Dates or Events Upon Which Payments are Due	Amount
_____, 1992	Application Software Modification and Development Agreement Deliverables Schedule No. IN 89-0015.03.05	Due by Customer upon acceptance of ASM&D Schedule and invoicing by ATEK	\$2,250.00
		Due upon acceptance by Customer of estimated cost	<u>\$2,250.00</u>
		TOTAL	\$4,500.00*
	*Shipping and travel-related costs	Due upon invoicing by ATEK	

ATEK INFORMATION SERVICES, INC.

APPLICATIONS SOFTWARE MODIFICATION AND DEVELOPMENT AGREEMENT
DELIVERABLES SCHEDULE NO. IN 89-0015.03.05

This Deliverables Schedule is a Part of Applications Software Modification and Development Agreement No. IN 89-0015.03

1. Package Programs in the Licensed Software under an Applications Software License Agreement No. IN 89-0015.02:

Child Support - Application # - IN-A1030-6000

2. Specification for Modifications and Custom Programs relating to the Package Programs:

Request a program to take a data file supplied by the Bank, update the Child Support Payment on the ATEK Child Support Application. See Exhibit A attached hereto.

3. ATEK Software Modification Services:

Fees:

Development of Detailed Systems Design and
Specification for Modifications and Custom Programs.

Estimated 6 hrs. @ \$75.00/hr. (2 hr. minimum)
plus travel related expenses, if any

\$450.00*

Programming:

Estimated 48 hrs. @ \$75.00/hr. (2 hr. minimum)
plus travel related expenses, if any

3,600.00*

Testing:

Estimated 6 hrs. @ \$75.00/hr. (2 hr. minimum)
plus travel related expenses, if any

450.00*

Preparation of Documentation:

none

Other Services:

N/A

Total "ESTIMATED" Hours and Fees - 60 hrs. @ \$75.00/hr.

\$4,500.00

*For and in consideration of receiving the services provided herein, Customer agrees to pay to the Company the estimated charges set forth and to reimburse the Company for reasonable travel and miscellaneous expenses, if any. The total hours indicated represent the Company's best estimate of the time required to make the requested modifications. Company guarantees that the maximum adjustment will not exceed twenty percent (20%) of the estimate. Company agrees to record and accumulate all time provided Customer hereunder and Customer agrees to accept such records as true and correct.

4. Other Charges:

Amounts:

None

5. Total Payments and Payment Terms:

\$4,500.00

\$2,250.00 is due by Customer upon acceptance of the ASM&D Deliverables Schedule and invoicing by ATEK. Estimated hours for modifications is \$2,250.00 and is due upon acceptance by Customer. All other charges if any, indicated above, are due upon invoicing by ATEK.

If number of hours estimated for the modifications take less than sixty (60) hours, then the total cost estimated will be less than \$2,250.00.

Adjustments to any "estimated" fees set forth in Sections 3 or 4 above shall be made after the deliverables have been completed and the final invoice for such deliverables is submitted to Customer.

6. Customer Responsibilities:

Customer must: 1) provide ATEK free access to the Designated Equipment and Licensed Software, 2) prepare and supply to ATEK such test data relating to Customer's operations as is reasonably required for the testing of the Custom Software and Modifications, and 3) appoint a coordinator for the project of developing the Custom Software as set forth at Section 2.6 above.

7. Custom Software Delivery and Installation Dates:

One hundred eighty (180) days from the Effective Date.

8. Custom Software Acceptance Tests and Procedures:

ATEK shall develop such tests and procedures as are reasonably designed to demonstrate that the Custom Software performs in accordance with the Specifications. Upon determination by ATEK that the Custom Software is installed and performs in a manner consistent with the Specifications, ATEK shall so certify to Customer. Unless Customer notifies ATEK in writing that it rejects the Custom Software as non-conforming (and provides express reasons therefore), the Custom Software shall be deemed to be accepted by the Customer ten (10) days after receipt by Customer of such certification.

9. Schedule:

None

10. Ship To Address.

Company/Agency: Vanderburgh County, Indiana

Address: Data Processing Center Room 205, 1 N W Martin Luther King Blvd

City: Evansville

State: Indiana

Zip Code: 47708

Attention: Mr. Roger Elliott, Director SCT

Phone Number: (812) 424-4578

The undersigned each represent and warrant that s/he is authorized to execute this document on behalf of the respective party and any and all actions necessary for this to constitute the valid and binding act of the respective party have occurred.

LICENSEE:

for City of Evansville

By _____
Chris D. Melton, President
Evansville Board of Public Works

By _____
Jack McNeely, Vice President
Evansville Board of Public Works

By _____
Jack Corn, Jr., Member
Evansville Board of Public Works

Attested By _____
Sharon A. Evans, Secretary
Evansville Board of Public Works

Effective Date _____

for Vanderburgh County

By _____
Carolyn McClintock, President
Vanderburgh County Board of Commissioners

By _____
Don Hunter, Vice President
Vanderburgh County Board of Commissioners

By _____
Rick Borries,
Vanderburgh County Commissioner

Attested By _____
Sam Humphrey, Vanderburgh County Auditor

Effective Date _____

11. Bill To Address.

Company/Agency: Vanderburgh County, Indiana
Address: Data Processing Center, Room 205, 1 N.W. Martin Luther King Blvd
City: Evansville
State: Indiana
Zip Code: 47708
Attention: Mr. Roger Elliott, Director SCT
Phone Number: (812) 424-4578

The undersigned each represent and warrant that s/he is authorized to execute this document on behalf of the respective party and any and all actions necessary for this to constitute the valid and binding act of the respective party have occurred.

CUSTOMER:

~~VANDERBURGH COUNTY, INDIANA
(Customer Name)
By _____
Mr. Robert Willner, Commissioner
(Name and Title)
By _____
Mr. Rick Borres, Commissioner
(Name and Title)
By _____
Ms. Carolyn McClintock, Commissioner
(Name and Title)
By _____
Mr. Sam Humphrey, Auditor
(Name and Title)
By _____
Mr. James I. Helfrich, Bd. of Public Works
(Name and Title)~~

~~By _____
Chris D. Melton, Bd. of Public Works
(Name and Title)
By _____
Mr. James O. Manning, Bd. of Public Works
(Name and Title)
By _____
Ms. Roberta Burkhardt, Bd. of Public Works
(Name and Title)
Date: _____~~

ATEK INFORMATION SERVICES, INC.
By _____
John Q. Ebert, Chairman/CEO
(Name and Title)

Effective Date: _____

MODIFICATION SPECIFICATIONS

Application: Child Support

Customer: Vanderburgh County, Indiana

The following is a narrative of modifications or new specifications for the above application. This narrative is the basis of all hourly cost estimation and any deviation from this narrative will result in changes to the final cost of this project. The detailed systems design and specification called for by paragraph 2.1 will be based hereon.

The Clerk's office is currently receiving via PC link with Old National Bank, child support payments made at the bank. A link with the bank is established, a dBASE III file is transferred to the Clerk's PC, a report program is executed, printout generated, and entry of the data into the Child Support Application.

It is the Clerk's office desire to have this entire process automated. Old National Bank has advised that they will supply the data in an ASCII file with a fixed length. The Clerk wants to transfer this file to the VAX and have a program update the Child Support Payment record(s) and create an edit report.

This Modification Specification will also serve as the detailed systems design and specification for the creation of the Custom Software as referenced in Section 2 of the Applications Software Modification and Development Agreement.

AGREEMENT

This Agreement is made and entered into by and between the City of Evansville, Indiana, by and through its Board of Public Works (hereinafter "City") and the County of Vanderburgh, Indiana, by and through its Board of Commissioners (hereinafter "County").

WHEREAS, there exists a certain joint agreement between the City and County for the provision of data processing services recorded in Miscellaneous Drawer 1, Card 8479 in the Office of the Vanderburgh County Recorder; and

WHEREAS, said joint agreement provides for a percentage allocation of costs between the City and County based upon utilization which allocation shall be reviewed from time to time and modified to reflect the actual percentage of utilization of the data processing system; and

WHEREAS, Systems and Computer Technology Corporation informed the Data Processing Review Board that the percentage of utilization for 1992 was:

City	21.70%
County	78.30%

NOW THEREFORE, the parties hereto agree as follows:

Commencing January 1, 1993, the percentage allocations between the City and County under the Joint Agreement between Vanderburgh County, Indiana and the City of Evansville, Indiana Concerning Data Processing Services shall be:

City	21.29%
County	78.71%

Said percentage allocations shall continue and be in full force and effect until the parties shall agree otherwise as provided in said joint agreement.

Dated: _____
City of Evansville, Indiana
by and through its Board of
Public Works

Dated: _____
Vanderburgh County, Indiana
by and through its Board of
County Commissioners

Chris Melton, President

Carolyn McClintock, President

Jack McNeely

Don Hunter

Jack Corn, Jr

Richard Borries

Attest _____

Attest _____



**BOARD of
COMMISSIONERS**
of the County of Vanderburgh

CAROLYN McCLINTOCK
DON L. HUNTER
RICHARD J. "RICK" BORRIES

RESOLUTION NO. 92-_____

RESOLUTION

WHEREAS, the Indiana Legislature, by I.C. 5-2-11-2 et seq. has established a county drug free community for Vanderburgh County to promote comprehensive local alcohol and drug abuse initiative; and

WHEREAS, the Local Coordinating Committee for Drug Free Vanderburgh County has been organized to develop on an annual basis a comprehensive plan to promote comprehensive local alcohol and drug abuse initiatives and has adopted such a plan for the 1992-92 fiscal year ending June 30, 1992; and

NOW, THEREFORE, the Vanderburgh County Commissioners do resolve as follows:

1. That the Local Coordinating Committee for Drug Free Vanderburgh County is recognized by the Vanderburgh County Commissioners as the responsible agency for the development of and the supervision of comprehensive local alcohol and drug abuse initiatives.

2. That the Comprehensive plan adopted by the Local Coordinating Council is hereby recognized and adopted by the Vanderburgh County Commissioners as the format for the distribution of money distributed to Vanderburgh County to promote comprehensive local alcohol and drug abuse prevention initiatives.

3. That said fund shall be administered under the provisions established by the Indiana Legislature in IC 5-2-11-1 et. seq.

WITNESS our hands and seals this _____ day of _____, 1992 wherein this resolution was adopted and passed by the County Commissioners of Vanderburgh County.

Carolyn S. McClintock, President

Don L. Hunter, Vice-President

Richard J. "Rick" Borries, Member

Attest:

Sam Humphrey, Auditor
Vanderburgh County, Indiana



STATE OF INDIANA
HOUSE OF REPRESENTATIVES
THIRD FLOOR STATE HOUSE,
INDIANAPOLIS, INDIANA 46204

PHYLLIS J. POND
8530 SEILER ROAD
NEW HAVEN, IN 46774

1991-92
COMMITTEES:
INSURANCE AND CORPORATION, R.M.M.
JUDICIARY
URBAN AFFAIRS

June 25, 1992

Carolyn McClintock
Vanderburg County Commissioner
405 Carpenter St
Evansville, IN 47708

Dear Ms. McClintock,

We have a confusing situation in Indiana concerning the sale and use of illegal fireworks. It is illegal to set off certain types of Class C fireworks in Indiana, however, it is perfectly legal to sell them if the purchaser signs an affidavit promising not to set the fireworks off in Indiana and to take them outside of the state within five days. Obviously, this provision makes a mockery of the law. The Class C fireworks in question are those fireworks which are self-propelled or explode. Examples include: bottle rockets, firecrackers, roman candles, and others.

This is not a partisan issue. Representatives Tracy Boatwright (D), Vern Tinchler (D), Robert Alderman (R), and I have attempted to correct this law for the past few years. We were successful in getting a bill prohibiting the selling of illegal fireworks passed in the House. However, it was stopped in the Senate by a committee chairman who refused to set a hearing for the bill. This bill was the object of very strong lobbying by those who have a great financial interest in the selling of illegal fireworks.

Since the bill did not pass this year, I am encouraging local governments to explore the possibility of enacting legislation that will discourage wholesalers from selling to individuals. The town of Lawrence passed an ordinance that required an additional permit fee and at least \$1 million in liability insurance before fireworks wholesalers could sell illegal fireworks. The ordinance was recently challenged by the Celebration Fireworks wholesaler. On June 5, 1992 an injunction was ordered by an Indianapolis Superior Court Judge. The judge cited a 1982 Indiana Court of Appeals decision, City of Hammond v. N.I.D. Corporation. Lawrence is appealing the decision.

Banning the sale of illegal fireworks would not only prevent unnecessary injury but would also help increase business for local merchants who sell legal fireworks. It would prevent seasonal out-of-state businesses from siphoning off profits from established year-round merchants within our communities.

Enclosed is a copy of the bill I introduced this past year. Also, I have enclosed an Attorney General's opinion on the interpretation of the current state fireworks law. I hope this information will be of help in crafting local legislation discouraging the sale of illegal fireworks in communities around Indiana.

I strongly encourage you to act. The setting off of illegal fireworks is prohibited in this state and legislation needs to be enacted that encourages compliance with that law. At the very least, I hope you will support my effort during the 1993 Legislative Session to ban the sale of illegal fireworks in this state. Please write me with any comments you may have.

Sincerely,

Phyllis Pond

Phyllis Pond
State Representative

PP:BDH/dl
Enclosure

HOUSE BILL No. 1307

Introduced by: Pond

read first time and referred to Committee on

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-11-14.

Synopsis: Fireworks. Restates the law concerning fireworks that are not approved for sale in Indiana. Removes statutory provisions that allow the sale of fireworks that are not approved for sale in Indiana if the individual purchasing the fireworks promises that the fireworks will be shipped out of Indiana within five days of the purchase.

Effective: September 1, 1992.



1 ~~Indiana Treasury.~~
 2 (b) For the purposes of this section, a resident wholesaler,
 3 importer, or distributor is a person who:
 4 (1) is a resident of Indiana; and
 5 (2) possesses for resale common fireworks approved or not
 6 approved for sale in Indiana;
 7 (3) is engaged in the interstate sale of common fireworks
 8 described in subdivision (2) as an essential part of a
 9 business that is located in a permanent structure and is
 10 open at least six (6) months each year; and
 11 (4) sells common fireworks described in subdivision (2)
 12 only to purchasers who provide a written and signed
 13 assurance that the fireworks are to be shipped out of
 14 Indiana within five (5) days of the date of sale; and
 15 (5) (4) has possession of a certificate of compliance issued
 16 by the state fire marshal under section 5 of this chapter.
 17 (c) ~~A purchaser may not provide a written and signed~~
 18 ~~assurance that the fireworks purchased are to be shipped out of~~
 19 ~~Indiana and then sell or use them in Indiana.~~

20 SECTION 3. IC 22-11-14-6 IS AMENDED TO READ AS
 21 FOLLOWS: Sec. 6. (a) Except as provided in subsection (b), a
 22 person who violates section 4(e) section 3.5, 5(c), 5(d), 7, or 8
 23 of this chapter commits a Class A misdemeanor.

24 (b) A person who violates section 3.5 of this chapter
 25 commits a Class D felony if:

- 26 (1) the person has a previous unrelated conviction for
- 27 selling or offering to sell a firework that is not
- 28 approved for sale under this chapter; and
- 29 (2) the previous unrelated conviction occurred within
- 30 five (5) years immediately preceding a conviction for
- 31 selling or offering to sell a firework that is not
- 32 approved for sale under this chapter.

33 SECTION 4. IC 22-11-14-10 IS AMENDED TO READ AS
 34 FOLLOWS: Sec. 10. (a) Each interstate wholesaler shall keep
 35 a record of each sale of fireworks not approved for sale in
 36 Indiana. This record must include:

- 37 (1) the purchaser's name;
- 38 (2) the purchaser's address; and
- 39 (3) the date of the sale.

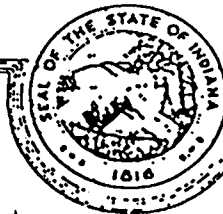
40 These records shall be kept for three (3) years and be available
 41 for inspection by the fire marshal.

42 (b) Each resident wholesaler shall post in a prominent
 43 location in the wholesaler's place of business a sign that reads
 44 as follows:

45 "Under Indiana law, a resident wholesaler of fireworks



STATE OF INDIANA



INDIANAPOLIS

OFFICES OF ATTORNEY GENERAL

LINLEY E. PEARSON, ATTORNEY GENERAL

219 STATE HOUSE

46204

February 18, 1991

Honorable Phyllis J. Pond
Honorable Vern Tinch
Indiana State Representatives
Third Floor
State House

INFORMATION COPY

OFFICIAL OPINION NO. 91-3

Dear Representatives Pond and Tinch:

This is in response to your request for an opinion on the following questions:

1. Does Indiana law allow a resident wholesaler, manufacturer, importer, or distributor to sell and distribute fireworks, not approved for sale in Indiana, to the general public?
2. Does Indiana law allow a resident wholesaler, manufacturer, importer, or distributor to deliver fireworks, not approved for sale in Indiana, to purchasers in paper bags or other packages not suitable for shipment?
3. What does the term "essential part of business" mean under Indiana Code Section 22-11-14-4(b)(3)?

ANALYSIS

In Hill v. State (1986), Ind., 488 N.E.2d 709 based on the law prior to the 1985 amendment the Indiana Supreme Court stated:

The framework provided by the Indiana General Assembly seems plain enough. It

Honorable Phyllis J. Pond
Honorable Vern Tincher
Indiana State Representatives
February 18, 1991
Page 3

"Jobber" was defined as a wholesaler by Indiana Code Section 22-11-14-1.

Indiana Code Section 22-11-14-4 was amended by Acts 1985, P.L. 229, § 3 to read:

(a) Nothing in this chapter shall be construed to prohibit:

(1) any resident wholesaler, manufacturer, importer, or distributor from selling:

(A) at wholesale fireworks not prohibited by this chapter; or

(B) fireworks not approved for sale in Indiana if they are to be shipped directly out of state within five (5) days of the date of sale;

(2) the use of fireworks by railroads or other transportation agencies for signal purposes or illumination;

(3) the sale or use of blank cartridges for:

(A) a show or theater;

(B) signal or ceremonial purposes in athletics or sports; or

(C) for use by military organizations;

(4) the intrastate sale of fireworks not approved for sale in Indiana between interstate wholesalers; or

(5) the possession, sale, or disposal of fireworks, incidental to the public display of Class B fireworks, by wholesalers or other persons who possess a permit to possess, store, and sell Class B explosives from the Bureau of Alcohol, Tobacco and Firearms, United States Department of the Treasury.

Honorable Phyllis J. Pond
Honorable Vern Tincher
Indiana State Representatives
February 18, 1991
Page 5

be brought within this state for subsequent resale. See IC 22-11-14-1.

"Retailer" means a person who purchases fireworks for resale to consumers. See IC 22-11-14-1.

The 1985 amendment to Indiana Code Section 22-11-14-4 eliminated the words "dealer" and "jobber." Indiana Code Section 22-11-14-4 now applies to a wholesaler, a manufacturer, importer and distributor. The section has never applied to sales to the general public by a retailer.

A retailer prior to and after the 1985 amendment could sell only the fireworks listed in Indiana Code Section 22-11-14-8. No person can sell at retail or to the general public any fireworks other than those listed in Indiana Code Section 22-11-14-8, including wholesalers, manufacturers, importers or distributors.

Thus, when the Indiana Supreme Court held that Indiana Code Section 22-11-14-4 meant that "shipped directly out of state" means a method of delivery which does not result in the product being placed in general distribution in Indiana and that jobbers may sell crates of fireworks and ship them out of state but may not have customers sign forms and then hand them a paper bag of cherry bombs, the decision was applying to sales to retailers by wholesalers.

Indiana General Assembly, P.L. 229-1985, SEC. 5, added a new Indiana Code Section 22-11-14-10 which would allow a resident wholesaler of fireworks to sell fireworks not approved for sale in Indiana only to other resident wholesalers and to purchasers who provide a written signed assurance that the fireworks are to be shipped out of Indiana within five (5) days of the date of sale. A purchaser who provides a written and signed assurance that fireworks purchased are to be shipped out of Indiana within five (5) days of the sale and who then sells the fireworks in Indiana or uses them in Indiana commits a Class A misdemeanor, which is punishable by imprisonment for up to one (1) year and a fine of up to five thousand dollars (\$5,000).

Indiana Code Section 22-11-14-4(c) provides that a purchaser may not provide a written and signed assurance that the fireworks purchased are to be shipped out of Indiana and then sell or use them in Indiana.

Since a wholesaler, means a person who purchases fireworks for resale to retailers, "purchasers" must be retailers and not the general public.

Honorable Phyllis J. Pond
Honorable Vern Tincher
Indiana State Representatives
February 18, 1991
Page 7

of a certificate of compliance issued by the state fire marshal under Indiana Code Section 22-11-14-5. See IC 22-11-14-4(b).

The problem may be with adequate penalties and enforcement at the wholesale level. The wholesaler is required to keep a record and the record should require the retailers permit or certificate of compliance number or some adequate identification that the person is a retailer meeting the requirements of subsection (b) of Indiana Code Section 22-11-14-4.

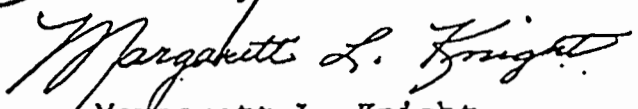
CONCLUSION

It is, therefore, my Official Opinion:

- (1) Indiana law does not allow a resident wholesaler, manufacturer, importer, or distributor to sell and distribute fireworks not approved for sale in Indiana to the general public.
- (2) The Indiana Supreme Court has held that sale of fireworks not approved for sale in Indiana to be shipped directly out of state within five (5) days of the date of sale means sale of crates of fireworks but not a sale in paper bags.
- (3) The term "essential part of business" under Indiana Code Section 22-11-14-4(b)(3) means indispensably necessary; that which is required for continued existence of the business.

Respectfully submitted,


Linley E. Pearson
Attorney General


Margaret L. Knight
Deputy Attorney General

LEP/MLK/dsr:2278n

HILLCREST-WASHINGTON
YOUTH HOME

2700 W. INDIANA STREET
EVANSVILLE, INDIANA 47712

A SERVICE OF
S.W. IN. MENTAL HEALTH FOUNDATION, INC. 11886
THE NATIONAL CITY BANK OF EVANSVILLE
EVANSVILLE, IN 47705

CHECK

11886

71-2/863

PAY ONE HUNDRED, SIXTY-THREE THOUSAND THREE HUNDRED SIXTY-FOUR DOLLARS & 85 CE.

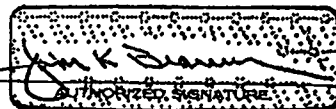
TO THE
ORDER OF

DATE

AMOUNT

07-13-92 \$163,364.85

VANDERBURGH CO COMMISSIONERS
CIVIC CENTER COMPLEX
EVANSVILLE IN 47708



⑈011886⑈ ⑈086300025⑈ 017598671⑈

PRESCRIBED BY STATE BOARD OF ACCOUNTS

REVISED COUNTY FORMS NO. 20 - 1947
NO. 21 - 1947

July 22, 1992

QUIETUS
OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

NO. 3155

FUND COUNTY REVENUE

\$163,364.85

I HEREBY CERTIFY THAT: HILLCREST-WASHINGTON HOME

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, IN.
IN THE SUM OF \$163,364.85 DOLLARS

ON ACCOUNT OF 2ND QUARTER FEES

SAM HUMPHREY
AUDITOR VANDERBURGH COUNTY, INDIANA

PRESCRIBED BY STATE BOARD OF ACCOUNTS

RECEIVED COUNTY FORMS NO. 20 - 1947
NO. 21 - 1947

JULY 22, 1992

SUBJECT
OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

NO. 3153

FUND INSURANCE FUND

\$546.56

I HEREBY CERTIFY THAT: STATE FARM AUTO INSURANCE CO.

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, IN,
IN THE SUM OF \$546.56 DOLLARS

ON ACCOUNT OF WORK COMP SUBROGATION -
ROBERT BLACKBURN

SAM HUMPHREY
AUDITOR VANDERBURGH COUNTY, INDIANA

To	LOIS WITTMER	From	VINCE BRUSH
			WILLIS CORROON
			Willis Corroon Administrative Services Corporation
			3850 Prioprtiy Way South Drive, Suite 214
			Indianapolis, IN 46240
Subject	Blackburn, Robert		Telephone (317) 848-4001

WE COLLECTED IN FULL ON WORK COMP SUBROGATION.
PLEASE ADD THIS CHECK TO YOUR INSURANCE FUND

PLEASE REPLY TO-Signed

Date 7-13-92

CLAIM NO 14-K013-733 POLICY NO 5666-801-14A

LOSS DATE 10/10/91 DRAFT NO 1 18 243865
DATE 07/07/92
AMOUNT \$*****546.5

PAYEE VAND. CO. BRD OF COMMISSIONOR
AS SUBROGEE FOR ROBERT BLACKBURN
CIVIC CENTER COMPLEX
EVANSVILLE IN 47708-0000

COVERAGE
BODILY INJURY 100-1 \$546.56

TIN

REMARKS

RETAIN STUB FOR RECORDS

--- WILL BE RETURNED WITH REPLY.



STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY
INDIANA OFFICE
WEST LAFAYETTE, IN
BANK ONE LAFAYETTE 71-97/749
LAFAYETTE, IN

1 18 243865 J
DATE 07/07/92

CLAIM NO. 14-K013-733 POLICY NO 5666-801-14A CLAIM UNIT 504
LOSS DATE 10/10/91
INSURED HORNE, JAMES

COVERAGE
BODILY INJURY
100-1 \$546.56

*****EXACTLY FIVE HUNDRED FORTY-SIX AND 56/100 DOLLARS *****\$*****546.56

Pay to the
Order of:

VAND. CO. BRD OF COMMISSIONOR
AS SUBROGEE FOR ROBERT BLACKBURN
CIVIC CENTER COMPLEX
EVANSVILLE IN 47708-0000

TIN
AUTH DNANC

Robbie Lane
CLAIM REPRESENTATIVE

VOID IF BLUE COLORED BACKGROUND IS MISSING VOID IF BLUE COLORED BACKGROUND IS MISSING VOID IF BLUE COLORED BACKGROUND IS MISSING VOID IF BLUE COLORED BACKGROUND IS MISSING

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PRESCRIBED BY STATE BOARD OF ACCOUNTS REVISED COUNTY FORMS NO. 20 - 1947
NO. 31 - 1947

July 22, 1992

QUIETUS
OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

NO. 3152

FUND COUNTY REVENUE

\$57.54

I HEREBY CERTIFY THAT: ATTT

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, IN.
IN THE SUM OF \$57.54 DOLLARS

ON ACCOUNT OF COMMISSION

EAM HUMPHREY
AUDITOR VANDERBURGH COUNTY, INDIANA

AT&T COMMISSION-CALL 1-800-223-4507 WITH QUESTIONS

DETACH BEFORE DEPOSITING



AT&T

SOVRAN BANK, N.A.
ROANOKE, VIRGINIA

68-0064/0514

CHECK NO.

DATE

ACCOUNT NO.

MAPS 1-0838232 07/09/92 0004851-00001 191927

PAY TO THE ORDER OF \$*****57.54*

PLEASE CASH WITHIN 90 DAYS

[Signature]
AUTHORIZED SIGNATURE

⑈10838232⑈ ⑆051400646⑆ 0944 0674⑈

PRESCRIBED BY STATE BOARD OF ACCOUNTS

REVISED COUNTY FORMS NO. 20 - 1947

NO. 21 - 1947

July 22, 1992

QUIETUS

OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

NO. 3152

FUND COUNTY REVENUE

\$57.54

I HEREBY CERTIFY THAT: AT77

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, IN,
IN THE SUM OF \$57.54 DOLLARS

ON ACCOUNT OF COMMISSION

SAM HUMPHREY
AUDITOR VANDERBURGH COUNTY, INDIANA

71-1
863

TRI — STATE ORTHOPAEDIC SURGEONS, INC.

REFUND ACCOUNT
P.O. BOX 5168
EVANSVILLE, INDIANA 47716-5168

007088

\$*11.00*****

DOLLARS

PAY EXACTLY

OLD NATIONAL BANK
EVANSVILLE, IND. 47706

CHECK # : 7088

DATE	AMOUNT
07/13/92	*** **11.00

REFUND ACCOUNT

VANDERBURGH CTY HWY DEPT
TO THE ORDER OF 5212 MATTINGLY CT
OF EVANSVILLE IN 47720

TRI — STATE ORTHOPAEDIC SURGEONS, INC.

AUTHORIZED SIGNATURE

⑈007088⑈ ⑆086300012⑆ ⑈408⑈01464 4⑈

PRESCRIBED BY STATE BOARD OF ACCOUNTS

REVISED COUNTY FORMS NO. 20 - 1947
NO. 21 - 1947

July 22, 1992

QUIETUS
OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

NO. 3151

FUND COUNTY REVENUE

\$11.00

I HEREBY CERTIFY THAT: TRI-STATE ORTHOPAEDIC SURGEONS, INC

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, IN.
IN THE SUM OF \$11.00 DOLLARS

ON ACCOUNT OF OVERPAYMENT POLICY #315547739

SAM HUMPHREY
AUDITOR VANDERBURGH COUNTY, INDIANA



STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY
INDIANA OFFICE
WEST LAFAYETTE, IN
BANK ONE LAFAYETTE 71-97/749
LAFAYETTE, IN

1 18 243865 J
DATE 07/07/92

CLAIM NO 14-K013-733 POLICY NO 5666-801-14A CLAIM UNIT 504
LOSS DATE 10/10/91
INSURED HORNE, JAMES

COVERAGE
BODILY INJURY
100-1 \$546.56

*****EXACTLY FIVE HUNDRED FORTY-SIX AND 56/100 DOLLARS - \$*****4546.56

Pay to the
Order of: VAND. CO. BRD OF COMMISSIONER
AS SUBROGEE FOR ROBERT BLACKBURN
CIVIC CENTER COMPLEX
EVANSVILLE IN 47708-0000

TIN
AUTH DNANG

Robbie Lane
CLAIM REPRESENTATIVE

VOID IF BLUE COLORED BACKGROUND IS MISSING VOID IF BLUE COLORED BACKGROUND IS MISSING VOID IF BLUE COLORED BACKGROUND IS MISSING VOID IF BLUE COLORED BACKGROUND IS MISSING

1817243865 1074900974 30003335

PRESCRIBED BY STATE BOARD OF ACCOUNTS REVISED COUNTY FORM NO. 20 - 1947
NO. 21 - 1947
July 22, 1992 QUIETUS
OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA
EVANSVILLE, INDIANA NO. 3153
FUND INSURANCE FUND \$546.56

I HEREBY CERTIFY THAT: STATE FARM AUTO INSURANCE CO.
HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, IN.
IN THE SUM OF \$546.56 DOLLARS

ON ACCOUNT OF WORK COMP SUBROGATION -
ROBERT BLACKBURN

SAM HUMPHREY
AUDITOR VANDERBURGH COUNTY, INDIANA



INDIANA DEPARTMENT OF NATURAL RESOURCES

PATRICK R. RALSTON, DIRECTOR

Division of Historic Preservation
and Archaeology
402 W. Washington St., Rm. 274
Indianapolis, Indiana 46204
317-232-1646

July 13, 1992

Vanderburgh County Commissioners
c/o County Auditor
208 Civic Center Complex
Evansville, IN 47708

VANDERBURGH COUNTY
FILED

JUL 20 1992

Sam Humphrey
AUDITOR

Re: Sunset Park Pavillion located at 411 SE Riverside Drive, Evansville,
Vanderburgh, Indiana.

Dear County Commissioners:

The Department of the Interior has notified us that the Sunset Park
Pavillion located at 411 SE Riverside Drive, Evansville, Vanderburgh, Indiana
was entered in the National Register of Historic Places on June
17, 1992.

Authorized by the National Historic Preservation Act of 1966, the National Register of Historic Places is the official inventory of sites with national, state, or local significance in the development of our nation's historic, architectural, archaeological, or cultural heritage. Listing on the National Register is official recognition of the significance of the site and provides a measure of protection for the property.

In Indiana the National Register program is administered by the Department of Natural Resources. In addition to a degree of environmental protection, owners of listed properties are eligible to apply for matching federal grants for restorations or preservation work, if funds are available. Owners of commercially-used properties are also eligible for federal tax benefits for certified rehabilitation work. Please contact the Division of Historic Preservation and Archaeology should you have any questions about the above programs, telephone 317/232-1646.

Very truly yours,

Patrick R. Ralston

Patrick R. Ralston
State Historic Preservation Officer

PRR:JAG

"EQUAL OPPORTUNITY EMPLOYER"



PRINTED ON RECYCLED PAPER

TRAVEL REQUEST FORM
FOR
COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

DATE OF REQUEST: July 15, 1992 DEPARTMENT: Health - Nursing

EMPLOYEE(S): Gail Robb

Barbara Roe

DATE(S) OF TRAVEL: Monday, July 20, 1992

DESTINATION: Government Conference Center, Indianapolis

PURPOSE: Regional Lead Coordinators Meeting

Proof (Copy of brochure or letter) must be attached.

LODGING REQUIRED: _____

MEANS OF TRAVEL COUNTY VEHICLE NUMBER: _____
OTHER: _____

REIMBURSEMENT CLAIMED	<u> </u> Mileage	<u> </u> Parking
	<u> </u> Per diem	<u> </u> Registration
	<u> </u> Air fare	<u> </u> Other

APPROVED: _____
Department Head

APPROVED: _____
Office Holder

APPROVED BY:
VANDERBURGH COUNTY COMMISSIONERS this _____ day of _____, 1991

Carolyn McClintock
Carolyn McClintock, President

Don Hunter
Don Hunter, Vice President

Richard J. Borries
Richard J. Borries, Member

7/20/92
Comm. mtg.

REQUEST FOR APPROPRIATION

DEPARTMENT VANDEBURGH AUDITORIUM DATE July 15, 1992

ACCOUNT	LINE ITEM	AMOUNT
144-1990	Extra Help	\$4,000.00

EXPLANATION OF NEED FOR REQUEST

Reimbursement for Security (Auditorium is paid for Security and the money goes into the General Fund and not back into the line item.)

VANDEBURGH COUNTY
REC'D

JUL 15 1992

Sam Humphrey
AUDITOR

BALANCE OF ACCOUNTS

ACCOUNT NO.	BUDGET	DISBURSEMENTS	BALANCE	BALANCE AS
144-1990	\$5,000.00	\$4,086.25	\$913.75	\$4,913.75

VCC-2

CME

PK

AUDITOR HEAD *Andy Davis*

REQUEST FOR APPROPRIATION

DEPARTMENT: County Commission

DATE: 7/14/92

ACCOUNT	LINE ITEM	AMOUNT
130-3300	Codification of Records	8,500.00

EXPLANATION OF NEED FOR REQUEST

We would like to have this money for the purpose of ordering
12 new Ordinance Code Books and also to order 27 copies of the
supplements.

VANDERBURGH COUNTY
REC'D

JUL 14 1992

BALANCE OF ACCOUNTS:

Sam Humphrey
AUDITOR

ACCOUNT NO.	BUDGET	DISBURSEMENTS	BALANCE	BALANCE AFTER APPROPRIATION
130-3300	300.00	-0-	300.00	8800.00

VANDERBURGH COUNTY
REC'D

JUL 14 1992

Sam Humphrey
AUDITOR

VCC-2

DEPARTMENT HEAD: *Carolyn McClintock*

By

REQUEST FOR APPROPRIATION

DEPARTMENT: County Commission

DATE: 7/14/92

ACCOUNT	LINE ITEM	AMOUNT
130-3300	Codification of Records	8,500.00

EXPLANATION OF NEED FOR REQUEST

We would like to have this money for the purpose of ordering
12 new Ordinance Code Books and also to order 27 copies of the
supplements.

VANDERBURGH COUNTY

REC'D

JUL 14 1992

BALANCE OF ACCOUNTS:

Sam Humphrey
AUDITOR

ACCOUNT NO.	BUDGET	DISBURSEMENTS	BALANCE	BALANCE AFTER APP
130-3300	300.00	-0-	300.00	8800.00

VANDERBURGH COUNTY
REC'D

JUL 14 1992

VCC-2

Sam Humphrey
AUDITOR

DEPARTMENT HEAD:

Carolyn McClinton

Bj.

MINUTES
COUNTY COMMISSIONERS MEETING
JULY 27, 1992

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Called to Order @ 5:30 p.m.	1
Introduction of Staff & Pledge of Allegiance	1
Fireworks Resolution	1
(No Resolution; Letter sent in support of new Legislation)	1
Resolution re Alcohol & Drug Abuse	1
County Coroner - Customized Software Program	1
Purchasing - Bid Opening for Tandem Axle Trucks for County Highway Garage Re-Scheduled for August 10, 1992	2
Ohio Street Bridge Overpass/Phase II Survey	2
Naming of New Eickhoff-Koressel Rd.	2
County Attorney - Jeff Wilhite	3
Written Report	
Ordinance re Traffic Rules, Regulations & Penalties	
Ordinance Amending Weed Ordinance	
Contract w/Westwood Garden Club re Bockelman School No. 3	
Lease w/Koester Contracting re 4723 Green River Ct.	
(will be brought back to Commission at August 10th Meeting for clarification re commencement date of the Lease and signatures)	
County Engineer - Dave Savage	5
Edinborough Subdivision/Road Plan Approval	
Proposals for Construction Engineering/Lynch Rd.	
Amax/Hauling on Baseline Rd.	
Ohio Street Bridge Project	
Green River Rd./Phase II	
Orchard Rd. Project	
Consent Agenda	6
Old Business	7
New Business	7
Loan of Voting Machines for Voter Education Seminar	
Meeting Adjourned @ 6:35 p.m.	7

MINUTES
COUNTY COMMISSIONERS MEETING
JULY 27, 1992

The Vanderburgh County Board of Commissioners met in session at 5:30 p.m. on Monday, July 27, 1992 in the Commissioners Hearing Room, with President Carolyn McClintock presiding.

RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

President McClintock called the meeting to order, welcomed the participants, introduced members of the County Staff (including Attorney Jeff Wilhite and the newly appointed Superintendent of County Buildings effective August 3, 1992, Mr. Mark Abell, and asked the group to stand for the Pledge of Allegiance.

Ms. McClintock asked if there are any individuals or groups here this evening who do not find their particular item of interest on the agenda. There was no response from the audience.

RE: FIREWORKS

Ms. McClintock apologized and noted that on the draft agenda the Resolution regarding fireworks was included. She said that at last week's meeting, the Board decided to have a letter prepared to our local delegation regarding some State laws on fireworks and Commission support of some new legislation.

RE: RESOLUTION RE ALCOHOL & DRUG ABUSE

Commissioner McClintock said this item was discussed last week and the Board did have to request that the Resolution be retyped. It is now ready for approval.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the Board approved a Resolution recognizing the Local Coordinating Committee for Drug Free Vanderburgh County as the responsible agency for the development of and the supervision of comprehensive local alcohol and drug abuse initiatives and indicate they have adopted such plan for 1992 Fiscal Year ending December 31, 1992, as established by I.C. 5-2-11-2 et.seq. So ordered. (Copy of Resolution attached hereto as part of the formal minutes of this meeting.) Ms. McClintock noted this is basically the same Resolution as that adopted last year.

RE: COUNTY CORONER - CUSTOMIZED SOFTWARE PROGRAM

Mr. Althaus stated that within about ten (10) days the Coroner's office will be purchasing a computer system and with that system they need to have a Coroner's software customized program. In the last three or four months they have been making a lot of necessary changes on their paperwork and Gary Price, one of the County Attorneys and a computer programmer, has been working with them. Mr. Althaus said he is requesting permission this afternoon for Mr. Wilhite to get with Mr. Price and draw up a contract. This is a marketable product. It will be copyrighted by Vanderburgh County and the Commissioners. Mr. Price will do the Coroner's customized software at a very minimum price, with the option that he may be able to market this produce. It is a marketable product, because we have called all over the United States and do not find a customized program for the Coroner's office. If he is allowed to do that under the contract with the County Commissioners, a percentage would go to him for what he markets and a percentage would come back to the County. The programming belongs to the County. Not only does he foresee that a number of counties in Indiana will be wanting this, but Southern Illinois, Western Kentucky -- it is just a marketable venture for the County. If we

do it and are the first, we might as well put it on the market -- another way to get revenue in for the County. They have already generated at the Coroner's office this year around \$9,000 from autopsies, their charges and fees, etc. He understands that Mr. Price is an excellent programmer.

Ms. McClintock said it is her understanding that is what Mr. Price did prior to going to law school.

Mr. Althaus noted Mr. Price did this for five years prior to attending law school.

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

Mr. Althaus said from his conversation with Mr. Price, it is his understanding that Mr. Price would sell the program and then pay the County -- he believes that is the way the contract would be worked out. Mr. Althaus would represent the County in this matter and negotiate with Mr. Price. Mr. Price is going to do the program for the County free of charge. He will subsequently sell the program -- not only for himself, but also for the County.

RE: PURCHASING/BIDS FOR TANDEM AXLE TRUCKS FOR COUNTY GARAGE

Ms. Susan Jeffries of Purchasing said she is here with regard to the bid opening scheduled August 3rd for the five (5) tandem axle trucks for the County Highway Garage. Since the August 3rd meeting has been canceled, she would like to postpone that bid opening until August 10th and go ahead and notify all the companies that were sent bid specs that the bid will not be due until August 10th.

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

RE: OHIO STREET BRIDGE OVERPASS/PHASE II SURVEY

It was noted by Commissioner Hunter that this item requires no action on the part of the Commissioners, as they have already passed this. This was just an update report.

RE: NAMING OF NEW EICKHOFF-KORESSSEL RD.

Ms. McClintock said that while we're on Bernardin-Lochmueller, Keith Lochmueller called her Friday and indicated that the Commission needs to determine what the name of the new Eickhoff-Koressel will be. We keep referring to this project as the Eickhoff-Koressel Rd. Project. Keith pointed out to her that when the project is finally completed when that new road is put in, that there will still be an Eickhoff Rd. and there will still be portions of a Koressel Rd. The Commission may want to consider naming this road something completely different from Eickhoff-Koressel, because it would be very confusing for postmen, people living out there, people traveling the area -- to have three roads with the same name. Obviously....

Commissioner Borries noted we have Upper Mt. Vernon Rd., Middle Mt. Vernon Rd., and we have Lower Mt. Vernon Rd.

In continuing, Commissioner McClintock said the reason the Commissioners are being asked to consider this (and no decision will be made today) is because the USI project is moving along and we need to notify the State of Indiana re the signage for that project as to what this road is going to be called. So there is a timely reason for requesting this. What she was going to suggest is that the Commissioners all think about this and perhaps contact the Westside Improvement Association and the University and some of the major groups on the west side to see if there is a person from the west side they might want to see this named after; maybe we

should link it somehow to the University -- and get some ideas to bring to a Commission meeting for discussion. If this sounds reasonable to the other two commissioners, she will ask B.J. to make some of those contacts and try to get some suggestions.

Commissioner Hunter suggested perhaps even involving the school children in this and have a "Name the Road" contest. He then asked what kind of time frame we have on this.

Ms. McClintock said they would like an answer in approximately a month. We don't want to delay the USI project in any way.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, Ms. Farrell is to make several contacts and then see what comes back to the Board.

RE: COUNTY ATTORNEY - JEFF WILHITE

Attorney Wilhite noted he has submitted his written report and has several items which require action on the part of the Board today.

Ordinance re Traffic Rules, Regulations & Penalties: Mr. Wilhite said a copy of the proposed Ordinance is attached to his report. This was the Ordinance generally that would authorize the Engineer's office to recommend changes in stop signs, speed limits and various traffic items to be approved by the Commissioners each time, but not requiring a separate ordinance each time. It is the same thing the City has. This draft has been approved by the County Engineer and is ready for advertising, unless the Commission wants to review it further. It is pretty much stuff David has approved and parallels, to the extent we could, the City's ordinance.

Ms. McClintock said she believes this discussion all started with the garage sale parking problem.

Mr. Savage said it started with a stop sign request and was followed shortly by the garage sale parking problem. This Ordinance would enable the Commission to act quickly to implement traffic signage and save the expense of advertising.

Attorney Wilhite said if a stop sign was needed or something like that, Mr. Savage could come to a meeting and ask for it and the Board could give it to him without having to do an ordinance each time as we now have to do.

Ms. McClintock directed the group's attention to Section 3 - Parking.

It says the State traffic laws regulating parking shall be applicable on all streets in the County. What are the State traffic laws? She would like to know.

Mr. Savage said that whatever they are -- they are. We're bound by them anyway.

Attorney Wilhite said there are some of them we're allowed to change as the second half of that sentence indicates.

Ms. McClintock said this is not going to help the yard sale parking problem.

Mr. Hunter said Lou Wittmer called two or three other counties and we couldn't find anyone who had anything on yard sales. In fact, most of them didn't have anything other than -- what is it -- a \$60.00 parking ticket, which is all we have in the County?

Attorney Wilhite said, "It seems to me David could come to a meeting and propose that the Commission move and approve a motion that relates to parking in a certain area. This is a general

ordinance. If the Commissioners want to deal with parking for yard sales in the future, he supposes they could."

Mr. Savage said that if we have a specific problem, the Commission could designate a certain street as "No Parking 9 to 12 on Saturdays", for instance. But if we wanted to have a yard sale parking ordinance, that would be something separate.

Ms. McClintock said she wants to go on record as saying she doesn't want to have a yard sale parking ordinance.

Attorney Wilhite said he can pull all the State traffic laws with regard to parking if Ms. McClintock so desires.

Ms. McClintock asked, "But you're saying we have to follow those anyway?"

Mr. Savage said that is correct.

There being no further questions or discussion, a motion was entertained.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, authorization was given to advertise the Ordinance.

Secretary Matthews asked if the Board would like to schedule hearings on August 17th and August 24th?

President McClintock said that will be fine. She is not going to be here August 24th. She then confirmed that Commissioners Hunter and Borries will be present on that date.

Ordinance Amending County Weed Ordinance: Attorney Wilhite said that attached to his report is also an Ordinance amending the County Weed Ordinance. Two or three meetings ago the Board took Roger Lehman's recommendations and put them in the form of an Ordinance. He believes the Commissioners looked at the amended Ordinance and discussed same. It is now time to move to advertise said ordinance, as well.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, authorization was given to advertise the Ordinance.

Secretary Matthews asked if the Board would like to schedule the hearings on this for August 17th and August 24th. The Board responded affirmatively. So ordered.

Contract with Westwood Garden Club re Bockelman School No. 3: Attorney Wilhite said this contract deals with what happens to the school once we obtain possession of it. His office drafted the contract and it has been signed by a representative of the Westwood Garden Club.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the Board executed the contract. So ordered.

Lease w/Koester Contracting re 4723 Green River Court: Attorney Wilhite noted this concerns the building they are using for the Green River Rd. project. We had already negotiated the terms and the Board had approved same in principle. He now has the lease, which Koester has signed, for Commissioners' signatures, if they so desire.

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

(Note: Subsequent to the meeting, it was noted by Secretary Matthews that this document needs to come back to the Commissioners on August 10th for two reasons. First, the document was signed by Commissioner Hunter only. Secondly, her files re this lease indicate that while we advertised for proposals three (3) times (March 19 and 26, April 24 and May 1, and May 26 and June 2, the Board did not accept Koester's proposal until June 15, 1992. The document submitted and signed by Commissioner Hunter indicates the Lease commences on April 1, 1992. The Lease also specifies that with regard to rental, "The first month's rent is due and payable upon commencement of the lease. Each additional month's rent is due and payable in advance on the 5th day of the month and shall be considered delinquent and in default if not received by the County at such time. In the event the date Koester is required to vacate the Real Estate does not fall on the 1st day of any month, Koester shall pay rent for each day of occupancy at a rate of Six and 66/100 Dollars (\$6.66) per day." For purposes of clarifying the record with regard to commencement date of the Lease and monies due the County, the Auditor's office is requesting that this matter be placed on the Agenda for the Commission meeting of August 10, 1992.)

Condemnations: Attorney Wilhite said the next item concerns two condemnations which we're now ready to undertake with regard to the Lynch Rd. Project. Copies of the Resolutions are attached to the report if the Commissioners wish to review same in detail. One parcel is owned by Wendell Dixon and Louis Durfee. Before we file a complaint he thinks it is proper form to pass a Resolution. He has prepared same for the aforementioned, as well as for the Schmitz property -- that, in essence, puts on the record in clear terms that this Lynch Rd. project is a public project; it is for the public good; it is not speculative; that we have made a good faith offer; that we haven't resolved it and, therefore, it is time to file suit. In the past we've not always passed these formal Resolutions to authorize filing condemnation. However, having tried some of these cases, it makes his life easier if he has a nice Resolution to prove to the Court that the Commissioners have jumped through all the hoops they have to jump through. At this point he would ask the Commissioners to move to adopt the two aforementioned Resolutions authorizing condemnation.

President McClintock entertained questions. There being none, a motion was entertained.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the Board authorized execution of the subject Resolutions. So ordered.

RE: COUNTY ENGINEER - DAVE SAVAGE

Edinborough Subdivisions/Road Plan Approval: Mr. Savage said this subdivision is off Heinlein Rd. He recommends approval of the road plans prepared by Morley & Associates. He has a copy of said plans with him should the Commissioners wish to review same.

Motion to approve the road plans, as submitted, was made by Commissioner Hunter with a second from Commissioner Borries. So ordered. (Mr. Savage noted the drainage plans were approved and the approval date by the Drainage Board is included on the plans.

Proposals for Construction Engineering/Lynch Rd.: Mr. Savage stated they have reviewed the proposals re construction engineering on the Lynch Rd. Phase I project. After reviewing them, they would recommend that the work be awarded to Bernardin-Lochmueller &

Associates due to their past experience on Construction Engineering in Vanderburgh County and due to their familiarity with the project -- since they are doing the design work on it. If approved by the

Board today, he will begin negotiating terms of a contract, which will come back to the Board for approval.

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

Amaz/Hauling of Coal in Tandem Axle Trucks: Mr. Savage said that at the last meeting he indicated he'd been contacted that day by AMAX Coal about hauling stone in tandem axle trucks on Baseline Rd. between Highway 57 and the Warrick County Line. AMAX has submitted a letter which indicates they will pay for any reconstruction due to damage to the road and that they would have those repairs done by August 31st of this year. He doesn't believe there is any way we could keep the trucks off the roads -- since they are within the State legal load limit and this is the shortest route off the State Highway to the mine. He would recommend that we work with AMAX in this fashion, since they have indicated they will repair the roads. He doesn't know if this requires any action since it is legal use of the road.

Ms. McClintock said she doesn't think we have any choice.

Ohio Street Bridge Project: It was noted by Mr. Savage that the reason Bernardin-Lochmueller was on the agenda was for approval of Notice to Proceed with Phase II of the survey for the Ohio Street Bridge. We went ahead and set that Notice to Proceed out today. He doesn't believe it requires Commission approval. He just wants to make the Commissioners aware of this, but will try to take care of as much of this in his office as possible.

Green River Rd./Phase II: Mr. Savage noted this will come up in the Drainage Board Meeting tonight, but he just needs a signature to indicate the Commissioners had approved the Green River Rd. Phase II plans.

Commissioner McClintock said this will be signed in the Drainage Board meeting.

Orchard Rd. Project: President McClintock stated that B. J. Farrell has prepared and David Savage has looked at -- a letter to the residents of Orchard Rd. from the Commissioners explaining what the status of the project is and how we are proceeding and try to make it clear to these people that it is a State project and there have been several delays -- but they have not been caused by this body -- they have been caused by the State. It will be mailed later in the week. She then asked Mr. Savage if he has had an opportunity to call the State.

Mr. Savage said he did talk with the State today and they indicated they have not yet received the signature from the Attorney General's office. That should be coming at any time and at that point they will bill us for our participation and then within a couple of days we'll be able to get the check cut and sent back up.

RE: CONSENT AGENDA

President McClintock entertained questions concerning any of the items included on the Consent Agenda. There being none, Ms. McClintock noted there is a typo under scheduled meetings. On Monday, August 10th, the Commission Meeting is at 5:30 p.m. (rather than 3:30 p.m.). She then entertained a motion.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the Consent Agenda was approved, with the

aforementioned correction re scheduled time of Commission meeting on August 10th. So ordered.

RE: OLD BUSINESS

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

RE: NEW BUSINESS

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

Loan of Voting Machines: Ms. McClintock said she has one item of New Business. Louise Williams of the County Surveyor's office called her this afternoon and she would like the Commission to authorize use of two (2) voting machines for an activity they are going to have this Saturday at St. John's Church. They are going to be doing a Voter Education Seminar and they want to have the actual voting machines so they can show people how to vote. They also would like one (1) pad of blank punch cards -- so they can show people how to use those.

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

Commissioner McClintock entertained further matters of business to come before the Board. There being none, at 6:35 a motion was entertained to adjourn.

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

President McClintock noted the Drainage Board will convene immediately.

PRESENT:

Carolyn McClintock
Don Hunter
Richard J. Borries,
Jeff Wilhite
Sam Humphrey, County Auditor
Dave Savage/County Highway
Susan VXX, Purchasing Dept.
Charles Althaus/County Coroner
Mark Abell/Supt. County Bldgs.
Pam Martin/Chamber of Commerce
Pat Tuley/County Treasurer
Taylor Payne/Candidate
B. J. Farrell/Commission Office
Kim Genardo/WTVW News
Alan Julian/Eville. Courier
Terry Wells/Eville. Press
Beth Edwards/WIKY
Others (Unidentified)

SECRETARY: Joanne A. Matthews

Carolyn S. McClintock
Carolyn S. McClintock, President

Don Hunter, Vice President

Richard J. Borries
Richard J. Borries, Member



**BOARD of
COMMISSIONERS**
of the County of Vanderburgh

CAROLYN McCLINTOCK
DON L. HUNTER
RICHARD J. "RICK" BORRIE

AGENDA

VANDERBURGH COUNTY COMMISSIONERS

July 27 1992

5:30 P.M.

FINAL

- 1. CALL TO ORDER**
- 2. INTRODUCTION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. ANY GROUP/INDIVIDUAL WISHING TO ADDRESS THE COMMISSION**
- 5. ACTION ITEMS**
 - a. Resolution--revised from 7/20
re: local alcohol and drug abuse
 - b. Charlie Althaus/County Coroner
re: Permission to have a customized coroner's software program
prepared for the Coroner's office
 - c. Susan Jeffers/Purchasing
re: Request regarding bids being advertised for 8/3 meeting
which has been cancelled.
 - d. Bernardin-Lochmueller
re: Ohio Street Bridge Overpass: Phase II Survey

- e. Naming of Eichhoff/Koressel project
Re: discussion regarding such

6. DEPARTMENT HEADS

Jeff Wilhite----- County Attorney
Dave Savage ----- Public Works

7. CONSENT ITEMS

a. Invoices submitted for payment:

1)	Indiana Department of Transportation	
	re: County's portion of railroad location cost for Columbia	
	Street Bridge	1,735.00
2)	Ziemer Stayman Weitzel Shoulders	
	re: June Billing.....	5,555.86
3)	Kahn Dees Donovan Kahn	
	re: May Billing.....	4,447.56
	June Billing.....	1,152.52
4)	Glenn Deig	
	re: June 9 thru July 20.....	2,417.95
		<i>Total</i> 13,575.50

b. Checks Received:

1)	Controller of City of Evansville	
	re: Reimbursement of Building Permits.....	5,797.50
2)	Glenn Deig/Law Office County Collection	
	re: Ambulance Collection 6/5/92 - 7/20/92	

c. Approval of Commissioner Minutes

d. Employment Changes: (See pages 3 - 4)

Employment Changes for 7/27/92

Sheriff/Appointment (July 13, 1992)

Carolyn Brothers/Clerk-Typist.....14,238.00/YR
Linda Wazny/Clerk-Typist.....14,238.00/YR
Paula Roybal/Clerk-Typist.....14,238.00/YR

Sheriff/Release (July 12, 1992)

Carolyn Brothers/Probationary Clerk-Typist.....13,584.00/YR
Linda Wazny/Probationary Clerk-Typist.....13,584.00/YR
Paula Roybal/Probationary Clerk-Typist.....13,584.00/YR

IV-D Support Prosecutor/Appointment (July 20, 1992)

Jonathan M. Gore/Extra Help.....5.00/HR

IV-D Support Prosecutor/Release (July 20, 1992)

Jonathan M. Gore/Extra Help.....5.00/HR

Pigeon Township Assessor/Release (July 20, 1992)

Kathleen L. Pajak/Part-Time.....5.00/HR

Auditorium/Appointment (July 18, 1992)

Geroy McNary/Lead Man.....10.79/HR

Auditorium/Release (July 18, 1992)

Geroy McNary/Lead Man.....10.49/HR

Circuit Court/Appointment (July 27, 1992)

Robert Matthews/Administrative Asst. Specialist.....10,000.00/YR

Circuit Court/Release (July 26, 1992)

Robert Matthews/Magistrate.....5,881.00/YR

County Highway/Release

Gary R. Page/Truck Drive 10.71/HR
7/9/92 He was injured on the job on July 8, 1992, is on medical
leave with insurance thru August 7, 1992, he has filed for
workman's comp

County Recorder/Appointment (7/28/92)

Rebecca Kachanuk/Entry Book Clerk 14,864.00/YR

County Recorder/Release (7/28/92)

Rebecca Kachanuk/Entry Book Clerk 14,180.00/YR

e. Letter from Sheriff/Vanderburgh County
re: vehicle to be declared county surplus

f. Scheduled Meetings:

WED July 29 County Council
Personnel and Finance 3:30 PM RM 303

MON Aug 3 NO COMMISSIONERS MEETING

Tues/Aug 4, Wed/Aug 5, Thurs/Aug 6, County Budget Hearings
9:00 a.m. until 12:00 p.m. Room 301

MON Aug 10 County Commissioners 3:30 PM RM 307

*****DRAINAGE BOARD MEETING IMMEDIATELY FOLLOWING*****

8. OLD BUSINESS

9. NEW BUSINESS

10. MEETING RECESSED

LEASE AGREEMENT

THIS LEASE AGREEMENT, made and entered into as of the 27th day of July, 1992 by and between the County of Vanderburgh, State of Indiana, by its Board of Commissioners, with a mailing address of Civic Center Complex, Room 305, 1 N W Martin Luther King, Jr. Blvd., Evansville, Indiana, 47708 (hereinafter referred to as the "County"), and Koester Contracting Corp., an Indiana corporation with its principal place of business located at 14649 Highway 41 North, Evansville, Indiana 47711 (hereinafter "Koester").

WITNESSETH:

WHEREAS, the County of Vanderburgh, State of Indiana, (the "County") currently owns certain real estate located at 4723 Green River Court (the "Real Estate");

WHEREAS, in accordance with plans for the Green River Road widening project (the "Project"), the residential home and other improvements located upon the real estate are to be demolished at such time as the Project engineers and consultants deem necessary;

WHEREAS, until such time as the improvements upon the real estate are to be demolished, the County desires to lease said real estate, and has issued by public notice in accordance with Indiana Code § 5-3-1 et seq. a Request for Proposal, attached hereto as Exhibit "A" and incorporated herein by reference ("Request for Proposal") announcing its intention to lease the real estate; and,

WHEREAS, Koester Contracting Corp. has been determined by the County to be only party who has properly responded to the Request for Proposals, and which has substantially satisfied the requirements contained in the Request for Proposals.

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

1. **Lease of Real Estate.** County agrees to lease to Koester, and Koester agrees to lease from County, the real estate described in Exhibit "B" attached hereto and incorporated herein by reference, which is commonly known as 4723 Green River Court in Evansville, Vanderburgh County, State of Indiana (the "Real Estate"). Koester agrees and acknowledges it shall be bound by the terms of the Request for Proposals, the terms contained in Koester's letter response to the Request for Proposals, which is attached hereto as Exhibit "C" and incorporated herein by reference, and by the terms of this lease.

2. **Term of Lease; Termination on Three Days Notice.** This lease shall commence as of the 1st day of April, 1992, and shall continue as a tenancy at will until such time as the County notifies Koester, in accordance with the notice provisions contained herein, of

the County's intention to terminate this lease. Such notice shall be provided and delivered to Koester at least three (3) days prior to the date upon which Koester is required to vacate the Real Estate. Koester may terminate at any time upon fifteen (15) days written notice to County.

3. Rental. During the operation of this lease and Koester's occupancy of the Real Estate, Koester shall pay rent in the amount of Two Hundred and 00/100 Dollars (\$200.00) per month. The first month's rent is due and payable upon the commencement of the Lease. Each additional month's rent is due and payable in advance on the 5th day of each month and shall be considered delinquent and in default if not received by the County at such time. Koester shall be responsible for payment of rent up to and including the date Koester vacates the Real Estate. In the event the date Koester is required to vacate the Real Estate does not fall on the 1 st day of any month, Koester shall pay rent for each day of occupancy at a rate of Six and 66/100 Dollars (\$6.66) per day.

4. Manner of Payment. The payment due under this lease shall be paid by corporate check, and shall be made payable to the "Board of Commissioners of Vanderburgh County". Payment may be personally delivered to County or mailed to the address for County first stated herein. County, at its option and at any time, may require the amount due and payable to be made by certified check or cashier's check. Under no circumstances shall Koester make any payment in cash.

5. Utilities. Koester hereby agrees to provide and pay for all utilities to the Real Estate. Failure to furnish same shall not give Koester any claim for damages or rebate or abatement of rent, and shall not justify Koester in failing to observe and perform any of Koester's agreements and obligations under this lease.

6. Use of Real Estate. Koester shall not use or permit the Real Estate, or any part thereof, to be used in any manner other than for purposes of a construction site support facility. Koester shall neither permit on the Real Estate any act or storage that may be prohibited under fire insurance policies issued on the Real Estate, nor use the Real Estate for any such purpose. Koester shall not conduct or permit to be conducted any unlawful or tortious activity on the Real Estate. In addition, no use shall be made or permitted to be made that shall result in waste on the Real Estate, or a public or private nuisance that may disturb the quiet enjoyment of others living in the neighborhood. Koester shall comply with all governmental regulations and statutes affecting the Real Estate, either now or in the future. Koester shall not make or allow to be made any structural changes or alterations of the Real Estate without the express written consent of the County. Koester shall keep the Real Estate clean and return possession to the County at the termination of this lease in as good a condition as when the leased commenced, reasonable wear and tear and acts of God excepted.

7. Access by County to Real Estate. County, its agents, prospective lessees, purchasers, or mortgagees shall be permitted to

inspect and examine the Real Estate at all reasonable times, and County shall have the right to make any repairs to the Real Estate which County may deem necessary, but this provision shall not be construed to require County to make repairs, except as may otherwise be required hereby. County and its agents shall be permitted an easement on and through the Real Estate for any purposes deemed reasonably necessary by County in connection with the construction of the extension of Lynch Road, so long as such activities do not unduly interrupt Koester's quiet enjoyment of the Real Estate. Upon notice of termination of this Lease Agreement by County, County may maintain "for rent" or "for sale" signs on the front or on any part of the Real Estate.

8. **Maintenance.** Koester shall be responsible for the general maintenance and upkeep of the Real Estate at Koester's sole expense. This responsibility shall include, but not be limited to, regularly mowing the lawn and trimming any and all bushes or shrubbery on the Real Estate as well as making any and all necessary minor repairs to the Real Estate. In the event it becomes necessary or desirable to make substantial repairs or alterations upon the Real Estate, County shall have the right, but not the obligation, to make, or caused to be made, at County's expense, any such repairs or alterations. Koester shall have no right to incur any expense for the repair or alteration of the Real Estate on behalf of the County. Any such expense, if incurred by Koester, shall be the personal obligation of Koester.

9. **Mechanic's Lien.** Koester shall not permit any statement of intention to hold a mechanic's lien to be filed against the Real Estate or any part thereof, nor against any interest or estate therein by reason of labor, services, or materials claimed to have been performed or furnished to the Real Estate or to or for Koester. If such statement of intention to hold a mechanic's lien shall be filed, County at its option may compel the prosecution of an action for the foreclosure of such mechanic's lien by the lienor. If any such statement of intention to hold a mechanic's lien shall be filed and an action commenced to foreclose the lien, Koester shall, upon demand by County, cause the lien to be released and shall obtain an order from the court releasing the property from such lien. Nothing in this lease shall be deemed or construed to constitute a request to any party for the performance of any labor or services or the furnishing of any materials for the improvement, alteration, or repairing of the Real Estate; nor as giving Koester the right or authority to contract, authorize or permit the performance of any labor or services or the furnishing of any material which would permit the attaching of a valid mechanic's lien.

10. **Insurance; INDEMNIFICATION.** Koester covenants and agrees that it will at all times, during the terms of this Lease and at its sole cost and expense, provide liability insurance for the Premises in the amount of one million dollars (\$1,000,000.00). All such insurance policies shall cover the insurable interest of both County and Koester and shall contain a clause providing the any loss under the same shall be payable to the County and Koester as their respective interests may appear, it being understood and agreed that any and all amounts collected on said insurance shall be available to the County to cover

personal injury or property damages, or for reconstruction or repair, as the case may be, of any improvements damaged or destroyed by fire or other casualty if the County elects to reconstruct or repair such improvements; otherwise, such proceeds shall be the sole property of the County. KOESTER FURTHER AGREES THAT KOESTER WILL AND HEREBY DOES INDEMNIFY AND HOLD COUNTY SAFE AND HARMLESS FROM AND AGAINST ANY AND ALL CLAIMS AND DEMANDS OF ANY KIND OR CHARACTER ARISING OUT OF THE USE OR OCCUPANCY OF THE REAL ESTATE BY KOESTER, OR ANY PERSON WHO MAY BE IN OR ON THE PREMISES WITH THE CONSENT OF KOESTER, AND WHICH SHALL RESULT IN PERSONAL INJURY OR IN DAMAGE TO PROPERTY.

11. **Assignment.** Any and all rights, title and interest acquired pursuant to this lease are personal to Koester and may not be assigned to, or used for the benefit of, any other person, corporation, or unincorporated association.

12. **Waiver.** No statement, action, or omission of County or its agents shall be considered to be a waiver of any right, including, but not by way of limitation, any failure by County to insist upon the strict performance of any agreement, term or condition hereof or to exercise any right or remedy consequent upon a breach thereof, and no acceptance of full or partial rent during the continuation of any such breach shall constitute a waiver of any such breach or any such agreement, term or condition.

13. **Effect of Breach.** In the event of a breach of any term, condition or warranty of this lease, County may, at its option, in addition to any other remedy or right it has hereunder or by law:

A. Re-enter the Real Estate, without demand or notice, and resume possession by an action in law or equity or by force or otherwise and without being liable in trespass or for any damages and without terminating this lease. County may remove all persons and property from the Real Estate and such property may be removed and stored at the cost of Koester.

B. Immediately cancel and terminate this Lease, including all of the right, title and interest of Koester hereunder. Koester's obligation and liability for all past due rents and other amounts owed by virtue of Koester's breach of the terms, conditions and agreements herein shall survive such termination.

14. **Expenses of Collection.** County shall have the right to recover from Koester all expenses of collection of amounts owed by virtue of Koester's breach of the terms, conditions or agreements herein, including, but not by way of limitation, court costs and reasonable attorneys' fees.

15. **Surrender of Premises.** Upon the expiration or sooner termination of this lease, Koester shall surrender to County the Real Estate, together with all other property affixed to the Real Estate, in a clean and rentable condition and in the same order and condition in which Koester received them, the effects of ordinary wear and tear and acts of God excepted. Unless an event of default has occurred and

remains uncured, Koester may, prior to the expiration of the term, remove all of Koester's personal property, including any lighting fixtures or similar improvements made by Koester, from the Real Estate. Any damage to the Real Estate caused by such removal shall be repaired by Koester prior to the expiration of the term at Koester's expense. At County's option, if Koester fails to remove such personal property prior to the expiration of the term, then the same shall be deemed to be the property of County.

16. Remedies of County Cumulative. The remedies herein given to County shall be cumulative, and exercise of any one remedy by County shall not be to the exclusion of any other remedy.

17. Notices. All notices, demands or other writings in this lease required to be given or made or sent when made in writing and personally delivered or deposited in the United States mail, postage prepaid, and addressed as follows:

TO COUNTY:

Board of Commissioners of Vanderburgh County
Civic Center Complex, Room 305
1 N W Martin Luther King, Jr. Blvd.
Evansville, IN 47708

TO KOESTER:

Koester Contracting Corp.
14649 Highway 41 North
Evansville, Indiana 47711

18. Successors and Assigns. This lease shall be binding not only upon the parties, but upon their respective heirs, administrators, executors, successors and assigns. The parties do hereby agree for themselves and their heirs, administrators, executors, successors or assigns, as aforesaid, to execute any instruments in writing which might be necessary or proper to carry out the purposes and intent of this Lease and to protect the parties hereto.

19. Applicable Law. This lease shall be governed by and construed in accordance with the laws of the State of Indiana.

20. Severability. In the event that any of the provisions of this lease shall be held by a court or other tribunal of competent jurisdiction to be unenforceable, such provision shall be enforced to the fullest extent permissible and the remaining portion of this lease shall remain in full force and effect.

21. Interpretation. This lease may be executed simultaneously in several counterparts, each of which shall be deemed an original, but all which together shall constitute one and the same instrument. All headings set forth herein are included for the convenience of reference only and shall not affect the interpretation hereof, nor shall any weight or value be given to the relative position of any part or

provision hereof in relation to any other provision in determining such construction. As used in this lease, the plural shall be substituted for the singular, and the singular for the plural, where appropriate; and words and pronouns of any gender shall mean to include any other gender.

22. Entire Agreement. This lease contains the entire agreement between the parties regarding leasing of the Real Estate, and supersedes all prior oral or written understandings, agreements or contracts, formal or informal, between the parties hereto. THIS PROVISION, AND EACH AND EVERY OTHER PROVISION OF THIS LEASE MAY NOT UNDER ANY CIRCUMSTANCES BE MODIFIED, CHANGED, AMENDED OR PROVISIONS HEREUNDER WAIVED VERBALLY, BUT MAY ONLY BE MODIFIED, CHANGED, AMENDED OR WAIVED BY AN AGREEMENT IN WRITING EXECUTED BY ALL PARTIES HERETO.

IN WITNESS WHEREOF, the parties have executed this Lease Agreement effective as of the 27th day of July, 1992.

BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY

Carol McClintock
Carol McClintock, President

Ben Hunter
Ben Hunter, Vice President

Richard J. Borries
Richard Borries, Member

ATTEST:

Sam Humphrey
Sam Humphrey, County Auditor

"County"

KOESTER CONTRACTING CORP.

BY: James R. Hevron
Printed Name James R. Hevron
Title: Vice President

"Koester"

REQUEST FOR PROPOSALS

In accordance with Indiana Code §36-1-11-12, the County of Vanderburgh, State of Indiana, acting by and through its Board of County Commissioners (hereinafter the "County") hereby provides public notice of its intention to lease certain real estate owned by the County located at 4723 Green River Court, along with the residential home and other improvements located thereon (hereinafter the "Real Estate"), and requests proposals for leasing of said Real Estate. Such proposals shall be delivered to the County c/o Board of County Commissioners, Civic Center Complex, Room 305, 1 N.W. Martin Luther King, Jr. Blvd., Evansville, Indiana 47708. Proposals must be received on or before the _____ day of _____, 1992, at _____ o'clock ____m.

The County hereby serves notice that the Real Estate is located upon the future site of the widening of Green River Road, and that the improvements upon the Real Estate shall be demolished at the request of the engineer or consultant upon extremely short notice. Such notice may be given no more than three (3) days in advance, at which time tenant shall be required to vacate the Real Estate.

A. Evaluation of Proposals. The proposals tendered in response to this Request for Proposals shall be evaluated based upon the following factors and criteria:

1. Whether the proposed use of the Real Estate has the effect of easing any financial, logistical, or other administrative burdens upon the County, or otherwise tends to promote efficiency in the administration of current activities or projects being undertaken by the County.
2. Whether the proposed use properly considers the future destruction of the improvements located upon the Real Estate at an unspecified future date, and provides for prompt vacation of the Real Estate by tenant within three (3) days of tenant's receipt of the notice to vacate.
3. Whether the proposal relieves the County of any and all potential liability with regard to prospective tenant action on the Real Estate, or injuries incurred by tenant, tenant's visitors or invitees, or any other party coming upon the Real Estate.
4. The price offered for leasing of the Real Estate.
5. The Real Estate may not be leased to a person who is ineligible under Indiana Code 36-1-11-16.
6. A proposal submitted by a trust (as defined in IC 30-4-1-1(a)) must identify each beneficiary of the trust and each settlor empowered to revoke or modify the trust.

EXHIBIT "A"

To Lease Agreement By and Between
County of Vanderburgh and
Koester Contracting Corp.

B. Relative Importance of Factors in Leasing. The primary consideration for leasing of the Real Estate shall be evidence that the proposed use of the Real Estate has the effect of easing any financial, logistical, or other administrative burdens upon the County, or otherwise tends to promote efficiency in the administration of current activities or projects being undertaken by the County, and the ability of a tenant to vacate immediately upon notice by the County. Violation of the requirements regarding ineligible lessors and requirements for trust proposals shall automatically disqualify the proposal from further consideration.

C. Payment Accompanying Proposal. A certified check made payable to "Board of Commissioners of Vanderburgh County" in the amount of Three Hundred and 00/100 Dollars (\$300.00) shall accompany each proposal. Payments made in connection with rejected proposals shall be returned to the prospective tenant.

D. No Subsequent Discussion or Revision. Persons submitting proposals should address the matters and issues stated herein in responding to this Request for Proposals. No discussions with persons submitting proposals shall be conducted, and no revisions of proposals shall be permitted.

E. Execution of Lease. The party tendering the proposal which is determined to be the most appropriate by the County shall be required to enter into a lease agreement with the County for leasing of the Real Estate, which agreement shall provide for the payment of rental as contained in the proposal, and which shall further include such other terms and conditions as the County sees fit to include in such lease agreement.

DATED this 27th day of July, 1992

BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY

BY: _____
Carol McClintock, President

BY: [Signature]
Don Hunter, Vice-President

BY: _____
Richard Borries, Member

EXHIBIT "A"

To Lease Agreement By and Between
County of Vanderburgh and
Koester Contracting Corp.

TO BE ATTACHED

EXHIBIT "B"

To Lease Agreement By and Between
County of Vanderburgh and
Koester Contracting Corp.

KOESTER CONTRACTING CORP.



EXCAVATING CONTRACTORS

14649 HIGHWAY 41 NORTH · EVANSVILLE, INDIANA 47711
812-867-6635 · FAX 812-867-2302

Rental Proposal of County Property at 4723 Green River Court

1. This location is efficient because of its proximity to the Green River Road project.
2. Proposed use does consider the future destruction of the improvements at any time with 3 days notice.
3. The County will be held harmless of any liability regarding this property.
4. Koester Contracting, Corp. offers \$200.00 per month for leasing this property.

EXHIBIT "C"

To Lease Agreement By and Between
County of Vanderburgh and
Koester Contracting Corp.



**BOARD of
COMMISSIONERS**
of the County of Vanderburgh

CAROLYN McCLINTOCK

DON L. HUNTER

RICHARD J. "RICK" BORRIES

RESOLUTION NO. 92-_____

RESOLUTION

WHEREAS, the Indiana Legislature, by I.C. 5-2-11-2 et.seq. has established a county drug free community for Vanderburgh County to promote comprehensive local alcohol and drug abuse initiative; and

WHEREAS, the Local Coordinating Committee for Drug Free Vanderburgh County has been organized to develop on an annual basis a comprehensive plan to promote comprehensive local alcohol and drug abuse initiatives and has adopted such a plan for the 1992 fiscal year ending December 31, 1992; and

NOW, THEREFORE, the Vanderburgh County Commissioners do resolve as follows:

1. That the Local Coordinating Committee for Drug Free Vanderburgh County is recognized by the Vanderburgh County Commissioners as the responsible agency for the development of and the supervision of comprehensive local alcohol and drug abuse initiatives.

2. That the Comprehensive plan adopted by the Local Coordinating Council is hereby recognized and adopted by the Vanderburgh County Commissioners as the format for the distribution of money distributed to Vanderburgh County to promote comprehensive local alcohol and drug abuse prevention initiatives.

3. That said fund shall be administered under the provisions established by the Indiana Legislature in IC 5-2-11-1 et. seq.

WITNESS our hands and seals this 27 day of July, 1992 wherein this resolution was adopted and passed by the County Commissioners of Vanderburgh County.

Carolyn S. McClintock
Carolyn S. McClintock, President

Don L. Hunter
Don L. Hunter, Vice-President

Richard J. "Rick" Borries
Richard J. "Rick" Borries, Member

Attest:

Sam Humphrey
Sam Humphrey Auditor
Vanderburgh County, Indiana

Board of Commissioners

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

Richard J. "Rick" Borries

Don Hunter

TEL (812) 426 0241

Carolyn McClintock

Mr. Michael Sudberry, Chief
Division of Local Assistance
Indiana Department of Transportation
Room 805 - State Office Building
100 N. Senate Avenue
Indianapolis, IN 46204

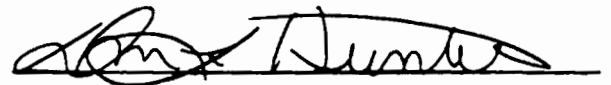
Attn: Mr. Stephen M. Dilk
Area Engineer

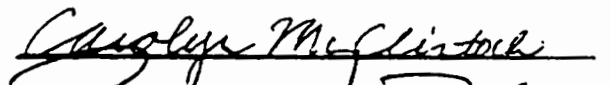
Re: Project M-E 340 ()
Green River Road - Section "B"
Morgan Avenue to Spring Valley Road
Vanderburgh County, Indiana

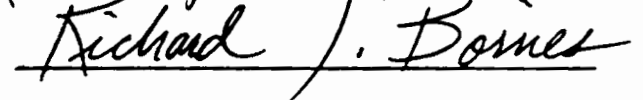
Dear Sir:

The Drainage Board of Vanderburgh County, Indiana has reviewed the engineering plans for the referenced project and have found them in order. Therefore, you are permitted to undertake the land alteration in accordance with the plans as submitted.

BOARD OF COUNTY COMMISSIONERS
VANDERBURGH COUNTY, INDIANA







9/27/92
Date

c: United Consulting Engineers, Inc.

RESOLUTION OF THE BOARD OF COMMISSIONERS
OF VANDERBURGH COUNTY APPROVING
EMINENT DOMAIN PROCEEDING

WHEREAS, the County of Vanderburgh, State of Indiana, ("Vanderburgh County") is now engaged in the acquisition of real estate to make improvements to a certain public highway in Vanderburgh County, Indiana, under Project No. M-E 185(1), said improvement being to a portion of a road known as Lynch Road, a part of the county highway system of Vanderburgh County; and

WHEREAS, Vanderburgh County has and hereby finds that Wendell L. Dixon and Louis Durfee, Jr. are the owners of certain real estate located in Vanderburgh County, Indiana, in which are included the rights and interests in real estate described as Parcel 14 of Project No. M-E 185(1) that is hereby sought to be acquired; and

WHEREAS, Vanderburgh County has and hereby finds that to improve Lynch Road, it is necessary and proper that the Plaintiff take and appropriate the real estate described as Parcel 14 of Project M-E 185(1) (hereinafter the "Acquisition"); and

WHEREAS, Vanderburgh County has and hereby finds that the Acquisition is not for speculative purposes; and

WHEREAS, Vanderburgh County has and hereby finds that the Acquisition and Project No. M-E 185(1) will serve a present need of the public; and

WHEREAS, Vanderburgh County has and hereby finds that the Acquisition and Project No. M-E 185(1) will serve a public purpose which will primarily be for the benefit of the public within Indiana; and

WHEREAS, Vanderburgh County has and hereby finds that Vanderburgh County has made a good-faith offer to purchase the real estate described as Parcel 14 of Project No. M-E 185(1); and

WHEREAS, Vanderburgh County has and hereby finds that Wendell L. Dixon and Louis Durfee, Jr. have refused Vanderburgh County's offer to purchase the real estate described as Parcel 14 of Project No. M-E 185(1); and

NOW, THEREFORE, IT IS:

RESOLVED, that pursuant to Indiana Statute, the Board of Commissioners of Vanderburgh County (the "Commissioners"), as the executive of Vanderburgh County, based upon the reasons cited hereinabove, hereby authorize the County Attorney to file a Complaint pursuant to Indiana Code § 32-11-1-1, et seq., for condemnation of the real

estate interests described as Parcel 14 of Project No. M-E 185(1).

EXECUTED this 27th day of July, 1992.

**BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA**

By: Carol McClintock
Carol McClintock, President

By: Don Hunter
Don Hunter, Vice-President

By: Richard I. Borries
Richard Borries, Member

ATTEST:

Sam Humphrey
Sam Humphrey
Auditor

APPROVED AS TO FORM:

Jeffrey A. Wilbite
Jeffrey A. Wilbite
County Attorney

RESOLUTION OF THE BOARD OF COMMISSIONERS
OF VANDERBURGH COUNTY APPROVING
EMINENT DOMAIN PROCEEDING

WHEREAS, the County of Vanderburgh, State of Indiana, ("Vanderburgh County") is now engaged in the acquisition of real estate to make improvements to a certain public highway in Vanderburgh County, Indiana, under Project No. M-E 185(1), said improvement being to a portion of a road known as Lynch Road, a part of the county highway system of Vanderburgh County; and

WHEREAS, Vanderburgh County has and hereby finds that Gordon L. Schmitz, Marion C. Schmitz and Mildred K. Schmitz are the owners of certain real estate located in Vanderburgh County, Indiana, in which are included the rights and interests in real estate described as Parcel 24 of Project No. M-E 185(1) that is hereby sought to be acquired; and

WHEREAS, Vanderburgh County has and hereby finds that to improve Lynch Road, it is necessary and proper that the Plaintiff take and appropriate the real estate described as Parcel 24 of Project M-E 185(1) (hereinafter the "Acquisition"); and

WHEREAS, Vanderburgh County has and hereby finds that the Acquisition is not for speculative purposes; and

WHEREAS, Vanderburgh County has and hereby finds that the Acquisition and Project No. M-E 185(1) will serve a present need of the public; and

WHEREAS, Vanderburgh County has and hereby finds that the Acquisition and Project No. M-E 185(1) will serve a public purpose which will primarily be for the benefit of the public within Indiana; and

WHEREAS, Vanderburgh County has and hereby finds that Vanderburgh County has made a good-faith offer to purchase the real estate described as Parcel 24 of Project No. M-E 185(1); and

WHEREAS, Vanderburgh County has and hereby finds that Gordon L. Schmitz, Marion C. Schmitz and Mildred K. Schmitz have refused Vanderburgh County's offer to purchase the real estate described as Parcel 24 of Project No. M-E 185(1); and

NOW, THEREFORE, IT IS:

RESOLVED, that pursuant to Indiana Statute, the Board of Commissioners of Vanderburgh County (the "Commissioners"), as the executive of Vanderburgh County, based upon the reasons cited hereinabove, hereby authorize the County Attorney to file a Complaint pursuant to Indiana Code § 32-11-1-1, et seq., for condemnation of the real

estate interests described as Parcel 24 of Project No. M-E 185(1).

EXECUTED this 27th day of July, 1992.

**BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA**

By: Carol McClintock
Carol McClintock, President

By: Don Hunter
Don Hunter, Vice-President

By: Richard Borries
Richard Borries, Member

ATTEST:

Sam Humphrey
Sam Humphrey
Auditor

APPROVED AS TO FORM:

Jeffrey A. Wilhite
Jeffrey A. Wilhite
County Attorney



OFFICE OF
SHERIFF OF VANDERBURGH COUNTY

OFFICE PHONE 426-5303
JAIL PHONE 426-5317
EVANSVILLE, INDIANA 47708

RAY HAMNER
SHERIFF

JIM TUCKER
CHIEF DEPUTY SHERIFF

June 5, 1992

To the County Commissioners:

The Sheriff's Department has been using a 1976 Blue Oldsmobile Cutlass for a number of years in our Narcotics Division. This vehicle is no longer needed by our Department and we would like to turn it over to the County Commissioners for County Surplus.

Vehicle Description

1976 Blue Oldsmobile Cutlass

VIN#: 3J29R6M137344

BY:

Kenneth A. Mitz
Kenneth A. Mitz, Deputy

Ray Hamner
Ray Hamner, Sheriff

CME
AB

STATE OF INDIANA

STATE FORM 9407-2

COMMISSIONER, BUREAU OF MOTOR VEHICLES

FOR A FEE OF

CERTIFICATE
OF TITLE

Commissioner of the Bureau of Motor Vehicles do hereby certify pursuant to the provisions of Chapter 304 of the Acts of the General Assembly, passed at the session of 1945, and Acts supplemental thereto, that an application has been received from the applicant for a certificate of title for a vehicle as described below.

NAME OF OWNER VANDERBURGH CO SHERIFFS DEPT		OWNER'S SS NO	TITLE NUMBER 88047175030	
STREET ADDRESS CIVIC CENTER COMPLEX		YEAR 76	MAKE OLD	MFR'S IDENTIFICATION NO 3J29R6M137344
CITY OR TOWN EVANSVILLE	STATE IN	ZIP 47708	TYPE 4S	MODEL NO J29
			DATE OF PURCHASE 10/19/87	

VEHICLE IS SUBJECT TO THE FOLLOWING LIEN(S) IN FAVOR OF:

MAILING ADDRESS		FIRST LIENHOLDER	
NAME VANDERBURGH CO SHERIFFS DEPT		FIRST LIEN NAME	
STREET ADDRESS CIVIC CENTER COMPLEX		STREET ADDRESS	
CITY OR TOWN EVANSVILLE	STATE IN	ZIP 47708	CITY OR TOWN STATE ZIP
SECOND LIENHOLDER		RELEASE OF FIRST LIEN	
SECOND LIEN NAME		The first lien shown on this certificate of title has been satisfied, and its release is authorized on BMV records this _____ day of _____ 19 _____	
STREET ADDRESS		LIENHOLDER _____	
CITY OR TOWN STATE ZIP		By _____	
RELEASE OF SECOND LIEN		ODOMETER READING	
The second lien shown on this certificate of title has been satisfied, and its release is authorized on BMV records this _____ day of _____ 19 _____		176000	
LIENHOLDER _____			
By _____			

I DO FURTHER CERTIFY That I have used reasonable diligence in ascertaining whether or not the facts stated in said application for a certificate of title are true, and that I am satisfied that the applicant is the lawful owner of said vehicle, or is otherwise entitled to have same registered in his name.

WHEREFORE, I do hereby certify that the above named applicant has been duly registered in the office of the Bureau of Motor Vehicles as the lawful owner of the above described vehicle, or is otherwise entitled to have the same registered in his name, and that it appears upon the official records that at the date of the issuance of this certificate said vehicle was subject to the liens or encumbrances, if any as stated above.

AS WITNESS, MY HAND AND THE SEALS OF THE STATE OF INDIANA, AND THE BUREAU OF MOTOR VEHICLES

AT INDIANAPOLIS THIS DATE



047

09/28/88

206322 D

Charles E. Sayton



COMMISSIONER

**AGREEMENT REGARDING SALE OF
PERRY TOWNSHIP SCHOOL # 3**

THIS AGREEMENT, made and entered into as of the 14 day of July, 1992, by and between the County of Vanderburgh, State of Indiana, by and through the Board of Commissioners of Vanderburgh County, Civic Center Complex, Room 305, 1 N.W. Martin Luther King, Jr. Blvd., Evansville, Indiana 47708 (hereinafter the "County") and Westwood Garden Club, with a mailing address of 1900 SCHUTTER Rd
Evansville, Indiana 47712 (hereinafter "Westwood").

WITNESSETH;

WHEREAS, the County has requested proposals regarding the County's intended sale of that certain structure known as Perry Township School No. 3, also known as Bockelman No. 3 School (hereinafter the "School") at such time as the County obtains ownership of the School;

WHEREAS, in accordance with the terms and conditions contained in the request for proposals, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter "Request for Proposals"), Westwood properly submitted a response to said Request for Proposals; and,

WHEREAS, the County has determined that Westwood is the highest responsible and responsive party responding to the Request for Proposals.

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

1. **SALE OF SCHOOL.** The County agrees that, at such time as the County obtains ownership of the School, the School shall be transferred separately from the underlying real estate, and shall be severed therefrom and sold as personal property to Westwood.

2. **OBLIGATIONS OF WESTWOOD.** In addition to payment of the amount offered in Westwood's response to the County's Request for Proposals, which is attached hereto as Exhibit "B" and incorporated herein by reference, Westwood acknowledges and agrees that it has accepted and shall be bound by the covenants, restrictions, and obligations contained in the Request for Proposals, Westwood's responsive letter, and as provided in this Agreement with regard to the removal, renovation, construction, and improvement of the School following the transfer, and further

agrees that it shall satisfy the following covenants and conditions upon acquiring ownership of the School:

- a. Westwood acknowledges that the School is an historic structure which is eligible for inclusion in the National Register of Historic Places, and that the School shall be moved as a structure, and shall be restored and maintained for cultural or historic purposes;
- b. Westwood shall move the School to an area generally accessible to the public, at Westwood's sole cost and expense, in accordance with the recommended approaches described in Moving Historic Buildings (John Obed Curtis, 1979, reprinted 1988, American Association of State and Local History), by a professional mover who has the capability to move historic buildings properly, and who has been properly insured against personal injury or property damage which might result from activities undertaken in order to move the School;
- c. Any rehabilitation or restoration work performed on the School prior to or within six (6) months after the moving of the School shall adhere to the "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" (36 C.F.R. Sec. 67.7); and,
- d. Westwood shall submit plans and specifications to the Indiana State Historic Preservation Officer for review and comment regarding the party's adherence to the "Secretary's Standards for Rehabilitation."

3. INSURANCE; INDEMNIFICATION OF COUNTY BY WESTWOOD. Westwood shall obtain adequate insurance, and shall have the obligation to engage a professional mover who has obtained adequate insurance, covering any and all potential liability related to the rehabilitation, restoration, and transportation of the School, which coverage shall relieve the County of any and all potential liability. WESTWOOD AGREES THAT WESTWOOD SHALL AND HEREBY DOES INDEMNIFY AND HOLD THE COUNTY SAFE AND HARMLESS FROM AND AGAINST ANY AND ALL CLAIMS AND DEMANDS OF ANY KIND OR CHARACTER ARISING OUT OF THE REHABILITATION, RESTORATION, TRANSPORTATION, OR OTHER ACTIVITIES TAKEN IN CONNECTION WITH THE SCHOOL, OR TAKEN BY ANY PERSON WHO MAY BE ACTING FOR OR ON BEHALF OF WESTWOOD OR WITH THE CONSENT OF WESTWOOD, AND WHICH SHALL RESULT IN PERSONAL INJURY OR IN DAMAGE TO PROPERTY.

4. EQUITABLE REMEDIES. The County shall reserve the right to pursue any and all relief, either at law or in equity, to enforce the covenants and agreements contained in this Agreement.

5. **NOTICES**. All notices to be given under this Agreement shall be in writing and shall be deemed to have been given and served when delivered in person or mailed, postage pre-paid to the address first above written or such other address as either party may have last specified by written notice to the other.

6. **SUCCESSORS AND ASSIGNS**. This Agreement shall be binding not only upon the parties, but upon their respective heirs, administrators, executors, successors and assigns. The parties do hereby agree for themselves and their heirs, administrators, executors, successors or assigns, as aforesaid, to execute any instruments in writing which might be necessary or proper to carry out the purposes and intent of this Agreement and to protect the parties hereto.

7. **COSTS OF LITIGATION**. In the event of any litigation between the parties hereto involving this Agreement or the respective rights of the parties hereunder, the party who is unsuccessful in such litigation shall pay to the successful party reasonable attorney's fees, court costs and expenses of such litigation incurred by such successful party.

8. **APPLICABLE LAW**. This Agreement shall be governed by and construed in accordance with the laws of the State of Indiana.

9. **SEVERABILITY**. In the event that any of the provisions of this Agreement shall be held by a court or other tribunal of competent jurisdiction to be unenforceable, such provision shall be enforced to the fullest extent permissible, and the remaining portion of this Agreement shall remain in full force and effect.

10. **INTERPRETATION**. This Agreement may be executed simultaneously in several counterparts, each of which shall be deemed an original, but all which together shall constitute one and the same instrument. All headings set forth herein are included for the convenience of reference only and shall not affect the interpretation hereof, nor shall any weight or value be given to the relative position of any part or provision hereof in relation to any other provision in determining such construction. As used in this Agreement, the plural shall be substituted for the singular, and the singular for the plural, where appropriate; and words and pronouns of any gender shall mean to include any other gender.

11. **ENTIRE AGREEMENT**. This Agreement, the items contained in the original Request for Proposals attached hereto as Exhibit "A", and the terms of Westwood's response to the Request for Proposals contained in Exhibit "B," constitute the entire agreement between the parties regarding the sale, transportation, renovation, and construction of improvements to the School, and taken together shall supersede all prior oral or written understandings, agreements or contracts, formal or informal,

between the parties hereto. THIS PROVISION, AND EACH AND EVERY OTHER PROVISION OF THIS AGREEMENT MAY NOT UNDER ANY CIRCUMSTANCES BE MODIFIED, CHANGED, AMENDED OR PROVISIONS HEREUNDER WAIVED VERBALLY, BUT MAY ONLY BE MODIFIED, CHANGED, AMENDED OR WAIVED BY AN AGREEMENT IN WRITING EXECUTED BY ALL PARTIES HERETO.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the 27th day of July, 1992.

WESTWOOD GARDEN CLUB

BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY

BY: Doris J Eicher
Doris Eicher, President

BY: Carol McClintock
Carol McClintock, President

"Westwood"

BY: Don Hunter
Don Hunter, Vice-President

BY: Richard Borries
Richard Borries, Member

"County"

LAW OFFICES

KAHN, DEES, DONOVAN & KAHN

305 UNION FEDERAL BUILDING

P. O. BOX 3646

EVANSVILLE, INDIANA 47735-3646

TELEPHONE (812) 423-3183

FACSIMILE (812) 423-3841

ALAN N. SHOEVERS
THOMAS O. MAGAN
LARRY R. DOWNS
WM. MICHAEL SCHIFF
ROBERT H. BROWN
JON D. GOLDMAN
MARILYN R. RATLIFF
BRIAN P. WILLIAMS
G. MICHAEL SCHOPMEYER
DAVID L. CLARK
JEFFREY A. WILHITE
JOHN E. HEGEMAN
JEFFREY K. HELFRICH
JEFFREY W. AHLERS
MARY LEE FRANKS
D. BRYAN WEESE
MARJORIE J. SCHARPF
RICHARD O. HAWLEY, JR.

ISIDOR KAHN
(1887-1963)

ROBERT KAHN
(RETIRED FROM
PRACTICE 1965)

OF COUNSEL

HARRY P. DEES
ARTHUR R. DONOVAN
DIANE L. BENDER
GAYLON L. CLARK

July 27, 1992

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

Re: County Attorney Report

Dear Ms. McClintock:

Please let me report on the status of various legal matters as
County Attorney:

1. We have completed our drafting of an ordinance concerning regulating speed, stop and traffic control devices and parking in the County. David Savage has approved the draft. It is attached for your review and is ready to be advertised unless you desire any changes.
2. We have completed the ordinance amending the County's weed ordinance. It is attached for your review. Dates can now be set for advertising unless you wish any additional changes.
3. We have obtained the signature of the Westwood Garden Club on the contract concerning disposition of School House No. 3 once the County obtains ownership of that structure. The contract is now ready for the Commissioners' signatures.
4. We have obtained the signature of Koester Contracting on the Contract concerning lease of 4723 Green River Court. It is now ready for the Commissioners' signatures.
5. We are prepared to begin condemnation of two properties affected by the Lynch Road project. Attached are resolutions authorizing proceeding on a parcel owned by Wendell Dixon and Louis Durfee, and one owned by Gordon Schmitz, et al.
6. As you know from receiving copies of my correspondence last week, I have researched and prepared opinions

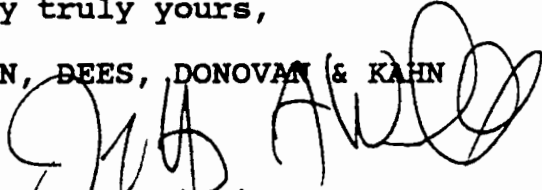
Ms. Carol McClintock
July 27, 1992
Page 2

concerning the Open Door Law as it affects the Board of
Review.

In addition to the above, I continue to spend the bulk of my
time on litigation matters. If you have questions on any specific
case, please let me know.

Very truly yours,

KAHN, DEES, DONOVAN & KAHN


Jeffrey A. White,
County Attorney

JAW/jes

Enclosure

cc: Don Hunter
Richard Borries

ORDINANCE ESTABLISHING TRAFFIC RULES, REGULATIONS AND PENALTIES

*BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF VANDERBURGH
COUNTY, INDIANA, AS FOLLOWS:*

SECTION 1: RULES AND REGULATIONS.

1. The state traffic laws regulating the speed of vehicles shall be applicable on all streets within the county, except as the Board of County Commissioners shall declare and determine certain speed regulations as applicable on specified streets or in certain areas, from time to time. Such declarations and determinations shall be made upon the recommendation of the Joint Traffic Department and the County Engineer that the maximum speed permitted by the state traffic laws is greater or less than reasonable and safe under the conditions found to exist after engineering and traffic investigations, in accordance with I.C. 9-21-5-6.

2. The Joint Traffic Department, as referred to in the Vanderburgh County Code of Ordinances (1982) §§ 32.55 through 32.60, shall have the power to place and maintain all necessary signs when and as required in order to regulate traffic in accordance with the declarations and determinations of the Board of the County Commissioners posting the necessary signs on or at the entrances to the streets or part or parts thereof affected in a position most appropriate.

3. It shall be a violation of this code for any person to drive a vehicle at a speed in excess of any speed so declared by the Board of County Commissioners when signs are in place giving notice thereof. Any person violating this section shall be punished by a fine of up to \$2,500.00.

References: I.C. 9-21-5-1 -- 9-21-5-13
I.C. 9-21-1-2 -- 9-21-1-3

SECTION 2: TRAFFIC-CONTROL DEVICES.

1. The state traffic laws regulating traffic-control signs, signals and devices used to regulate traffic, including intersection controls, truck routes, weight restrictions on bridges and roads and road use restrictions for truck tractors and semi-trailers, shall be applicable on all streets within the county, except as the Board of County Commissioners shall declare and determine certain regulations concerning such traffic-control signs, signals and devices as applicable on specified streets or in certain areas, from time to time. Such declarations and determinations shall be made upon the recommendation of the Joint Traffic Department and the County Engineer that, under the conditions found to exist after engineering and traffic

investigations, certain traffic-control signs, signals and devices are needed in order to regulate traffic.

2. The Joint Traffic Department shall have the power to place and maintain traffic-control signs, signals and devices when and as required in order to regulate traffic in accordance with the declarations and determinations of the Board of the County Commissioners.

3. It shall be a violation of this code for any driver of a vehicle to fail to obey any traffic-control sign, signal or device so declared by the Board of County Commissioners when signs, signals or devices are in place unless otherwise directed to proceed by a police officer. Any person violating this section shall be punished by a fine of up to \$2,500.00.

References: I.C. 9-21-3-1 -- 9-21-3-11
I.C. 9-21-4-1 -- 9-21-4-19
I.C. 9-21-1-2 -- 9-21-1-3

SECTION 3: PARKING.

1. The state traffic laws regulating parking shall be applicable on all streets within the county, except as the Board of County Commissioners shall declare and determine certain regulations concerning the prohibition or regulation of parking applicable on specified streets or in certain areas. Such declarations and determinations shall be made upon the recommendation of the Joint Traffic Department and the County Engineer that, under the conditions found to exist after engineering and traffic investigations, certain prohibitions or regulations are needed in order to regulate parking.

2. The Joint Traffic Department may place and maintain painted signs or markers on the curb and on avenues, streets, or lots to designate parking spaces. Each vehicle parked along side of, or adjacent to, any curb or parking area shall park within the lines or marks so established. It shall be a violation of this section to park any vehicle across any such line or mark or to park any vehicle in such a way that the vehicle shall not be within the area so designated by the lines or marks.

3. No owner or person in control of a vehicle shall allow that vehicle to occupy, in whole or in part, more than one parking space at a time.

4. It shall be a violation of this code for any owner or person in control of a vehicle to fail to obey any sign or marker so declared by the Board of County Commissioners when such signs or markers are in place giving notice thereof. Any person violating this section shall be punished by a fine of up to \$2,500.00.

References: I.C. 9-21-16-1 -- 9-21-16-9
I.C. 9-21-1-2 -- 9-21-1-3

SECTION 4: APPLICATION OF THIS ORDINANCE.

Application of this ordinance shall not be construed to abandon or amend the ordinances now in effect respecting the erection, establishment, maintenance, supervision, operation, and administration, of speed laws, traffic-control devices, or parking; in particular, but without limiting the generality of the foregoing, the Traffic Schedules set forth in the Vanderburgh County Code of Ordinances (1982) Chapters 72, 73, and 74 shall remain in full force and effect, including but not limited to the County maximum speed of 45 miles per hour.

**BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA**

By: _____
Carolyn McClintock, President

By: _____
Don Hunter, Vice President

By: _____
Richard J. Borries, Member

ATTEST:

Sam Humphrey, Auditor

APPROVED AS TO FORM:

Jeffrey A. Wilhite
County Attorney

ORDINANCE AMENDING SECTION 91.02
OF THE CODE OF ORDINANCES OF
VANDERBURGH COUNTY, INDIANA

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY, INDIANA, AS FOLLOWS:

That Section 91.02, sub-section (B) the Code of Ordinances of Vanderburgh County, State of Indiana, is hereby amended to read in full as follows:

§ 91.02 WEEDS OR NOXIOUS PLANTS

* * * * *

"(B) No owner or occupant of any lot or parcel of real estate located within the county shall permit said real estate to become overgrown with weeds or noxious plants. The following standards shall be the criteria used by the Building Commission and the Board of Health in determining that weed growth is detrimental to or threatens public health or safety:

- (1) Where the real estate is located in a platted subdivision, grass or other vegetation in excess of twelve inches (12") in height shall be considered weeds.
- (2) In all other areas within Vanderburgh County, grass or other vegetation in excess of eighteen inches (18") in height shall be considered weeds where:
 - a) the real estate is located within one hundred feet (100') of a county intersection;
 - b) the real estate is located within twenty-five feet (25') of a county right-of-way;
 - c) the real estate is located within three hundred feet (300') of any residential dwelling located in Vanderburgh County; or,
 - d) the real estate is in such a condition that it creates a threat to public safety as a result of rodent, insect, reptile, or mosquito harborage."

THIS AMENDING ORDINANCE executed and effective as this _____ day
of _____, 1992.

BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA

BY: _____
Carol McClintock, President

BY: _____
Don Hunter, Vice-President

BY: _____
Richard Borries, Member

ATTEST:

Sam Humphrey, Auditor

APPROVED AS TO FORM:

Jeffrey A. Wilhite
County Attorney

MINUTES
COUNTY COMMISSIONERS MEETING
AUGUST 10, 1992

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Convened @ 5:30 p.m.	1
Introductions & Pledge of Allegiance	1
Authorization to Open Bids	1
Building Commission/Weed Abatement Program	1
Weights & Measures/1993 Rental Agreement	1
(Deferred to 8/17/92)	
Data Processing/Roger Elliott	1
ATEK Confidentiality Agreement	
Bids on Sale of Plastic Cases	
County Engineer/Dave Savage	2
Authorization for Additional Work on the	
Stringtown Rd. Bridge Project/R. W. Armstrong	
Street Acceptances (Brookview Sub Section F-2,	
Audubon Estates/Section D-2; and Brookview	
Heights/Section IV	
Storm Sewer Acceptances (referred to Attorney Wilhite	
for his expertise and recommendation) -- see pp. 2 & 5	
Union Township Ribbon Cutting Ceremony	
Superintendent of County Bldgs./Mark Abell	3
(No report)	
Consent Agenda	3
(Amended to reflect additions and approved)	
Central Dispatch Board Meetings	4
Reading of Bids/Computer Cases	4
(Awarded to E.L.I. for \$521.00)	
Reading of Bids/Tandem Axle Trucks	4
(Referred to Purchasing/County Engineer for their	
expertise and recommendation)	
County Attorney/Jeff Wilhite	5
Written Report	
Resolutions/Condemnation Proceedings/VanWinkle &	
Bauer re Lynch Rd. Project	
Storm Sewer Acceptances (Opinion to be rendered	
next week)	
Board of Review	5
(Attorney Wilhite to prepare letter clarifying what	
actions of the Board of Review need to be in open	
meeting)	
Old Business	7
Bids/Sternberg International on tandem axle trucks	
(clarification re joint bids)	
Koester Contracting Agreement/N. Green River Court	
Property; effective date June 15, 1992; B.J. Farrell	
to check on amount of money received to date from	
Koester on rent of \$200 per month, etc.	
Meeting Adjourned at 6:25 p.m.	8

MINUTES
COUNTY COMMISSIONERS MEETING
AUGUST 10, 1992

The Vanderburgh County Board of Commissioners met in session at 5:30 p.m. on Monday, August 10, 1992 in the Commissioners Hearing Room with President Carolyn McClintock presiding. Commissioner Hunter was absent (vacation).

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

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

Commissioner McClintock asked if there are any groups or individuals present who do not find their particular item of interest on today's agenda but desire to address the Commission. There was no response.

RE: BID OPENINGS

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, Attorney Wilhite was authorized to open the bids tendered on five (5) Tandem axle trucks and (19) Decserver 300 plastic cases and (1) Delni plastic case. So ordered.

RE: BUILDING COMMISSION/WEED ABATEMENT PROGRAM

President McClintock asked if Roger Lehman, Building Commissioner, is present. He was not. Continuing, Ms. McClintock noted we have two weed complaints. One for 5205 Cunningham Drive and one for 711 Crestmont. The Building Commissioner has requested bids from Glaser Lawn & Landscape and Schroeder's Custom Mowing. He also asked for bids from Nellis Landscape, Hall's Landscaping and Evansville Landscaping to cut these two lots. He is recommending that the Board authorize him to have 5205 Cunningham Drive cut at a cost of \$50.00 and 711 Crestmont at a cost of \$40.00.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the request was approved, as submitted. So ordered.

RE: WEIGHTS & MEASURES/1993 RENTAL AGREEMENT

It was noted by Commissioner McClintock that this matter has been deferred until August 17th.

RE: DATA PROCESSING - ROGER ELLIOTT

Mr. Roger Elliott of SCT said he is present for two reasons today. One is the ATEK Confidentiality Agreement, which he is requesting a signature on. This will aid us in providing special queries for the Courts.

Secondly, he is requesting that once the bids on the sale of these plastic cases are opened that they be awarded today to the **highest** bidder.

Following a review of the document, upon motion made by Commissioner Borries and seconded by Commissioner McClintock the ATEK Confidentiality Agreement was approved and signed. So ordered.

RE: COUNTY ENGINEER - DAVE SAVAGE

Authorization for Additional Work on the Stringtown Rd. Bridge Project/R. W. Armstrong: Mr. Savage said the early coordination environmental work indicated that a field visit for archeological purposes would be necessary. This comes to a total of \$350.00 and he recommends approval. This will provide a visit from one of the archeological people from I.U. to come down and take a look at the site as part of the environmental work.

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

Street Acceptances: Mr. Savage said he is requesting acceptance of streets in three (3) subdivisions, as follows:

Brookview Sub/Section F-2 (Brookview Drive and Southbrook Drive). Streets have been inspected and he recommends approval. (Copy attached hereto). Upon motion made by Commissioner Borries and seconded by Commissioner McClintock the designated portions of foregoing streets were accepted for maintenance by the County, with information to be forwarded to the State for reimbursement. So ordered.

Audubon Estates/Section D-2 (Plaza Drive, Ridgeway Avenue and Marion Court: Mr. Savage recommended approval. Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the designated portions of the foregoing streets were accepted for maintenance by the County, with information to be forwarded to the State for reimbursement. So ordered. (Copy attached hereto.)

Brookview Heights/Section IV (Belmont Drive and Brookline Drive: Mr. Savage recommended approval. Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the designated portions of the foregoing streets were accepted for maintenance by the County, with information to be forwarded to the State for reimbursement. So ordered. (Copy attached hereto.)

Mr. Savage noted that in those same subdivisions there were some drainage structures that are outside the street right-of-way and Mr. Bussing has opted to pay 50 cents per foot to remove his responsibility for maintenance per County code. He was under the impression that this -- and when he has in the past -- puts maintenance responsibility for the drainage structures to the County. He informed Mr. Bussing that is not the understanding of the County Commissioners and that they would only accept these checks as we did in Green River Estates -- according to the constraints of the County code. He has a check for each of those, as detailed in a letter, and he would recommend the Board accept same with whatever constraints we have with the County code. We need to show in the minutes that we received those checks for those pipes and he thinks we should have a note that it is the Commissioners' understanding that they have no jurisdiction to maintain these pipes.

Commissioner Borries asked Mr. Savage if it is his understanding that the way the code would then read is that this money is placed into an escrow fund for

Mr. Savage interrupted, "For something. The code doesn't say what it is. You can assume -- the developers read it that it is an escrow for maintenance of the pipes and retention facilities."

Mr. Borries said that is his understanding.

Mr. Savage continued, "But it doesn't specifically say that. There are two sections. One says the Homeowner's Association has to mow this, this and this and maintain the pipes in good condition. Then there is another option where it says they can give 50 cents per foot and then the homeowner that abuts the property has to mow this, this and this. But it doesn't say anything about maintaining the pipes."

Commissioner McClintock said she thinks this matter should be referred to Attorney Wilhite. (Letter and checks were handed to Attorney Wilhite.)

Union Township Ribbon Cutting Ceremony: Mr. Savage advised the Commissioners that he will check with Commissioner Hunter to see if August 31st will be okay for a ribbon cutting ceremony in Union Township.

RE: SUPERINTENDENT OF COUNTY BUILDINGS

President McClintock asked Mark Abell if he has a report for the Commissioners. Mr. Abell said he does not have a report this week.

RE: CONSENT AGENDA

President McClintock said she has the following items to be added to the Consent Agenda:

- a) Approval of Minutes of July 27, 1992
- b) County Clerk's Monthly Report for Period Ending 3/1/92
- c) Travel Requests: A request from the State of Indiana was received last Thursday requesting that a representative of the County Board of Works Dept. and the Commissioners attend a Pre-Construction Conference on Bridge #158 (Orchard Rd.) over C&EI Railroad. It is a one day conference tomorrow -- Tuesday, August 11th. They will be taking vehicle and she is asking for reimbursement. This will be Gary Kercher and Mark Abell.

A Solid Waste Management Meeting was held this afternoon and one of the items discussed was the continuing problem we're having in Vanderburgh County to try to control violators in various environmental issues in the County. As a result of some complaints and concern that she had, she had a meeting last Monday evening with Gary Price of Ted Ziemer's office, Sam Elder, Ray Hamner, Roger Lehman, Mark Abell and herself at which time they discussed their concerns about trying to enforce some of the existing codes that we have and their difficulty in getting fines issued for violators -- because the law has apparently changed and these tickets are now being issued through Circuit Court, which obviously is very overcrowded and it's really not a very speedy way to catch somebody who is dumping. As a result of that meeting, one of the things discussed was the idea of looking at an Environmental Court -- similar to the one that Indianapolis has established -- and she would request that the Commission place on the Consent Agenda that the Commission approve Mark Abell to represent the Commissioners and Brent Townsend of the Health Department to go to Indianapolis. They would like to go on August 21st (a week from Friday) to attend the Environmental Court to get the budget, their revenue sources, etc. This is apparently funded through the fines that are levied against the violators. This will then be brought back for discussion with both the City and the County. During the Solid Waste Meeting today the Mayor indicated an interest and Mary Ann Kolb, Code Enforcement, will also be contacted. Apparently they are having very similar difficulties. It is apparently easier for the violators to pay the \$10 or ignore the fine -- because they know it

is going to be a year to eighteen months before anything ever happens to them.

Ms. McClintock then entertained further changes or questions concerning the Consent Agenda.

Commissioner Borries said that while David Savage is here he would note that he called and talked with Mr. Savage concerning an item a resident had called him about on Boonville-New Harmony Rd. -- West of Bender Rd. on the North side of the road. There is some erosion and he referred this to Mr. Savage so he can get the appropriate personnel at the County Highway to check this out. We don't want to lose that road surface.

Central Dispatch Board Meetings: Ms. McClintock said she does want to comment re the Central Dispatch Board Meetings. The Commission has passed the Ordinance that mirrors the City's Ordinance that allows the Mayor and the County Commission President to have an alternate to attend those meetings. That was done back in February and she has not yet had to utilize this. However, she will not be in town this Thursday for the Central Dispatch Board meeting as she has to go to Indianapolis for a Public Broadcast meeting in Indianapolis. John Buckman was appointed as the non-voting member representing the Volunteer Fire Department. She is requesting that when she cannot attend that he be appointed the voting representative.

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

RE: READING OF BIDS/SALE OF COMPUTER CASES

The meeting continued with Attorney Wilhite reading the following bids received for the computer equipment mentioned earlier in the meeting by Mr. Roger Elliott:

<u>Vendor</u>	<u>Cases</u>	<u>Case</u>	<u>DEC Total</u>	<u>Delni</u>
American Computer Exchange			\$412.00	
Building Block Computer	\$190.00	\$10.00	\$200.00	
Carlson Computer Int'l.			\$420.00	
E.L.I. Incorporated			\$521.00	
J. T. Computer Marketing, Inc.			\$410.00	
NE Computing Corporation	\$190.00	\$10.00	\$200.00	
Peripheral Computer Parts	\$494.00	\$23.00	\$517.00	
Sequel Computer System	\$452.00	\$24.00	\$476.00	

At the recommendation of Mr. Roger Elliott, upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the (19) Decserve plastic cases and (1) Delni plastic case are to be sold to E.L.I. for the high bid of \$521.00. So ordered.

RE: READING OF BIDS/TANDEM AXLE TRUCKS

Attorney Wilhite then proceeded to read the following bids tendered for five (5) Tandem Axle Trucks:

Ruxer Ford	\$280,907.65
Sternberg International	\$263,582.84 \$266,096.69 \$260,980.84
Broerman Chevrolet	\$286,584.85
Ubelhor & Son	\$278,346.00
Evansville Truck Center	\$289,843.00 \$292,644.85
D. Patrick	\$278,985.00

At the request of Ms. Susan Jeffries of Purchasing and County Engineer Dave Savage, the bids will be taken under advisement for one week and a recommendation made to the Board at that time. So ordered.

RE: COUNTY ATTORNEY - JEFF WILHITE

Written Report: Attorney Wilhite said he has submitted his written report. He is pleased to report that we won a significant zoning case. He knows the County has had a lot of those over the years.

Resolutions/Condemnation Proceedings: Secondly, he is preparing to file suit on two additional condemnation cases. One parcel is owned by Norma VanWinkle (this is part of the Lynch Rd. project). The second parcel is owned by Alfred Bauer, Trustee of the Alfred Bauer Revocable Trust Agreement -- also on the Lynch Rd. project. He has Resolutions for signatures indicating this is a public project and that we need this land and he will pursue to file the condemnations -- if that is the Board's pleasures.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the Resolutions were approved and signed. So ordered.

Storm Sewer Acceptances: Attorney Wilhite asked the Commissioners when they want him to get back to the Board concerning the storm sewer acceptances? Is this something he can do next week, or does the Commission want an opinion yet tonight?

After conferring with Mr. Savage, Ms. McClintock said she believes the Board can wait until next week.

RE: BOARD OF REVIEW

President McClintock said she has a question concerning the actions of the Board of Review last week following their meeting, which she did not attend -- and she was not in the Civic Center when it occurred. She was contacted by a couple of reporters wondering after, she thought, the very clear message sent by the Commission to the Board of Review regarding the Commission's desire to have the Board comply with the law. And, in this particular case, to meet according to the Open Door Law. But that meeting was held behind closed doors and the votes were indeed not taken in public. Then following that there was another question as to whether the Board even should have been meeting after August 1st, because for the 40 day period from when the Board is supposed to start and when the Board is to supposed to complete the review. She asked Attorney Wilhite if he has been asked that -- and if he has, she doesn't think anybody in this room wants to spend anymore money researching anymore Board of Review questions this year -- but if he has looked at it, is there an opinion that he could render to this group and to the individual members of the Board of Review so

that we don't look at this same kind of thing in the future.

Attorney Wilhite responded, "I have been asked that by my other client, the media of Evansville, after the meeting as to whether that was legal or not. And as I think was reported in at least one if not both newspapers, posting of a sign outside the door that it was an Executive Session is the sort of act that deters the public from attending and labels it an Executive Session. I don't believe it was advertised as an Executive Session -- and that public discouragement, I think, means that unless there were proper secret items being discussed it would be a violation of the Open Door Law. I had stepped out for the actual votes, not realizing the meeting was going to begin. And when I came back the meeting had ended. So I am told that there were votes taken. If there were, they would be in violation of the Open Door Law because of what was posted. The remedy would be to reconvene and do those same things in an open meeting. Otherwise, the acts taken in that meeting under the Open Door Statute could be declared void."

Ms. McClintock countered, "Okay, so...."

Attorney Wilhite continued, "And there is an issue as to whether the Board could still be in session or not, depending on when you start counting the days."

Commissioner McClintock said, "So for those -- looking at the taxpayers that were acted on in that meeting -- the ones that were denied can appeal to the State and that would be their appeal process anyway?"

Attorney Wilhite responded, "Right."

Ms. McClintock continued, "Okay. What about the business schedules?"

Attorney Wilhite said, "I mean they still have the remedy to the State."

Ms. McClintock said, "I just might -- my general concern is that we don't leave ourselves in the position where we're sending mixed signals regarding or desire to have them operate within the law. And we also don't want to leave the taxpayers in the position where the actions of the Board are affecting what their remedies might be."

Attorney Wilhite interrupted, "One option would be, I suppose, to see for sure whether or not there are any taxpayers who, because the actions could be voided, would be harmed because of the void votes. And if any taxpayers were harmed by the fact that the votes were void, then we could ask that it be held in open. But if there is no harm done, maybe not. And I don't know for sure because, frankly, I don't know what was voted on. Whatever your pleasure."

Ms. McClintock responded, "Well, I listened to the tape of the meeting (not that meeting, but from the meeting on the Monday where the Board voted to hold everything in public) and I guess my concern after listening to that is that there is still a great deal of confusion on the part of those individuals about what is legal and what is not legal when it comes to following the Open Door Law."

Attorney Wilhite said, "I could send a letter clarifying that - I mean, that would be one thing we could do."

Ms. McClintock said, "Okay. I think that would be wise. We have not been sending individual copies to the Board members?"

Attorney Wilhite responded, "I have not -- but we can do so if you wish."

Ms. McClintock said, "In the discussions I heard it was very confusing and I think if I did not have an opportunity to read the information from you or ask you direct questions it could be confusing to someone who is not an attorney."

Attorney Wilhite replied, "Okay. So I'll send that letter clarifying what needs to be in open. And do you want me to confirm that no taxpayers were harmed?"

Ms. McClintock responded, "I think that would be good."

Attorney Wilhite asked, "If I found out they were, request an open meeting?"

Commissioner Borries responded, "Sure."

RE: OLD BUSINESS

Commissioner McClintock entertained further business to come before the Board.

Bids: Attorney Wilhite confirmed the bids received on the (5) Tandem axle trucks. He confirmed that the Sternberg International bid he read into the minutes in the amount of \$266,096.69 -- there is reference in the letter that it is being submitted jointly with Miller Truck Equipment. The bid he read in the amount of \$263,582.84 from Sternberg is made jointly with Evansville Truck Equipment. There is also a third bid in the package which he did not read previously in the amount of \$260,980.84, which was submitted by Sternberg International and B&M Truck Equipment.

The gentleman who brought the discrepancies to light was Scott Bingman, 9000 N. Kentucky, phone 867-0077.

Koester Contracting/Agreement re N. Green River Ct. Property: Secretary Joanne Matthews noted the last time the County advertised for proposals was June 2nd and the Commissioners approved the proposal on June 15th. The lease agreement, as signed, reflects an April 1, 1992 commencement date. Questions were also raised concerning the monies due the County in connection with this agreement. President McClintock asked that B. J. Farrell verify whether any rental checks have been received, the amounts, and the date of receipt.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the lease agreement was amended to reflect the June 15, 1992 commencement date, with the Commissioners initialing the change, and the appropriate signatures obtained. So ordered.

Attorney Wilhite stated that in our Request for Proposals we asked that they submit either \$200 or \$300 (simply because we typically do that for people to show that they are really interested). The intent of Koester was that if we didn't need that for something else, that it be applied to the rental. He knows for a fact that they sent a check with their proposal.

President McClintock said she would like to take this opportunity to thank Camille Goebel, who has been serving as an Intern in the Commissioners' office and will be leaving to go back to Indiana University this fall. She knows all the media people will miss her and the Commissioners will all miss her, as she has been a delight to deal with, wonderful on the phone with the public, and worked very, very hard this summer.

There being no further business to come before the Board, Commissioner McClintock entertained a motion for adjournment.


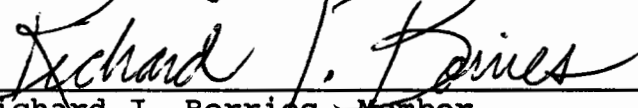
Motion to adjourn was made by Commissioner Borries at 6:25 p.m., with a second from Commissioner McClintock. So ordered.

PRESENT:

Carolyn McClintock, President
Richard J. Borries, Member
Sam Humphrey, County Auditor
Jeff Wilhite, County Attorney
Dave Savage, County Engineer
Mark Abell, Supt./County Bldgs.
Camille Goebel, Intern/Commission Office
Susan Jeffries, Purchasing
Cheryl Musgrave/Board of Review
Scott Bingman/Sternberg Int'l.
Larry VabBlaucum/B.M. Truck Equipment
Bob Hornbrook/Evansville Truck Co.
John Macke/Evansville Truck Center
Jeff Tunks/Ubelhor & Son Motor Co.
Jim Elpers/Miller Truck Equipment
Henry S. Sassmer/Broerman Chevrolet Co.
Others (Unidentified)
News Media

ABSENT: Don Hunter (Vacation)

SECRETARY: Joanne A. Matthews


Carolyn S. McClintock, President

Richard J. Borries, Member



**BOARD of
COMMISSIONERS**
of the County of Vanderburgh

CAROLYN McCLINTOCK

DON L. HUNTER

RICHARD J. "RICK" BORRIES

AGENDA

VANDERBURGH COUNTY COMMISSIONERS

August 10 1992

5:30 P.M.

FINAL

- 1. CALL TO ORDER**
- 2. INTRODUCTION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. ANY GROUP/INDIVIDUAL WISHING TO ADDRESS THE COMMISSION**
- 5. ACTION ITEMS**
 - a. Bid openings
 - 1) 5 Tandem axle trucks
 - 2) 19 Decserver 300 plastic cases and 1 Delni plastic case
 - b. Roger Lehman/Building Commissioner
re: county weeds abatement program
 - c. Loretta Townsend/Weights and Measures
re: Rental Lease-1993
 - d. ATEK
re: Confidentiality agreement
- 6. DEPARTMENT HEADS**

Jeff Wilhite----- County Attorney
Dave Savage ----- Public Works

7. CONSENT ITEMS

- a. Travel
1) Public Works (1) 3) Treasurer (2)
2) Health (8)
- b. MDA
re: Fourth annual 5K run at Burdette Park
- c. Lynch Road Right of Way, Parcel 26
re: Acceptance of Warrant Deed and payment of previously approved
Right of Way offer.....Totaling 5,500.00
Seven Owners this Parcel:
1) Loehrlein, J.....1,441.46
2) Kissel, R.....894.82
3) Koch, P.....894.82
4) Kissel, J.....740.36
5) Kissel, S.....638.47
6) Compton, M.....633.74
7) Loehrlein, C.....256.33
- d. Freedom Fest letter
re: Waiver of 10% catering fee for Thank-you Party at Burdette
Park
- e. Dave Savage/Public Works
re: Billing for professional services
117.5 hrs @ 60.00/hr.....7,065.00
- f. Burdette Park
re: Benefit softball tournament on September 12 and 13
- g.. Invoices to be paid:
1) Chrysler Credit Corporation.....586.08
2) CSX Transportation.....1,289.79
3) Bowers, Harrison, Kent and Miller..... 525.00
- h. Checks Received:
1) United Artists Cable
re: Second quarter fee.....36,128.94
2) Capital Cable
re: Miscellaneous.....587.08
- i. Treasurers monthly report
- j. Employment Changes (see pages 3-5)
- k. *Minute 7.27-92*
- l. *Treasurer Report -*
- m. *Travel - Bridge 158 - Ashbrook Road.*
Buy Ketchup - Mark Bell -

Employment Changes
August 10, 1992

Vanderburgh County Surveyor/Appointment (July 27, 1992)

James Josey/Instrument Man.....22,692.00/yr

Vanderburgh County Surveyor/Releases (July 27, 1992)

Christopher Kern/Instrument Man.....21,635.00/yr

James Josey/Chief Draftsman.....20,574.00/yr

Vanderburgh County Assessors Office/Board of Review/Appointments (July 7, 1992)

Cheryl Musgrave/Board of Review.....35.00/per diem

Robert Kollker/Board of Review.....35.00/per diem

County Clerk/Appointments (July 27, 1992)

Deborah English/Deputy Clerk.....14,864.00/yr

Kristen D. Burton/Deputy Clerk.....5.00/hr

County Clerk/Release (July 27, 1992)

Deborah English/Deputy Clerk.....14,180.00/yr

Prosecutor/Appointments

Barbara A. Borchert/Director.....22,900.00/yr
6/15/92

Terry Ruark/Investigator..... (Payroll fund 5,000+)
4/28/92

Prosecutor/Release (June 15, 1992)

Barbara A. Borchert/Director.....21,900.00/yr

Circuit Court/Appointments

Brenda Boyd/Office Assistant.....7.00/hr
7/13/92

Jesse Herron/Part-Time Corrections Officer.....7.00/hr
7/12/92

Mary Kinstler/Caseworker.....5.00/hr
7/14/92

Beverly K. Harris/Magistrate.....5,881.00/yr
7/27/92

Circuit Court/Releases

Brenda Boyd/Office Assistant.....7.00/hr
7/12/92

Jesse Herron/Intern.....7.00/hr
7/12/92

Beverly K. Harris/Public Defender.....24,453.00/yr
7/26/92

Robert S. Matthews/Magistrate.....5,125.00/yr
7/26/92

Shane Rasche/Part-Time Corrections Officer.....7.00/hr
7/9/92

Michael Dietsch/Part-Time Corrections Officer.....7.00/hr
6/28/92

Pigeon Township Trustee/Release (July 24, 1992)

Paul Hatfield/Investigator.....10,000.00/yr

Health Department/Appointment

Jean Becker/CD/STD Nurse.....24,674.00/yr
8/1/92

Health Department/Releases

Jean Becker/CD/STD Nurse.....24,674.00/yr
8/1/92

Adam A. Rynkiewich/Vector Control Technician.....5.00/hr
7/24/92

Marsha Austill/Public Health Nurse.....24,674.00/yr
8/7/92

Superintendent of County Buildings/Appointent

Mark Abell/Superintendent of County Buildings.....22,074.00/yr
8/3/92

County Commissioners/Appointment (August 10, 1992)

Sarah Happe/Joint Secretary.....8,554.00/yr

County Commissioners/Release (August 10, 1992)

Nancy Corey/Joint Secretary.....8,158.00/yr

County Council/Appointment (August 10, 1992)

Sarah Happe/Joint Secretary.....8,554.00/yr

County Council/Release (August 10, 1992)

Nancy Corey/Joint Secretary.....8,158.00/yr

Vanderburgh Auditorium/Appointment (July 3, 1992)

Kim Greenwell/Laborer.....10.49/hr

Burdette Park/Appointments

Kenneth Haynie/Guard.....4.35/hr
7/15/92

Robyn Papaioannou/E.M.T.....5.00/hr
5/23/92

Matthew Singer/Part-Time Guard.....4.35/hr
7/15/92

Nathan Reis/Part-Time Guard.....4.35/hr
7/15/92

Burdette Park/Releases

Kenneth Haynie/Guard.....4.25/hr
7/15/92

Robyn Papaioannou/Part-Time Ground Crew.....4.25/hr
5/23/92

Vanderburgh County ~~Est~~ Bridge Crew/Appointment

Nancy Norman/Laborer.....10.49/hr
8/3/92

Bids-

- k. Appointment of John Buchman as official representative for when Commissioner McClintock can not attend Central Dispatch Board Meetings.

1. Scheduled Meetings:

TUE/Aug 11, WED/Aug 12, THU/Aug 13, County Budget Hearings
12 noon until 3:30 p.m. Room 301

MON Aug 17	County Commissioners	5:30 p.m.	RM 307
TUE Aug 18	Insurance Committee	9:00 a.m.	RM 303

8. OLD BUSINESS

9. NEW BUSINESS

10. MEETING RECESSED



CAROLYN MCCLINTOCK
DON L. HUNTER
RICHARD J. "RICK" BORRIES

Board of Commissioners

of the
County of Vanderburgh
305 ADMINISTRATION BUILDING
CIVIC CENTER COMPLEX
EVANSVILLE, INDIANA 47708

Agg 8/10/92



TEL (812) 426-6241

AGENDA REQUEST

NAME OF REQUESTOR: Roger L. Lehman

REQUESTOR TITLE: Building Commissioner

DEPARTMENT: Building Commission

REQUEST(S) BEING MADE:

Put on Docket for August 10, 1992, Monday
County Weeds Abatement Program:
1) 5205 Cunningham Dr. - Glaser Lawns & Landscape
2) 711 Crestmont - Schroeder's Custom Mowing
(see attached).

DATE TO BE PLACED ON AGENDA: August 10, 1992

ACTION ☒ CONSENT ☐ OTHER ☐

COUNTY WEEDS - BIDS

PROPERTY ADDRESS	GLASER LAWN AND LANDSCAPE 464-8476	SCHROEDER'S CUSTOM MOWING 428-9981	DATE LOT CUT BY HOMEOWNER	DATE LOT CUT BY CONTRACTOR
5205 CUNNINGHAM DR*	\$50.00	\$70.00		
206 LORSHELNA+	\$75.00	+		
7119 OLD STATE ROAD	\$55.00	----	7-29-92	
7203 OLD STATE ROAD	\$60.00	----	7-29-92	
7210 PINEHURST	\$45.00	----	7-29-92	
7213 PINEHURST	\$45.00	----	7-29-92	
711 CRESTMONT*	----	\$40.00		
620 KIMBER LANE	----	----	7-29-92	
6200 MAXWELL	----	----	7-29-92	
*LOW BIDS TOTAL	\$50.00	\$40.00		

+ HOMEOWNER is on vacation. Neighbor stated lot to be cut upon return, per Schroeder's Custom Mowing, 7-29-92.

* ~~LOW BIDS TO BE AWARDED SUBJECT TO APPROVAL OF COUNTY COMMISSIONER'S MEETING, MONDAY, AUGUST 3, 1992.~~

STANDARD SHOW-UP FEE = \$15.00

(8.3.92)

cut them - let B.J. in Co. Comm
office know and put on Docket for 10/14

OTHER CONTRACTORS CONTACTED FOR BIDS:

- 1.) NELLIS LANDSCAPE SERVICE INC. (Not interested)
PH: 867-7258
 - 2.) HALL'S LANDSCAPING (No Response)
PH: 476-0518
 - 3.) EVANSVILLE LANDSCAPE (No Response)
PH: 853-3807
-

715A Locust Street
Evansville, IN 47708

Tel. (812) 424-9603

**RE: Acceptance of Street Improvements in
Brookview Heights IV**

Vice-President
Richard J. Barrios
Member

Morley and Associates^{INC.}

CONSULTING ENGINEERS/LAND SURVEYORS

ASSOCIATES
James Q. Morley
Lee A. McClellan
Danny K. Leek
James A. Farny

July 1, 1992

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

RE: BROOKVIEW HEIGHTS IV
STREET AND STORM SEWER ACCEPTANCE
OUR PROJECT #92-2338-4

Dear Commission Members:

Construction of the street improvements within the above referenced subdivision were completed in June 1992. Construction of the storm sewer improvements were completed in May 1991.

The streets were constructed in accordance with the plans approved by the Board of County Commissioners on November 23, 1987. The storm sewer improvements were constructed in accordance with the plans approved by the Vanderburgh County Drainage Board on July 27, 1987.

All streets were paved with six inches (6") of Portland cement concrete. The cul-de-sac measures 30 feet from the radius point to the back of the roll curb.

Following is a summary of the completed streets:

NAME	WIDTH (B/C TO B/C)	LENGTH
Belmont Drive	29'	300.5 LF (0.06 mi.)
Brookline Drive	29'	716.5 LF (0.13 mi.)

A sketch of the subdivision is enclosed showing the completed streets highlighted in yellow.

In addition, 174 lineal feet of 21 inch R.C.P. was installed outside of the street rights-of-way. This pipe lies within a platted public drainage easement. The developer is prepared to pay the required fee of \$0.50 per lineal foot in order to have maintenance acceptance.

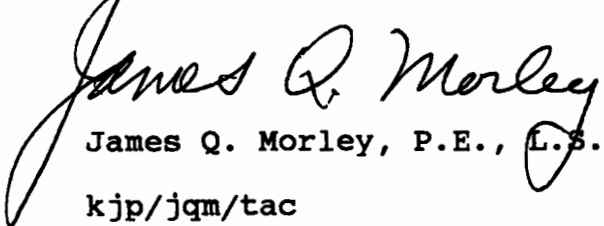
Vanderburgh County Commissioners
Attn: Carol McClintock, President
RE: Our Project #92-2338-4
July 1, 1992

Page Two

We ask that you inspect the improvements and, upon your approval, accept the streets and storm sewers for maintenance. In addition, we request the erection of the proper traffic control and street information signs to be implemented at the time of acceptance.

If you have any questions or require additional information, please contact our office.

Yours truly,



James Q. Morley, P.E., L.S.

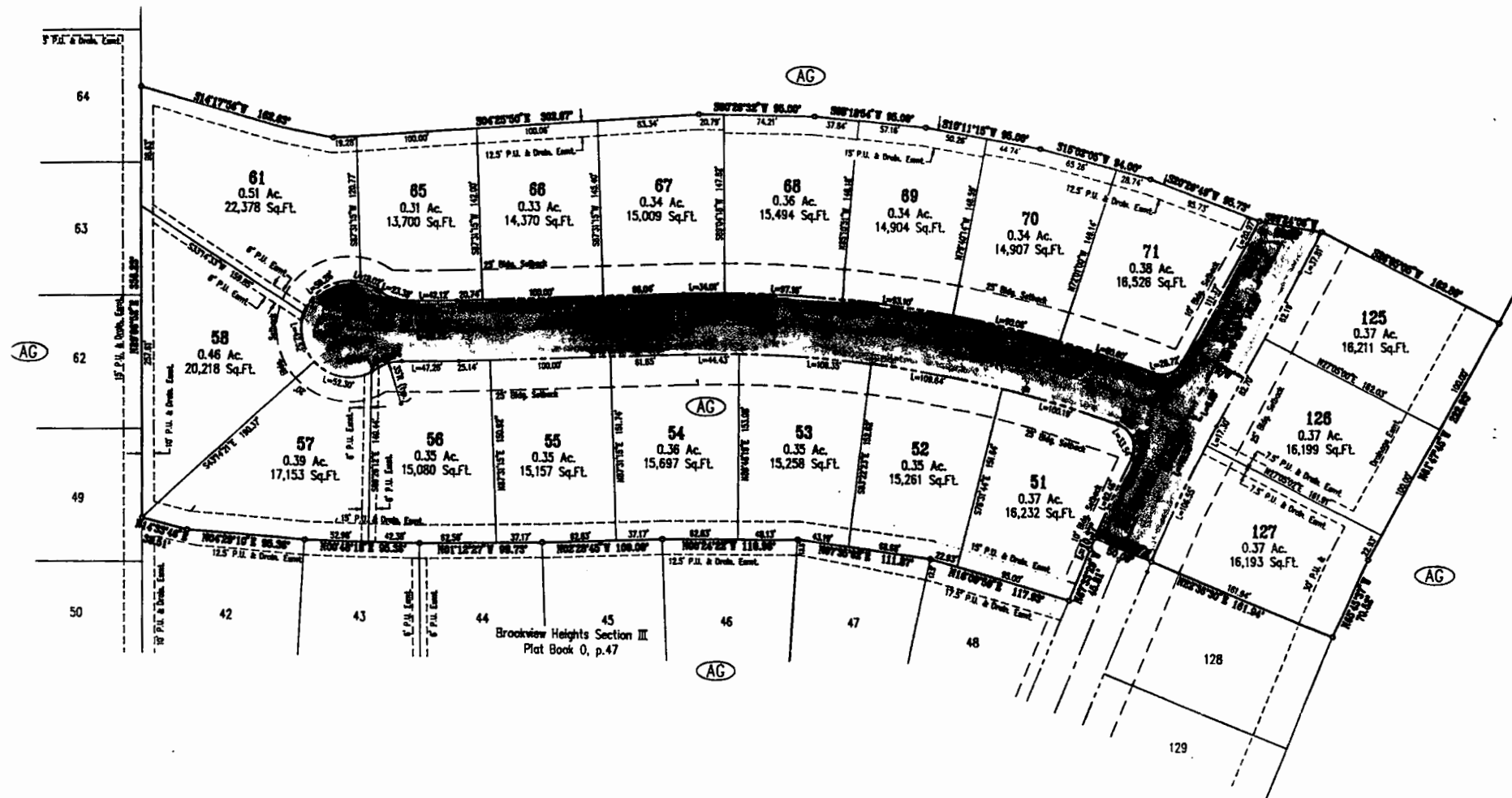
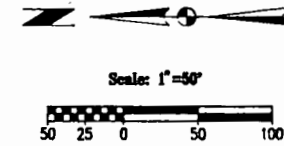
kjp/jqm/tac

cc: W. C. Bussing, Jr.
Scott Davis, Highway Services Manager
File

Morley and Associates INC.
CONSULTING ENGINEERS/LAND SURVEYORS

605 S.E. SEVENTH STREET/EVANSVILLE, INDIANA 47713-1797/(812) 464-9585

Brookview Heights IV



715A Locust Street
Evansville, IN 47708

Tel. (812) 424-9603

Vanderburgh County Board of Commissioners
Rm. 305 Civic Center Complex
Evansville, IN 47708

**RE: Acceptance of Street Improvements in
Brookview Section "F-2"**

Dear Commissioners

The undersigned have made an inspection of the subject Street and Storm Drainage (included within the street right-of-way) Improvements. These Improvements were constructed/finished on/by May, 1992. All streets were constructed with Concrete in accordance with the approved plans.

The following is a summary of the length of the completed 29 feet wide streets in the subject Subdivision:

Brookview Drive	96.5	LFT
Southbrook Drive	640.7	LFT
		LFT
		LFT
TOTAL:	673.0	LFT

It is recommended that these Street and Storm Drainage (include within the street right-of-ways) Improvements be:

ACCEPTED XXXX REJECTED FOR MAINTENANCE

If you have any questions please call the Public Works Dept.

~~Respectfully,~~

Public Works Director

Highway Services Manager

CC: Developer
Design Engineer
APC

Accepted for Maintenance by the
Board of County Commissioners

Carolyn McEntail
President

~~Vice-President~~

Richard J. Davies
Member

Morley and Associates^{INC.}

CONSULTING ENGINEERS/LAND SURVEYORS

ASSOCIATES
James Q. Morley
Lee A. McClellan
Danny K. Leek
James A. Farny

July 1, 1992

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

**RE: BROOKVIEW SECTION "F-2"
STREET AND STORM SEWER ACCEPTANCE
OUR PROJECT #92-2336-4**

Dear Commission Members:

Construction of the street improvements within the above referenced subdivision were completed in June 1992. Construction of the storm sewer improvements were completed in May 1992.

The streets were constructed in accordance with the plans approved by the Board of County Commissioners on April 29, 1991. The storm sewer improvements were constructed in accordance with the plans approved by the Vanderburgh County Drainage Board on March 25, 1991.

All streets were paved with six inches (6") of Portland cement concrete. The cul-de-sac measures 30 feet from the radius point to the back of the roll curb.

Following is a summary of the completed streets:

NAME	WIDTH (B/C TO B/C)	LENGTH
Brookview Drive	29'	96.5 LF (0.02 mi.)
Southbrook Drive	29'	640.7 LF (0.12 mi.)

A sketch of the subdivision is enclosed showing the completed streets highlighted in yellow.

In addition, 115 lineal feet (including concrete end section) of 24 inch R.C.P. and 48 lineal feet of 21 inch R.C.P. was installed outside of the street rights-of-way. These pipes lie within platted public drainage easements or within platted detention basin easements. The developer is prepared to pay the required fee of \$0.50 per lineal foot in order to have maintenance acceptance.

605 S.E. SEVENTH STREET / EVANSVILLE, INDIANA 47713-1797 / (812)464-9585 / FAX (812)464-2514

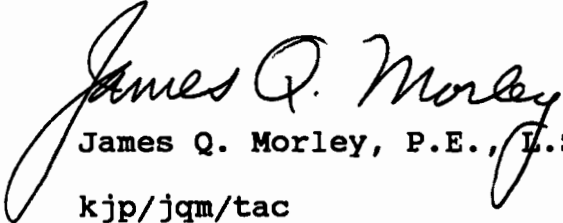
Vanderburgh County Commissioners
Attn: Carol McClintock, President
RE: Our Project #92-2336-4
July 1, 1992

Page Two

We ask that you inspect the improvements and, upon your approval, accept the streets and storm sewers for maintenance. In addition, we request the erection of the proper traffic control and street information signs to be implemented at the time of acceptance.

If you have any questions or require additional information, please contact our office.

Yours truly,



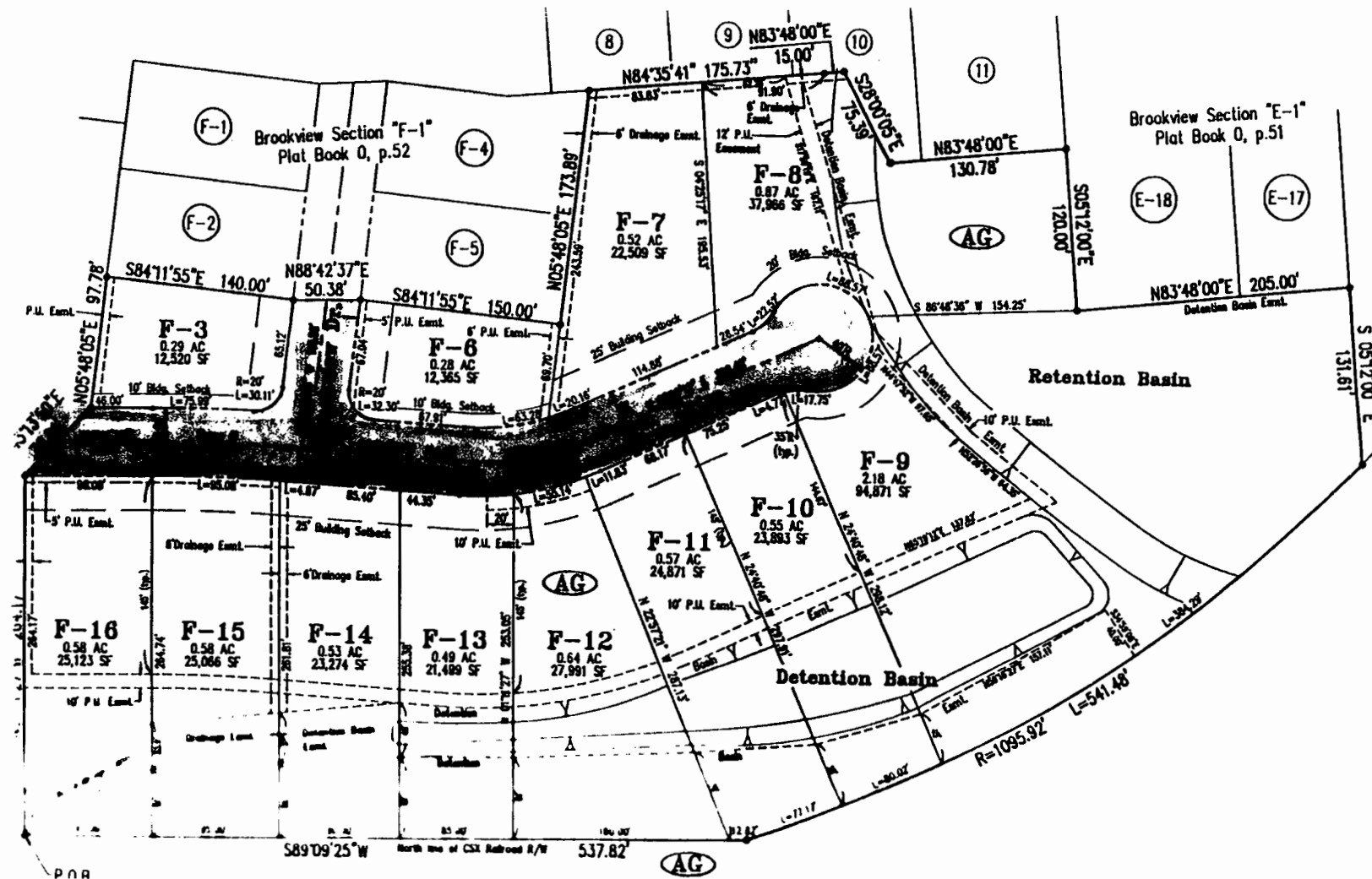
James Q. Morley, P.E., L.S.

kjp/jqm/tac

cc: W. C. Bussing, Jr.
Scott Davis, Highway Services Manager
File

Morley and Associates INC.
CONSULTING ENGINEERS/LAND SURVEYORS

605 S.E. SEVENTH STREET/EVANSVILLE, INDIANA 47713-1797/(812) 464-9585



VANDERBURGH COUNTY PUBLIC WORKS DEPARTMENT

715A Locust Street
Evansville, IN 47708

DATE: July 27, 1992

Tel. (812) 424-9603

Vanderburgh County Board of Commissioners
Rm. 305 Civic Center Complex
Evansville, IN 47708

RE: Acceptance of Street Improvements in
Audubon Estates
Section D-2

Dear Commissioners

The undersigned have made an inspection of the subject Street and Storm Drainage (included within the street right-of-way) Improvements. These Improvements were constructed/finished on/by May, 1992. All streets were constructed with Concrete in accordance with the approved plans.

The following is a summary of the length of the completed 29 feet wide streets in the subject Subdivision:

<u>Plaza Drive</u>	<u>1080.5</u>	<u>LFT</u>
<u>Ridgeway Avenue</u>	<u>134.0</u>	<u>LFT</u>
<u>Marion Court</u>	<u>527.0</u>	<u>LFT</u>
<u></u>	<u></u>	<u>LFT</u>
<u></u>	<u></u>	<u>LFT</u>
<u>TOTAL:</u>	<u>1742.0</u>	<u>LFT</u>

It is recommended that these Street and Storm Drainage (include within the street right-of-ways) Improvements be:

ACCEPTED XXXX REJECTED FOR MAINTENANCE

If you have any questions please call the Public Works Dept.

Respectfully,

[Signature]
Public Works Director

[Signature]
Highway Services Manager

CC: Developer
Design Engineer
APC

Accepted for Maintenance by the
Board of County Commissioners

[Signature]
President

[Signature]
Vice-President
Member

Morley and Associates INC.

CONSULTING ENGINEERS/LAND SURVEYORS

ASSOCIATES
James Q. Morley
Lee A. McClellan
Danny K. Leek
James A. Farny

July 1, 1992

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

**RE: AUDUBON ESTATES - SECTION "D-2"
STREET AND STORM SEWER ACCEPTANCE
OUR PROJECT #92-2337-4**

Dear Commission Members:

Construction of the street improvements within the above referenced subdivision were completed in May 1992. Construction of the storm sewer improvements were completed during the summer of 1991.

The streets were constructed in accordance with the plans approved by the Board of County Commissioners on July 15, 1991. The storm sewer improvements were constructed in accordance with the plans approved by the Vanderburgh County Drainage Board on July 31, 1989.

All streets were paved with six inches (6") of Portland cement concrete. All cul-de-sacs measure 30 feet from the radius point to the back of the roll curb.

Following is a summary of the completed streets:

NAME	WIDTH (B/C TO B/C)	LENGTH
Plaza Drive	29'	1080.5 LF (0.20 mi.)
Ridgeway Avenue	29'	134.0 LF (0.02 mi.)
Marion Court	29'	527.5 LF (0.10 mi.)

A sketch of the subdivision is enclosed showing the completed streets highlighted in yellow.

In addition, 190 lineal feet of 12 inch R.C.P., 220 lineal feet of 21 inch R.C.P., and 125 lineal feet of 36" R.C.P. was installed outside of the street rights-of-way. These pipes lie within platted public drainage easements. The developer is prepared to pay the required fee of \$0.50 per lineal foot in order to have maintenance acceptance.

605 S.E. SEVENTH STREET / EVANSVILLE, INDIANA 47713-1797 / (812)464-9585 / FAX (812)464-2514

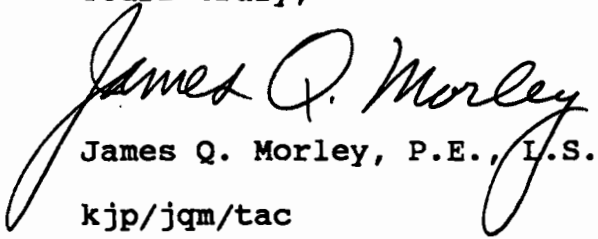
Vanderburgh County Commissioners
Attn: Carol McClintock, President
RE: Our Project #92-2337-4
July 1, 1992

Page Two

We ask that you inspect the improvements and, upon your approval, accept the streets and storm sewers for maintenance. In addition, we request the erection of the proper traffic control and street information signs to be implemented at the time of acceptance.

If you have any questions or require additional information, please contact our office.

Yours truly,



James Q. Morley, P.E., L.S.

kjp/jqm/tac

cc: W. C. Bussing, Jr.
Scott Davis, Highway Services Manager
File

**Morley^{and}
Associates** INC.
CONSULTING ENGINEERS/LAND SURVEYORS

605 S.E. SEVENTH STREET/EVANSVILLE, INDIANA 47713-1797/(812) 464-9585

[illegible]

AGENDA REQUEST

NAME OF REQUESTOR: Roger Elliott

REQUESTOR TITLE: Director

DEPARTMENT: Computer Services Department

REQUEST(S) BEING MADE:

- Approval and signature of a Nondisclosure Agreement with ATEK Information Services which will allow the release of WRITS Datasets Names and WRITS Files with Field Descriptions. Data Board, at their July 28th meeting, reviewed and recommended this document for your approval.
- Request for the Vanderburgh County Commissioners to:
 - o open sealed bids for the sale of 19 DECserver and 1 DELNI plastic cases; and
 - o Award the sale to the highest responding bidder. The Board of Public Works at the meeting of July 22nd meeting approved the award of this bid by the County Commissioners.

DATE TO BE PLACED ON AGENDA:

Board of Public Works Wednesday, August 19, 1992
(For the Signature of the Nondisclosure Agreement only)

County Commissioners Monday, August 10, 1992
(For Both Items)

ACTION _____

CONSENT _____

OTHER _____

NONDISCLOSURE AGREEMENT

TO: ATEK Information Services, Inc.
630 30th Street, N.W.
Canton, Ohio 44709

RE: WRITS DATASETS NAMES
WRITS FILES WITH FIELD DESCRIPTION

The undersigned County, intending to be legally bound, unconditionally agrees not to directly or indirectly disclose any information furnished to us in connection with our use of Query Report Software with the WRITS database, provided however, that we may disclose the information received only to such employees, who then shall be reasonably required to implement the use of Query on the WRITS Database. It is understood that in reliance on this commitment you may discuss with and furnish to us confidential and/or secret information, data, knowledge, information, ideas, and strategies, either verbally or in writing, and that we will not directly or indirectly use the same unless we first secure your written consent. The undersigned further understands and agrees that you have and retain sole and exclusive rights to all materials and documents given to us in connection with the above.

In the event we cease using the disclosed information, or upon request of ATEK, we agree to return any and all documents and all other materials delivered to us by ATEK Information Services, Inc. in connection with the above and to destroy all copies thereof.

Dated as of _____, 19__.

Attest:

CITY OF EVANSVILLE/VANDERBURGH COUNTY

By: _____

By: _____

Name: _____

(Seal)

Title: _____

n:\wp\agreement\cortex.que

The undersigned each represent and warrant that s/he is authorized to execute this document on behalf of the respective party and any and all actions necessary for this to constitute the valid and binding act of the respective party have occurred.

LICENSEE:

for City of Evansville

By _____
Chris D. Melton, President
Evansville Board of Public Works

By _____
Jack McNeely, Vice President
Evansville Board of Public Works

By _____
Jack Corn, Jr., Member
Evansville Board of Public Works

Attested By _____
Sharon A. Evans, Secretary
Evansville Board of Public Works

Effective Date _____

for Vanderburgh County

By _____
Carolyn McClintock, President
Vanderburgh County Board of Commissioners

By _____
Don Hunter, Vice President
Vanderburgh County Board of Commissioners

By _____
Rick Borries,
Vanderburgh County Commissioner

Attested By _____
Sam Humphrey, Vanderburgh County Auditor

Effective Date _____

LEASE AGREEMENT

THIS LEASE AGREEMENT, made and entered into as of the 27th day of July, 1992 by and between the County of Vanderburgh, State of Indiana, by its Board of Commissioners, with a mailing address of Civic Center Complex, Room 305, 1 N W Martin Luther King, Jr. Blvd., Evansville, Indiana, 47708 (hereinafter referred to as the "County"), and Koester Contracting Corp., an Indiana corporation with its principal place of business located at 14649 Highway 41 North, Evansville, Indiana 47711 (hereinafter "Koester").

WITNESSETH:

WHEREAS, the County of Vanderburgh, State of Indiana, (the "County") currently owns certain real estate located at 4723 Green River Court (the "Real Estate");

WHEREAS, in accordance with plans for the Green River Road widening project (the "Project"), the residential home and other improvements located upon the real estate are to be demolished at such time as the Project engineers and consultants deem necessary;

WHEREAS, until such time as the improvements upon the real estate are to be demolished, the County desires to lease said real estate, and has issued by public notice in accordance with Indiana Code § 5-3-1 et seq. a Request for Proposal, attached hereto as Exhibit "A" and incorporated herein by reference ("Request for Proposal") announcing its intention to lease the real estate; and,

WHEREAS, Koester Contracting Corp. has been determined by the County to be only party who has properly responded to the Request for Proposals, and which has substantially satisfied the requirements contained in the Request for Proposals.

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

1. **Lease of Real Estate.** County agrees to lease to Koester, and Koester agrees to lease from County, the real estate described in Exhibit "B" attached hereto and incorporated herein by reference, which is commonly known as 4723 Green River Court in Evansville, Vanderburgh County, State of Indiana (the "Real Estate"). Koester agrees and acknowledges it shall be bound by the terms of the Request for Proposals, the terms contained in Koester's letter response to the Request for Proposals, which is attached hereto as Exhibit "C" and incorporated herein by reference, and by the terms of this lease.

2. **Term of Lease: Termination on Three Days Notice.** This lease shall commence as of the 15th day of April, 1992, and shall continue as a tenancy at will until such time as the County notifies Koester, in accordance with the notice provisions contained herein, of

the County's intention to terminate this lease. Such notice shall be provided and delivered to Koester at least three (3) days prior to the date upon which Koester is required to vacate the Real Estate. Koester may terminate at any time upon fifteen (15) days written notice to County.

3. Rental. During the operation of this lease and Koester's occupancy of the Real Estate, Koester shall pay rent in the amount of Two Hundred and 00/100 Dollars (\$200.00) per month. The first month's rent is due and payable upon the commencement of the Lease. Each additional month's rent is due and payable in advance on the 5th day of each month and shall be considered delinquent and in default if not received by the County at such time. Koester shall be responsible for payment of rent up to and including the date Koester vacates the Real Estate. In the event the date Koester is required to vacate the Real Estate does not fall on the 1 st day of any month, Koester shall pay rent for each day of occupancy at a rate of Six and 66/100 Dollars (\$6.66) per day.

4. Manner of Payment. The payment due under this lease shall be paid by corporate check, and shall be made payable to the "Board of Commissioners of Vanderburgh County". Payment may be personally delivered to County or mailed to the address for County first stated herein. County, at its option and at any time, may require the amount due and payable to be made by certified check or cashier's check. Under no circumstances shall Koester make any payment in cash.

5. Utilities. Koester hereby agrees to provide and pay for all utilities to the Real Estate. Failure to furnish same shall not give Koester any claim for damages or rebate or abatement of rent, and shall not justify Koester in failing to observe and perform any of Koester's agreements and obligations under this lease.

6. Use of Real Estate. Koester shall not use or permit the Real Estate, or any part thereof, to be used in any manner other than for purposes of a construction site support facility. Koester shall neither permit on the Real Estate any act or storage that may be prohibited under fire insurance policies issued on the Real Estate, nor use the Real Estate for any such purpose. Koester shall not conduct or permit to be conducted any unlawful or tortious activity on the Real Estate. In addition, no use shall be made or permitted to be made that shall result in waste on the Real Estate, or a public or private nuisance that may disturb the quiet enjoyment of others living in the neighborhood. Koester shall comply with all governmental regulations and statutes affecting the Real Estate, either now or in the future. Koester shall not make or allow to be made any structural changes or alterations of the Real Estate without the express written consent of the County. Koester shall keep the Real Estate clean and return possession to the County at the termination of this lease in as good a condition as when the leased commenced, reasonable wear and tear and acts of God excepted.

7. Access by County to Real Estate. County, its agents, prospective lessees, purchasers, or mortgagees shall be permitted to

inspect and examine the Real Estate at all reasonable times, and County shall have the right to make any repairs to the Real Estate which County may deem necessary, but this provision shall not be construed to require County to make repairs, except as may otherwise be required hereby. County and its agents shall be permitted an easement on and through the Real Estate for any purposes deemed reasonably necessary by County in connection with the construction of the extension of Lynch Road, so long as such activities do not unduly interrupt Koester's quiet enjoyment of the Real Estate. Upon notice of termination of this Lease Agreement by County, County may maintain "for rent" or "for sale" signs on the front or on any part of the Real Estate.

8. Maintenance. Koester shall be responsible for the general maintenance and upkeep of the Real Estate at Koester's sole expense. This responsibility shall include, but not be limited to, regularly mowing the lawn and trimming any and all bushes or shrubbery on the Real Estate as well as making any and all necessary minor repairs to the Real Estate. In the event it becomes necessary or desirable to make substantial repairs or alterations upon the Real Estate, County shall have the right, but not the obligation, to make, or caused to be made, at County's expense, any such repairs or alterations. Koester shall have no right to incur any expense for the repair or alteration of the Real Estate on behalf of the County. Any such expense, if incurred by Koester, shall be the personal obligation of Koester.

9. Mechanic's Lien. Koester shall not permit any statement of intention to hold a mechanic's lien to be filed against the Real Estate or any part thereof, nor against any interest or estate therein by reason of labor, services, or materials claimed to have been performed or furnished to the Real Estate or to or for Koester. If such statement of intention to hold a mechanic's lien shall be filed, County at its option may compel the prosecution of an action for the foreclosure of such mechanic's lien by the lienor. If any such statement of intention to hold a mechanic's lien shall be filed and an action commenced to foreclose the lien, Koester shall, upon demand by County, cause the lien to be released and shall obtain an order from the court releasing the property from such lien. Nothing in this lease shall be deemed or construed to constitute a request to any party for the performance of any labor or services or the furnishing of any materials for the improvement, alteration, or repairing of the Real Estate; nor as giving Koester the right or authority to contract, authorize or permit the performance of any labor or services or the furnishing of any material which would permit the attaching of a valid mechanic's lien.

10. Insurance; INDEMNIFICATION. Koester covenants and agrees that it will at all times, during the terms of this Lease and at its sole cost and expense, provide liability insurance for the Premises in the amount of one million dollars (\$1,000,000.00). All such insurance policies shall cover the insurable interest of both County and Koester and shall contain a clause providing the any loss under the same shall be payable to the County and Koester as their respective interests may appear, it being understood and agreed that any and all amounts collected on said insurance shall be available to the County to cover

personal injury or property damages, or for reconstruction or repair, as the case may be, of any improvements damaged or destroyed by fire or other casualty if the County elects to reconstruct or repair such improvements; otherwise, such proceeds shall be the sole property of the County. KOESTER FURTHER AGREES THAT KOESTER WILL AND HEREBY DOES INDEMNIFY AND HOLD COUNTY SAFE AND HARMLESS FROM AND AGAINST ANY AND ALL CLAIMS AND DEMANDS OF ANY KIND OR CHARACTER ARISING OUT OF THE USE OR OCCUPANCY OF THE REAL ESTATE BY KOESTER, OR ANY PERSON WHO MAY BE IN OR ON THE PREMISES WITH THE CONSENT OF KOESTER, AND WHICH SHALL RESULT IN PERSONAL INJURY OR IN DAMAGE TO PROPERTY.

11. **Assignment.** Any and all rights, title and interest acquired pursuant to this lease are personal to Koester and may not be assigned to, or used for the benefit of, any other person, corporation, or unincorporated association.

12. **Waiver.** No statement, action, or omission of County or its agents shall be considered to be a waiver of any right, including, but not by way of limitation, any failure by County to insist upon the strict performance of any agreement, term or condition hereof or to exercise any right or remedy consequent upon a breach thereof, and no acceptance of full or partial rent during the continuation of any such breach shall constitute a waiver of any such breach or any such agreement, term or condition.

13. **Effect of Breach.** In the event of a breach of any term, condition or warranty of this lease, County may, at its option, in addition to any other remedy or right it has hereunder or by law:

A. Re-enter the Real Estate, without demand or notice, and resume possession by an action in law or equity or by force or otherwise and without being liable in trespass or for any damages and without terminating this lease. County may remove all persons and property from the Real Estate and such property may be removed and stored at the cost of Koester.

B. Immediately cancel and terminate this Lease, including all of the right, title and interest of Koester hereunder. Koester's obligation and liability for all past due rents and other amounts owed by virtue of Koester's breach of the terms, conditions and agreements herein shall survive such termination.

14. **Expenses of Collection.** County shall have the right to recover from Koester all expenses of collection of amounts owed by virtue of Koester's breach of the terms, conditions or agreements herein, including, but not by way of limitation, court costs and reasonable attorneys' fees.

15. **Surrender of Premises.** Upon the expiration or sooner termination of this lease, Koester shall surrender to County the Real Estate, together with all other property affixed to the Real Estate, in a clean and rentable condition and in the same order and condition in which Koester received them, the effects of ordinary wear and tear and acts of God excepted. Unless an event of default has occurred and

remains uncured, Koester may, prior to the expiration of the term, remove all of Koester's personal property, including any lighting fixtures or similar improvements made by Koester, from the Real Estate. Any damage to the Real Estate caused by such removal shall be repaired by Koester prior to the expiration of the term at Koester's expense. At County's option, if Koester fails to remove such personal property prior to the expiration of the term, then the same shall be deemed to be the property of County.

16. Remedies of County Cumulative. The remedies herein given to County shall be cumulative, and exercise of any one remedy by County shall not be to the exclusion of any other remedy.

17. Notices. All notices, demands or other writings in this lease required to be given or made or sent when made in writing and personally delivered or deposited in the United States mail, postage prepaid, and addressed as follows:

TO COUNTY:

Board of Commissioners of Vanderburgh County
Civic Center Complex, Room 305
1 N W Martin Luther King, Jr. Blvd.
Evansville, IN 47708

TO KOESTER:

Koester Contracting Corp.
14649 Highway 41 North
Evansville, Indiana 47711

18. Successors and Assigns. This lease shall be binding not only upon the parties, but upon their respective heirs, administrators, executors, successors and assigns. The parties do hereby agree for themselves and their heirs, administrators, executors, successors or assigns, as aforesaid, to execute any instruments in writing which might be necessary or proper to carry out the purposes and intent of this Lease and to protect the parties hereto.

19. Applicable Law. This lease shall be governed by and construed in accordance with the laws of the State of Indiana.

20. Severability. In the event that any of the provisions of this lease shall be held by a court or other tribunal of competent jurisdiction to be unenforceable, such provision shall be enforced to the fullest extent permissible and the remaining portion of this lease shall remain in full force and effect.

21. Interpretation. This lease may be executed simultaneously in several counterparts, each of which shall be deemed an original, but all which together shall constitute one and the same instrument. All headings set forth herein are included for the convenience of reference only and shall not affect the interpretation hereof, nor shall any weight or value be given to the relative position of any part or

provision hereof in relation to any other provision in determining such construction. As used in this lease, the plural shall be substituted for the singular, and the singular for the plural, where appropriate; and words and pronouns of any gender shall mean to include any other gender.

22. Entire Agreement. This lease contains the entire agreement between the parties regarding leasing of the Real Estate, and supersedes all prior oral or written understandings, agreements or contracts, formal or informal, between the parties hereto. THIS PROVISION, AND EACH AND EVERY OTHER PROVISION OF THIS LEASE MAY NOT UNDER ANY CIRCUMSTANCES BE MODIFIED, CHANGED, AMENDED OR PROVISIONS HEREUNDER WAIVED VERBALLY, BUT MAY ONLY BE MODIFIED, CHANGED, AMENDED OR WAIVED BY AN AGREEMENT IN WRITING EXECUTED BY ALL PARTIES HERETO.

IN WITNESS WHEREOF, the parties have executed this Lease Agreement effective as of the 27th day of July, 1992.

BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY

Carol McClintock
Carol McClintock, President

Don Hunter
Don Hunter, Vice President

Richard J. Borries
Richard Borries, Member

ATTEST:

Sam Humphrey
Sam Humphrey, County Auditor

"County"

KOESTER CONTRACTING CORP.

BY: James R. Hevron
Printed Name James R. Hevron
Title: Vice President

"Koester"

REQUEST FOR PROPOSALS

In accordance with Indiana Code §36-1-11-12, the County of Vanderburgh, State of Indiana, acting by and through its Board of County Commissioners (hereinafter the "County") hereby provides public notice of its intention to lease certain real estate owned by the County located at 4723 Green River Court, along with the residential home and other improvements located thereon (hereinafter the "Real Estate"), and requests proposals for leasing of said Real Estate. Such proposals shall be delivered to the County c/o Board of County Commissioners, Civic Center Complex, Room 305, 1 N.W. Martin Luther King, Jr. Blvd., Evansville, Indiana 47708. Proposals must be received on or before the _____ day of _____, 1992, at _____ o'clock _____.m.

The County hereby serves notice that the Real Estate is located upon the future site of the widening of Green River Road, and that the improvements upon the Real Estate shall be demolished at the request of the engineer or consultant upon extremely short notice. Such notice may be given no more than three (3) days in advance, at which time tenant shall be required to vacate the Real Estate.

A. Evaluation of Proposals. The proposals tendered in response to this Request for Proposals shall be evaluated based upon the following factors and criteria:

1. Whether the proposed use of the Real Estate has the effect of easing any financial, logistical, or other administrative burdens upon the County, or otherwise tends to promote efficiency in the administration of current activities or projects being undertaken by the County.
2. Whether the proposed use properly considers the future destruction of the improvements located upon the Real Estate at an unspecified future date, and provides for prompt vacation of the Real Estate by tenant within three (3) days of tenant's receipt of the notice to vacate.
3. Whether the proposal relieves the County of any and all potential liability with regard to prospective tenant actions on the Real Estate, or injuries incurred by tenant, tenant's visitors or invitees, or any other party coming upon the Real Estate.
4. The price offered for leasing of the Real Estate.
5. The Real Estate may not be leased to a person who is ineligible under Indiana Code 36-1-11-16.
6. A proposal submitted by a trust (as defined in IC 30-4-1-1(a)) must identify each beneficiary of the trust and each settlor empowered to revoke or modify the trust.

EXHIBIT "A"

To Lease Agreement By and Between
County of Vanderburgh and
Koester Contracting Corp.

B. Relative Importance of Factors in Leasing. The primary consideration for leasing of the Real Estate shall be evidence that the proposed use of the Real Estate has the effect of easing any financial, logistical, or other administrative burdens upon the County, or otherwise tends to promote efficiency in the administration of current activities or projects being undertaken by the County, and the ability of a tenant to vacate immediately upon notice by the County. Violation of the requirements regarding ineligible lessors and requirements for trust proposals shall automatically disqualify the proposal from further consideration.

C. Payment Accompanying Proposal. A certified check made payable to "Board of Commissioners of Vanderburgh County" in the amount of Three Hundred and 00/100 Dollars (\$300.00) shall accompany each proposal. Payments made in connection with rejected proposals shall be returned to the prospective tenant.

D. No Subsequent Discussion or Revision. Persons submitting proposals should address the matters and issues stated herein in responding to this Request for Proposals. No discussions with persons submitting proposals shall be conducted, and no revisions of proposals shall be permitted.

E. Execution of Lease. The party tendering the proposal which is determined to be the most appropriate by the County shall be required to enter into a lease agreement with the County for leasing of the Real Estate, which agreement shall provide for the payment of rental as contained in the proposal, and which shall further include such other terms and conditions as the County sees fit to include in such lease agreement.

DATED this _____ day of _____, 1992

BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY

BY: Carol McClintock
Carol McClintock, President

BY: Don Hunter
Don Hunter, Vice-President

BY: Richard J. Borries
Richard Borries, Member

EXHIBIT "A"

To Lease Agreement By and Between
County of Vanderburgh and
Koester Contracting Corp.

TO BE ATTACHED

EXHIBIT "B"

**To Lease Agreement By and Between
County of Vanderburgh and
Koester Contracting Corp.**

KOESTER CONTRACTING CORP.



EXCAVATING CONTRACTORS

14649 HIGHWAY 41 NORTH · EVANSVILLE, INDIANA 47711

812-867-6635 · FAX 812-867-2302

Rental Proposal of County Property at 4723 Green River Court

1. This location is efficient because of its proximity to the Green River Road project.
2. Proposed use does consider the future destruction of the improvements at any time with 3 days notice.
3. The County will be held harmless of any liability regarding this property.
4. Koester Contracting, Corp. offers \$200.00 per month for leasing this property.

EXHIBIT "C"

To Lease Agreement By and Between
County of Vanderburgh and
Koester Contracting Corp.

RESOLUTION OF THE BOARD OF COMMISSIONERS
OF VANDERBURGH COUNTY APPROVING
EMINENT DOMAIN PROCEEDING

WHEREAS, the County of Vanderburgh, State of Indiana, ("Vanderburgh County") is now engaged in the acquisition of real estate to make improvements to a certain public highway in Vanderburgh County, Indiana, under Project No. M-E 185(1), said improvement being to a portion of a road known as Lynch Road, a part of the county highway system of Vanderburgh County; and

WHEREAS, Vanderburgh County has and hereby finds that Alfred H. Bauer, Trustee of the Alfred H. Bauer Revocable Trust Agreement, is the owner of certain real estate located in Vanderburgh County, Indiana, in which are included the rights and interests in real estate described as Parcel 11 of Project No. M-E 185(1) that is hereby sought to be acquired; and

WHEREAS, Vanderburgh County has and hereby finds that to improve Lynch Road, it is necessary and proper that the Plaintiff take and appropriate the real estate described as Parcel 11 of Project M-E 185(1) (hereinafter the "Acquisition"); and

WHEREAS, Vanderburgh County has and hereby finds that the Acquisition is not for speculative purposes; and

WHEREAS, Vanderburgh County has and hereby finds that the Acquisition and Project No. M-E 185(1) will serve a present need of the public; and

WHEREAS, Vanderburgh County has and hereby finds that the Acquisition and Project No. M-E 185(1) will serve a public purpose which will primarily be for the benefit of the public within Indiana; and

WHEREAS, Vanderburgh County has and hereby finds that Vanderburgh County has made a good-faith offer to purchase the real estate described as Parcel 11 of Project No. M-E 185(1); and

WHEREAS, Vanderburgh County has and hereby finds that Alfred H. Bauer, Trustee of the Alfred H. Bauer Revocable Trust Agreement, has refused Vanderburgh County's offer to purchase the real estate described as Parcel 11 of Project No. M-E 185(1).

NOW, THEREFORE, IT IS:

RESOLVED, that pursuant to Indiana Statute, the Board of Commissioners of Vanderburgh County (the "Commissioners"), as the executive of Vanderburgh County, based upon the reasons cited hereinabove, hereby authorize the County Attorney to file a Complaint pursuant to Indiana Code § 32-11-1-1, et seq., for condemnation of the real

estate interests described as Parcel 11 of Project No. M-E 185(1).

EXECUTED this 10th day of August, 1992.

**BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA**

By: Carol McClintock
Carol McClintock, President

By: _____
Don Hunter, Vice-President

By: Richard J. Borries
Richard Borries, Member

ATTEST:

Sam Humphrey
Sam Humphrey
Auditor

APPROVED AS TO FORM:

Jeffrey A. Wilhite
Jeffrey A. Wilhite
County Attorney

RESOLUTION OF THE BOARD OF COMMISSIONERS
OF VANDERBURGH COUNTY APPROVING
EMINENT DOMAIN PROCEEDING

WHEREAS, The County of Vanderburgh, State of Indiana, ("Vanderburgh County") is now engaged in the acquisition of real estate to make improvements to a certain public highway in Vanderburgh County, Indiana, under Project No. M-E 185(1), said improvement being to a portion of a road known as Lynch Road, a part of the county highway system of Vanderburgh County; and

WHEREAS, Vanderburgh County has and hereby finds that Norma B. VanWinkle is the owner of certain real estate located in Vanderburgh County, Indiana, in which are included the rights and interests in real estate described as Parcel 23 of Project No. M-E 185(1) that is hereby sought to be acquired; and

WHEREAS, Vanderburgh County has and hereby finds that to improve Lynch Road, it is necessary and proper that the Plaintiff take and appropriate the real estate described as Parcel 23 of Project M-E 185(1) (hereinafter the "Acquisition"); and

WHEREAS, Vanderburgh County has and hereby finds that the Acquisition is not for speculative purposes; and

WHEREAS, Vanderburgh County has and hereby finds that the Acquisition and Project No. M-E 185(1) will serve a present need of the public; and

WHEREAS, Vanderburgh County has and hereby finds that the Acquisition and Project No. M-E 185(1) will serve a public purpose which will primarily be for the benefit of the public within Indiana; and

WHEREAS, Vanderburgh County has and hereby finds that Vanderburgh County has made a good-faith offer to purchase the real estate described as Parcel 23 of Project No. M-E 185(1); and

WHEREAS, Vanderburgh County has and hereby finds that Norma B. VanWinkle has refused Vanderburgh County's offer to purchase the real estate described as Parcel 23 of Project No. M-E 185(1).

NOW, THEREFORE, IT IS:

RESOLVED, that pursuant to Indiana Statute, the Board of Commissioners of Vanderburgh County (the "Commissioners"), as the executive of Vanderburgh County, based upon the reasons cited hereinabove, hereby authorize the County Attorney to file a Complaint pursuant to Indiana Code § 32-11-1-1, et seq., for condemnation of the real estate interests described as Parcel 23 of Project No. M-E 185(1).

EXECUTED this 10th day of August, 1992.

BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA

By: Carol McClintock
Carol McClintock, President

By: _____
Don Hunter, Vice-President

By: Richard J. Borries
Richard Borries, Member

ATTEST:

Sam Humphrey
Sam Humphrey
Auditor

APPROVED AS TO FORM:

Jeffrey A. Wilhite
Jeffrey A. Wilhite
County Attorney

LAW OFFICES

KAHN, DEES, DONOVAN & KAHN

305 UNION FEDERAL BUILDING

P. O. BOX 3646

EVANSVILLE, INDIANA 47735-3646

TELEPHONE (812) 423-3183

FACSIMILE (812) 423-3841

ALAN N. SHOVERS
THOMAS O. MAGAN
LARRY R. DOWNS
WM. MICHAEL SCHIFF
ROBERT H. BROWN
JON D. GOLDMAN
MARILYN R. RATLIFF
BRIAN P. WILLIAMS
G. MICHAEL SCHOPMEYER
DAVID L. CLARK
JEFFREY A. WILHITE
JOHN E. HEGEMAN
JEFFREY K. HELFRICH
JEFFREY W. AHLERS
MARY LEE FRANKE
D. BRYAN WEESE
MARJORIE J. SCHARPF
RICHARD O. HAWLEY, JR.

ISIDOR KAHN
(1987-1993)

ROBERT KAHN
(RETIRED FROM
PRACTICE 1985)

OF COUNSEL

HARRY P. DEES
ARTHUR R. DONOVAN
DIANE L. BENDER
GAYLON L. CLARK

August 10, 1992

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

Re: County Attorney Report

Dear Ms. McClintock:

Please let me report on the status of various legal matters as
County Attorney:

1. I am pleased to report that we have won a case involving alleged arbitrary and capricious conduct in denying a rezoning request for outdoor advertising. As you may recall, Ad Craft, Inc. petitioned the Board of Commissioners to rezone land for the purpose of outdoor advertising. The Board denied the request, and we were sued. The case was moved to Judge Roell of Spencer County. We filed a summary judgment motion to ask the Court to declare that our actions were legal. Judge Roell has ruled in our favor, declaring that none of Ad Craft's theories against us were well founded. Attached is the judge's ruling.
2. We are prepared to begin condemnation of two properties affected by the Lynch Road project. Attached are resolutions authorizing proceeding on additional parcels.
3. We have advised the Sheriff on Public Records requests made this past week.
4. We are spending a lot of time litigating the Mesker wrongful death matter now. Plaintiff's counsel has requested to take the deposition of each Commissioner. I need to know what dates you would be available for this purpose.
5. We also continue to litigate the various condemnation actions. If you have any questions on any particular case, please let me know.

Ms. Carol McClintock
August 10, 1992
Page 2

6. I have continued to deal with questions concerning the Board of Review's procedures.

In addition to the above, I continue to spend the bulk of my time on litigation matters. If you have questions on any specific case, please let me know.

Very truly yours,

KAHN, DEES, DONOVAN & KAHN


Jeffrey A. Wilhite,
County Attorney

JAW/jes

Enclosure

cc: Don Hunter
Richard Borries

STATE OF INDIANA)
) SS:
COUNTY OF SPENCER)

IN THE SPENCER CIRCUIT COURT
1992 TERM
CAUSE NO: 74C01-9106-CP-143

AD CRAFT, INC.)

vs.)

VANDEBURGH COUNTY)
COMMISSIONERS)

vs.)

CHRISTINE W. LETTS,)
COMMISSIONER OF THE INDIANA)
DEPARTMENT OF TRANSPORTATION)

SPENCER CIRCUIT COURT
FILED

JUL 22 1992

Nelda Ann Jones
CLERK SPENCER CIRCUIT COURT

SUMMARY JUDGMENT

This cause is before the Court on summary judgment motions.

Certain facts are not in dispute. The acreage in question is currently being farmed and, during the rezoning attempt, the plaintiff readily admitted that the purpose of the rezoning was for outdoor advertising.

The attorney representing the Area Plan Commission advised said commission that the requested rezoning constituted spot zoning in violation of State and Federal Law. He cited to them the case of L & W Outdoor Advertising Company vs. State of Indiana, 539 N.E. 2d 497 (Ind. App. 1989). This Court finds that that case is dispositive of Count I of the Amended Complaint. The facts of that case are remarkably similar to the facts of this case.

Based on the undisputed facts and the advice by counsel to the Area Plan Commission and later similar advice to the Vanderburgh County Board of Commissioners, this Court cannot say as a matter of law that the defendants have acted in any way that might be arbitrary, capricious, unlawful or discriminatory.

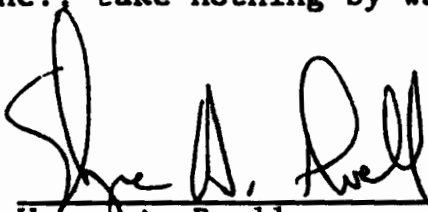
Count II of the Amended Complaint alleges a taking of plaintiff's property without just compensation. The case of Vanderburgh County vs. Rittenhouse, 575 N.E. 2d 663 (Ind. App. 1991) disposes of this count. That case held that a refusal to rezone constitutes a taking only where it prevents any reasonable use of the land. The facts disclose that the acreage is currently being farmed. Thus, there has been no taking.

Finally, Count III alleges that the refusal to rezone is a denial of equal protection to the plaintiff. Under similar reasoning as in Count I above, this Court cannot say that the defendants did not have a rational basis in denying the rezoning petition. In fact, as a matter of law, there was a very rational basis for their action with that basis being the decision in L & W Outdoor Advertising.

The Court finds that the facts and the law are with the defendants on all counts.

IT IS THEREFORE ORDERED by the Court that summary judgment be granted in favor of the defendants, Vanderburgh

County Commissioners and Christine W. Letts, Commissioner
of the Indiana Department of Transportation and that
the plaintiff, Ad Craft, Inc., take nothing by way of
its Amended Complaint.



Wayne A. Roell
Judge Spencer Circuit Court

WORK AUTHORIZATION

☐ for additional work☐ for change in scope of services

Date: July 16, 1992**Client:** Vanderburgh County Commissioners**Project Name:** Vanderburgh Co. Br. #72
on Stringtown Road**Client Contact:** Mr. Gary U. Kercher**Project Number:** 912080-03**R. W. Armstrong Project Number:** Michael A. Masterson, P.E.

Description of Services

In accordance with the requirements of the INDOT, Division of Location and Environment, an archaeological records check must be conducted as part of the early coordination for the Environmental Study. This work is being performed by the Glenn A. Black Laboratory of Archaeology, Indiana University. The fee for the records search is \$75.00, the estimated fee for the field reconnaissance is \$275.00.

A description of the proposed field reconnaissance is contained in the attached report.

Cost for Services

The cost for preparation of the Archaeological Records Review Report and for conducting a field reconnaissance of the project site by Indiana University is \$350.00.

(Cost of permits and approvals to be reimbursed per Article 3.7 of the contract).

Agreed to by:

Michael A. Masterson P.E.
R. W. Armstrong & Associates, Inc.

July 17, 1992
Date

Agreed to on this date: August 10, 1992

Vanderburgh County Board of Commissioners

Carolyn McClinton
Richard J. Barnes

**MINUTES
COUNTY COMMISSIONERS MEETING
AUGUST 17, 1992**

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened @ 5:30 p.m.	1
Introductions & Pledge of Allegiance	1
Authorization to Open Bids/Gradall Repair	1
Ordinance Amending Section 91.02 of the Code of Ordinances (Weeds & Noxious Plants) - First Reading (Attorney to make suggested changes and bring Amended version next week)	1
Ordinance Establishing Traffic Rules & Regulations & Penalties (First Reading)..... (Attorney Price to research \$2,500 maximum fine before next week and any action by the Board)	2
Approval of Lease Agreement w/Executive Inn for Weights & Measures Office thru 12/31/93 (Approved).....	5
Weed Liens/Administrative Costs - Mark Abell	6
Hepatitis B Vaccinations	6
(Board approved up to \$4,000 for vaccine and request for transfer of funds in said amount); Health Dept. to determine which County employees are at risk)	
County Attorney/Gary Price	7
Weekly Written Report Opinion Letter/Dumping Problems (to be placed on meeting agenda for 8/31/92 so policy decision can be made)	
Reading of Bids/Gradall Repairs	7
Carlisle Equipment Co. \$27,932.44 Southeastern Equipment Co. \$29,056.65	
County Engineer/Dave Savage	7
Ribbon Cutting Ceremony/Union Township Project Lynch Rd. Extension Project/Utility Agreements Lynch Rd. Extension Project/R/W Parcel #25 - Administrative Settlement (deferred to 8/24/92) Agreement Between the State & County re USI Overpass Street Acceptance/Metro Centre East/Section I Green River Rd. South/Plan Specs Korff Road/ Resurfacing (Deferred one week) Bridge Projects/To be Advertised w/Bid Opening 9/8/92 (Red Bank Over Bayou Creek, Petersburg Over Schlensker and Darmstadt Over C&EI Railroad	
County Group Health Insurance	11
Consent Agenda	11
Solid Waste Mgmt. Meeting changed to 9/15/92 @ 4:30 p.m. in Room 305 Request for \$5,000 to complete handicap playground at Wesselman Park	
Old Business (None)	12
New Business (None)	12

REZONING PETITIONS (First Readings)

12

VC-4-92/Petitioner, Warren W. Spurling (approved)
VC-5-92/Petitioner, USI (approved)
VC-6-92/Petitioner, Rose Disposal (approved, with
comments to Area Plan)
VC-7-92/Petitioner, Gene Whitehead (approved)

Meeting Adjourned @ 7:15 p.m. 13

MINUTES
COUNTY COMMISSIONERS MEETING
AUGUST 17, 1992

The Board of Commissioners of Vanderburgh County met in session at 5:30 p.m. on Monday, August 17, 1992 in the Commissioners Hearing Room with President Carolyn McClintock presiding.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

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

She then asked if there were any individuals/groups present who did not find their particular item of interest on today's agenda. There was no response.

RE: AUTHORIZATION TO OPEN BIDS

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, Attorney Price was authorized to open the bids received for Gradall repair. So ordered.

RE: ORDINANCE AMENDING SECTION 91.02 OF THE CODE OF ORDINANCES (WEEDS & NOXIOUS PLANTS)

President McClintock noted this is the First Reading of the subject Ordinance. Ms. McClintock said some farmers were up earlier and she had an opportunity to speak with them. They are concerned -- and perhaps the Commissioners want to think about this for a minute. They don't have any problem at all with the 12 inch height in the subdivisions. Their primary concern is Item (c) under Section 2, where we indicate in all other areas grass or other vegetation in excess of 18 inches in height shall be considered weeds, etc. What the individuals indicate to here is that they are operating a farm. She told them it was not the intent of the Commission to hurt in any way any farmers in Vanderburgh County. The intent was to pass an ordinance that would provide for the health and safety hazards we have - primarily, in subdivisions -- but also in some other areas that are not farms, but just vacant lots in the County. They didn't have much problems with anything else in the amended Ordinance. She subsequently recognized Roger Lehman, Building Commissioner.

Mr. Lehman said he felt that some specification there would be beneficial because probably one-fourth of our complaints are neighbors who live close to a place that has weeds and it is creating a problem in the area of allergies for their kids. They go outside and play and get all this stuff. Prior to these standards it wouldn't have mattered if it was 10 miles from a house -- it still could have been considered a problem -- because there were no standards before. He thinks the standards are a good idea and he said he thinks the 300 ft. was somewhat arbitrary -- which isn't good thing to say. But he thinks we need to have something in there that deals with land adjacent to residences, when the residents complain about the problem.

President McClintock asked if there is a way to exclude farm property or have it different?

Mr. Lehman said he thinks the problem in the past was that everybody's weed field then became a hay field as soon as we allowed an exception for farm ground. It really comes back to a judgement call. It says 'may' be considered weeds. It doesn't say 'shall' be. Our intention isn't to go out and look for trouble; but if somebody has it, to try to take care of the problem.

Commissioner Hunter said his copy says 'shall'.

Mr. Lehman said nothing could be broader than the way the ordinance was when it was originally passed in 1987. However, he is open to suggestions. He was looking for some kind of standard he could use as a yardstick as to when we do and when we don't have to do something.

Attorney Price said he was not involved in the drafting of the amended Ordinance. However, it seems to him from what he has heard that maybe the problem is more in the definition of grass or other vegetation. Could we get a little more specific as to what 'other vegetation' is so it would not include the farm products.

Ms. McClintock asked if we could say non-cultivated crops?

Mr. John Bittner, a farmer, said he just happened to be here in the building and thought he'd see what was going on at the Commission meeting. His concern is that if we're considering editing over 18 inches of weeds, that includes alfalfa in full bloom, the hay crop, corn (which can be 5 ft. to 6 ft.) -- why don't we except agricultural crops.

Mr. Lehman asked if there is a way for a non-agricultural type person to tell a hay crop from a weed field?

Ms. McClintock said she thinks the use of the term non-cultivated crops would make this simple.

Mr. Bittner suggested "exempted agricultural croplands", which could be hay fields as well as agricultural products. Or we might say actively engaged in farming.

Mr. Lehman said, "actively cultivated cropland".

Mr. Bittner said he can see a problem with a developer buying farmland. A development comes in and he just abandons part of it.

Mr. Lehman noted we do have cornfields in subdivisions now.

Ms. McClintock noted we have gardens in subdivisions -- she had a couple of gardeners in subdivisions call her about this. They're not worried about anybody else -- they're worried about their tomato plants.

Ms. McClintock said we have said "actively cultivated agricultural cropland".

Mr. Lehman said we could say "grass or similar vegetation excluding actively cultivated cropland". He's sure the attorneys can fine tune that so it will really make sense.

Mr. Bittner said there is one other possibility here pointed out by Bonnie, and that is that every so often the government jumps in and has a program like the Conservation Reserve program -- where you can let land lay idle. Usually you have to control obnoxious weeds. But foxtail probably would not be an obnoxious weed and it could be 18 inches tall. The farmers want abundant food at a reasonable price. In order to do this, the government has the farmers produce a quantity. When the prices are busted the government will put regulations on how many of acres you can produce. If you stay out of the program, you can't hardly survive. So say you have 100 acres, for example, and if you want to be in the program you have to let 25 acres lay idle. Those idle acres could be a problem. You are not allowed to let obnoxious weeds -- such as Johnson grass, horse weeds, etc. -- grow on there. Idle acres could be a problem. They are still considered croplands, but they are idle because the government wants them idle.

Mr. Lehman said the section we're talking about is really outside

Mr. Lehman said the section we're talking about is really outside the subdivisions.

Mr. Lehman said he doesn't think we're going to have a big problems with this because we use judgment. If it becomes a big problem, he is sure the Commissioners will hear about it -- but he doesn't foresee it becoming a big problem. The problems we've had in the past have not been with the farmers and agricultural ground -- they've been with other things.

Ms. McClintock said the Ordinance can always be amended.

Following further brief comments, Ms. McClintock said we need a motion to amend this ordinance as per discussion -- changing (2) to read, "In all other areas within Vanderburgh County grass or other vegetation, excluding actively cultivated agricultural cropland in excess of 18 inches in height shall be considered weeds where.....

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

Ms. McClintock then entertained a motion to approve the amended Ordinance on First Reading.

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

Mr. Lehman asked if we wanted to change the 300 ft., or leave it for now and just see how it works.

Ms. McClintock said with the way it is now worded she doesn't think that is going to be a problem. Some of the people who called may be here next week with other suggested changes -- so we'll wait and see. She then asked Secretary Matthews if the Final Reading is next week (August 24th) or on August 31st.

Ms. Matthews stated the Final Reading is scheduled for August 24th.

Mr. Lehman said he will talk with Sam Elder regarding the change. He will also discuss with Mr. Elder as to whether weeds cause mosquitoes. He thinks they breed in water. He further noted that out of the first ten cases we handled (about four weeks ago) eight of the ten voluntarily cut their own weeds and we only had to pay for two of the cases. It seems we're hopefully going to be running that percentage. If 80% take care of their own weed problems without the County paying for it, then the program will be successful.

RE: ORDINANCE ESTABLISHING TRAFFIC RULES AND REGULATIONS & PENALTIES

Ms. McClintock requested that Mr. Dave Savage remind the Commissioners why we need this ordinance.

Mr. Savage said that currently if the Commissioners want to establish a speed limit, put up a Stop sign or Yield sign or anything like that, a parking restriction -- it has to be advertised separately and dealt with as a unit. This Ordinance will give the Board of Commissioners authority just by action in their minutes to make one of these changes. This is a one time Ordinance and then we won't have to advertise the various changes -- the Commissioners will just enact the changes in their public Board meetings. The County Engineer's office would recommend the changes, but the changes would require action on the part of the Board.

Ms. McClintock entertained questions concerning the proposed Ordinance. There being none a motion was entertained.

Commissioner Hunter moved to approve the Ordinance on First Reading.

Commissioner Borries said he will second the motion, but he does have a question concerning Item #4 (Parking). It says it shall be a violation of this Code for any owner or person in control to either fail to obey any sign or marker so declared by the Board of County Commissioners when such signs or markers are in place by giving notice thereof. Any person violating this section shall be punished by a fine of up to \$2,500.

Mr. Savage said he believes Mr. Wilhite took that from the State Laws.

Ms. McClintock said this could be a fund raising tool. It says up to -- but it could be as low as \$5.00, is the way Jeff explained it to her. Does Commissioner Borries want to amend this? He doesn't want to charge people \$2,500 for parking?

Commissioner Hunter said when we received complaints about garage sale parking and cluttering up the neighborhood, the cheapest parking ticket in the County was \$60.00.

Commissioner Borries asked, "How, if a person is in violation of this -- how is that individual to know whether he is going to pay the minimum or the maximum amount?"

Ms. McClintock said, "Go to Court."

Mr. Savage said he guesses the Judge sets that.

Mr. Borries said, "That is inflation. You'd only have to have one of those one time and you'd never forget that one."

Ms. McClintock said Commissioners are welcome to amend the Ordinance. Would Commissioner Hunter like to withdraw his motion to approve the Ordinance as presented?

Mr. Hunter said he will withdraw his motion.

Commissioner Borries said he would like a week to think about this a bit and maybe obtain more information. He is sure it is all right -- but it is kind of shocking to see \$2,500. Are the State laws written that way?

Attorney Price said he has not seen this Ordinance -- but he'd be happy to research the State laws.

Commissioner Borries said he would like to defer this for a week to obtain more information. He sees the 'up to' -- but does our County have to have -- he guesses you could go to Court, but the Courts are clogged as they are. How do we decide whether you go to Court or not? What happens if you're going 90 mph and having a good time and somebody says you're just going to pay \$2,500 for that one. How does that work?

Ms. McClintock said this is for parking, not speeding.

Commissioner Borries said he knows -- but it is the same for speeding and parking if you look at #3 at the top.

Mr. Savage asked if Attorney Wilhite will be here next week, and Mr. Price said he doesn't think he will.

Mr. Borries said maybe someone from the Courts can do this -- they have the State cites here. But the Board needs more information as to whether or not if we're going to do this, do we have to post a set of traffic penalties? Maybe they already have those. He is unclear as to what constitutes a \$100 parking ticket versus a

\$2,500 parking ticket. There has to be some difference he is sure.

Mr. Savage said he thinks the violation and the history of the individual all goes into that.

Mr. Savage asked if this can be implemented if it is approved at next week's meeting? Or, would we have to go through another step of advertising?

President McClintock responded, "No, it could then be -- we could have the Second and Third Reading on the 31st, right, Joanne?"

Ms. Matthews responded, "Well, it was advertised prior to any amendment?"

Ms. McClintock said, "Well, Joanne, tell me what we have to do so we can vote on it next week after Rick gets the information he needs."

Ms. Matthews responded, "I believe you need to address that question to Attorney Price."

Attorney Price asked, "How was it advertised?"

Ms. McClintock responded, "It was advertised with the \$2,500 fine amount.":

Attorney Price said, "No, I mean how was it advertised? What was the first date? You showed First Reading tonight?"

Ms. Matthews responded, "First Reading tonight and the Second and Final Reading next week (August 24th)."

Mr. Borries asked, "Do we have to re-advertise the whole thing?"

Attorney Price responded, "We're not doing anything -- we've not done anything to this point. Once changes are made, then we would have to readvertise it."

Ms. McClintock said, "Okay, leave it the way it is and don't advertise it."

Mr. Savage said, "We have a few things to run through on it once it goes through, that is why I asked."

RE; APPROVAL OF LEASE FOR WEIGHTS & MEASURES

President McClintock said the next item is an extension of the lease that the Commission approved 9/12/90. This would be effective January 1, 1993 and expire the 31st day of December 1993. All other terms and conditions, including rent, shall remain the same during the lease extension period. There was some discussion about this among County Council members during the budget process, particularly during the joint meeting that was held with the City and County Council. The question that arose was why is Weights & Measures at the Executive Inn and not at the Old Courthouse, since we want people to occupy the Old Courthouse. The Commissioners should have a chart in their packets. Basically, the cost per square ft. is \$4.50 and the Old Courthouse would be \$4.00 to \$6.00. They currently have 1,000 sq. ft. The Old Courthouse only has 900 sq. ft. They have a separate room for office storage. They have vehicle parking included. They have security for vehicles and equipment and a fenced in area with armed security guards. They have three handicapped parking spaces available on the First Floor and only one at the Old Courthouse. They have public parking at the front door plus a free parking garage. They have space for large meetings which the Executive Inn is currently providing to them at no additional charge. Ms. Townsend also notes that all of their printed material (inspection books, stationery, etc.) would

all have to be reprinted. She is requesting an extension of this contract. The reason she is bringing it so far in advance of next year is that the Executive Inn is trying to get all of their contracts lined up for 1993, as they've had a management change and they are requesting some kind of idea as to who will be in that space. Ms. McClintock then entertained questions.

Commissioner Hunter said that based on the comparison of the current location vs. the Old Courthouse, it would not be a good move at all -- dollar and sense wise or in any other way. Therefore, he moves to extend the lease.

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

RE: WEED LIENS/ADMINISTRATIVE COSTS

Weed Liens: President McClintock recognized Mark Abell, Supt. of County Bldgs. He said that he believes the Commissioners all have a copy of the costs from Roger Lehman regarding administrative costs for the weed liens. He figured out what would be a fair price and he believes he came up with \$50.00. He thinks the Board just needs to approve that figure.

Ms. McClintock said this is to cover the cost of clerical, inspection, postage and printing?

Mr. Abell said that is correct and it was his understanding that three inspections are required.

Questions were entertained. There being none, a motion was entertained.

Motion to approve the \$50.00 fee was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

Hepatitis B Vaccinations: Mr. Abell said that according to IOSHA, all employers need to have At Risk Employees vaccinated for hepatitis B. He thinks we've already taken steps to have our Burdette Park employees, emergency and medical technicians -- anybody that might come into contact with saliva, etc. He also thought it would be a good idea for the Coroner's office to also be vaccinated. We would need some appropriations in the amount of somewhere between \$3,000 to \$4,000 for the vaccine itself.

Ms. McClintock said it is her understanding that we have to offer this to our employees.

Mr. Abell said it is a State Law. We could be cited, though he doesn't know how much the fine would be.

Ms. McClintock said we need approval for the program and once Mr. Abell gets the price he can prepare a request for transfer of funds to the Health Department to do this.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the hepatitis vaccination program was approved up to \$4,000, as was the transfer of funds. So ordered.

Secretary Matthews asked if Mr. Abell can cite the department involved again?

Mr. Abell responded, "The Coroner's Office; I think Burdette Park has already taken steps to have theirs done. In particular, I'm talking about the Coroner's office."

Ms. McClintock interjected, "Well, also the County Garage and the Jail. It covers all employees who could 'be reasonably anticipated as the result of performing their job duties to face contact with

blood and other potentially infectious materials'. So I think we should leave it up to the Health Department as to which department."

Mr. Abell continued by saying he thinks it says anybody that is at risk.

Mr. Borries asked, "What about the Health Department employees? Are they going to take that out of their own budget?"

Mr. Abell said, "They've already done that, as has Burdette."

President McClintock said each Commissioner should have received in their packet a copy of a report from Mark Abell. Are there any questions re same? There were none.

Cindy Mayo noted that Joanne Matthews did not receive a copy of this report for her records and Commissioner McClintock said she will get one to her.

RE: COUNTY ATTORNEY - GARY PRICE

Attorney Price said the Commissioners have a copy of the written report for this meeting and there are no action items on the report. He then entertained questions concerning same.

Ms. McClintock said the opinion letter in Item #2 was the result of the meeting discussed last week that she had with Gary, the Health Department, Building Commission, etc. The Commissioners should have a copy of a letter she prepared. She asked B. J. to put this on the agenda for August 31st so we could discuss how aggressively the Commission wants to pursue some of these dumping problems so a policy decision can be made.

RE: READING OF BIDS - GRADALL REPAIR

Attorney Price noted that two (2) bids were received on the Gradall repair, as follows:

Carlisle Equipment Co., Inc.	\$27,932.44
Southeastern Equipment Co., Inc.	\$29,056.65

Both bids appear to be in order.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the bids will be taken under advisement. So ordered.

RE: COUNTY ENGINEER - DAVE SAVAGE

Ribbon Cutting Ceremony: Mr. Savage said the ribbon cutting ceremony for the Union Township Project is scheduled at 4:00 p.m. on August 31st.

Ms. McClintock asked Mr. Savage to have Karen work with Joanne to obtain names of some of the individuals who came to the hearings who were really interested in this project so they can be invited. If the Commissioners know of anyone else they want to invite other than the normal list, please let Karen Hadfield know.

Lynch Rd. Extension Project/Utility Agreements: Mr. Savage said he has three (3) Utility Agreements re this project which need to be executed -- Indiana Bell, SIGECO and Cable T-V. The only one reimbursable is SIGECO's, and about half of their poles are located either on easements or outside the road right-of-way, so they arrived at a formula of approximately 46% reimbursement, which the Consultant thinks is reasonable. Therefore, he recommends approval of the three agreements.

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

Lynch Rd. Extension Project/R/W Parcel #25/Administrative Settlement: Mr. Savage said Jeff Wilhite reviewed this today and it was thought he was going to be here tonight. The increase in the settlement offer is an agreement that if the condemnation proceeds on another parcel and we end up with 4.1 acres of landlocked excess land, that we sell it for \$1.00 to the parcel #25 people. We have parcel #25, which we're trying to keep out of condemnation. Typically for an administrative settlement we might increase the offer by \$1,000, \$2,000 or \$3,000 to try to get the settlement without going to condemnation. The item that the right-of-way people tell us that they may be interested in is the excess ground from another condemnation suit that is in process now that will be excess land -- landlocked land -- that the county will have if the other condemnation suit goes through. His understanding is that the County can't make any commitment on this 4.1 acres. We can't actually agree to exchange it because we don't own it yet. But we can agree that if we get it we will sell it to them for \$1.00 -- that they will have the first option to purchase it for \$1.00 (which is what this packet says). Mr. Wilhite is very familiar with this and he (Savage) is not. If the Commissioners would be more comfortable putting this matter off until next week that is fine.

Ms. McClintock said Mr. Wilhite will not be here next week and she asked that Attorney Price talk to him between now and next week and defer this matter until that time.

Mr. Savage noted the right-of-way people say the land can be worth from \$200 to \$500 per acre. With four acres we're looking at \$800 to \$2,000 on the range of what we're offering to give these people to settle.

Agreement Between the State & County re USI Overpass: Mr. Savage said this has been kicked around for a number of months and apparently all parties have come to terms and the agreement can be executed. Basically it says that the County has to prepare the plan specs in accordance with their procedures. They will provide off site testing -- that is, when we send material out to be tested they will do it just as if it were a Federal project -- but we provide the on site testings, we provide construction inspection, and at the close of the project they take the bridge. He was not involved in the agreement up to this point, but it has been signed off on by the Attorney General's office and is ready for execution by the County. He would recommend the Commissioners go ahead with the next step.

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

Street Acceptance/Metro Centre East/Section I: Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the streets and storm sewers within the street right-of-way were accepted, as presented (copy of acceptance form attached hereto to the minutes). So ordered.

Green River Rd. South: Mr. Savage said the City is ready to bid Green River Rd. South. As the Commissioners will recall, this is a 50-50 project and the City is acting as the Lead Agency. They need the Commissioners' approval of the plan specifications. This will be a five lane section of road from Pollack Avenue down to the Intersate, with a dual left turn lane in the middle. His office has reviewed these and he would recommend approval.

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

Korff Rd.: Mr. Savage said this road is scheduled for resurfacing this year. It is a very lightly traveled road. The reason it is on the resurface list is that the cold mix it was resurfaced with last time is just beginning to dry. There is not enough traffic to keep the surface sealed -- it is not a strength problem. Rather than repave the thing with hot mix asphalt, he feels it would be a good situation to go in an chip and seal. He understands we haven't done any chip and seal for a number of years, so he wanted to bring this to the Commissioners. We could probably do it for one-fourth to one-third the cost of hot asphalt.

Ms. McClintock asked if there is another road that needs repaving more immediately?

Mr. Savage said there are roads that we'd probably put on next year's list that we could include -- or we could swing around and do some crack sealing with the difference in the money. If we raise the road up another 1-1/2 inches with the resurface we're going to have to do shoulder work. It's a very narrow road and we could easily get into tens of thousands of dollars and the road only carries less than 100 cars per day and he thinks there are four or five houses on it. It seems like a lot of money to spend for a road traveled so lightly.

Commissioner Borries asked, "Can't you cost out -- I remember when we were trying to save part of the North Green River Rd. area they put on a thin layer of hot asphalt....."

Mr. Savage interrupted, "You could put on a drag coat that would also seal it."

Mr. Borries said he has some real concerns about going back to cold mix. For one thing, we don't have the pug mill out at the County Highway Garage anymore.

Mr. Savage said this wouldn't be cold mix -- this would just be chip and seal. They just spray asphalt on the road and put the #11 stone on top of it and it adds no strength to the road.

Mr. Borries said if it doesn't add any strength to the road, then really we're not....

Mr. Savage interrupted, "We wouldn't recommend it except that it appears that the road has all the strength it needs. It's not cracking because of strength problems, it is cracking because there is not enough traffic on it to keep the surface sealed together and the oil dries out of the cold mix and it shrinks and creates alligator cracking all through the pavement and then the cracks collect water. So we really don't need to add any strength to the road, we just need to seal the cracks so they don't keep taking water in."

Ms. McClintock asked, "What about this thin layer of asphalt that Rick was asking about?"

Mr. Savage said it could be done; it would cost probably twice as much as the chip and seal and it really wouldn't look much better. As you will recall, Boeke Rd. by the stadium (probably eight or ten years ago) they put a drag layer on it just to save the road until they paved it the next time. And it actually looks as bad as chip and seal.

Mr. Borries asked, "When was that road last maintained? Do we have any record of it at all?"

Mr. Savage responded, "Not that I'm aware of. Some of the guys at the garage might be able to tell us."

Mr. Borries asked, "Could we have a week? You know, we have some

major responsibilities for some of these rural roads and part of it in terms of even pollution changes and we've always tried to upgrade some of these roads. I'd hate to see any of them fall back at this point into a situation here where we're not maintaining what we've already done. So could you give me a week and let me drive it?

Mr. Savage responded affirmatively, saying that he brought this up because there are questions on doing it. But it appeared this might be one situation where something much less expensive might be appropriate. We want to keep away from chuck holes and we want to keep the pavement sealed so it doesn't continue to fall apart.

Bridge Projects: Mr. Savage said we need to advertise three (3) bridge projects: Red Bank over Bayou Creek, Petersburg over Schlensker, and Darmstadt over the C&EI Railroad. We'd like to advertise them on August 27th and September 3rd and open bids on September 7th.

Mr. Borries asked what we're doing on Darmstadt over the C&EI Railroad?

Mr. Savage said that is going to be a bridge rehab project and it will require closure.

Ms. McClintock said we don't want to close this at the same time we have Orchard Rd. closed.

Mr. Savage said that is his next point. If he could, he'd like permission to go ahead and advertise and then make the final decision on Darmstadt at the next meeting, the reason being the slope wall underneath the bridge is corroded. There are only two vertical supports or columns on the first pier and if the slope wall slid and took out one of those piers we could lose the bridge. He's not saying it is in imminent danger, but when this project was implemented it was accelerated because this was more critical than the typical situation. He has a field inspection scheduled this week to see if it is something we could put off until after Orchard Rd. or if we indeed feel there might be a danger.

Ms. McClintock asked if there is any way to fix the slope wall without closing the bridge?

Mr. Savage said we could do that; it would probably cost an extra \$30,000 over the cost of the rehab, which would be somewhere between 10% to 15%.

Mr. Borries asked if this is going to be a Federally reimbursed project?

Mr. Savage responded that it is not -- it is a locally funded project.

Mr. Borries said, "Well, report back. Do you have any kind of time frame if you had to close it?"

Mr. Savage said he thinks it will run 8 to 12 weeks on the closure. The last stage of it has to be at a time when it is warm enough to pour the Latex concrete overlay on the deck. So we'd either need to start it in mid-September of this year or wait until probably February of next year and then finish it next spring.

Mr. Borries queried Mr. Savage concerning the status of the Orchard Rd. project?

Mr. Savage said we're ready to begin construction? The contractor is waiting on final notice to proceed. They had the pre-construction conference last week.

Mr. Borries asked what the estimated time once the construction begins to complete that?

Mr. Savage said it is 135 work days; work days are a little difficult to project when they go beyond November. It could run anywhere from the first of the year to March -- depending upon the weather.

Ms. McClintock said, "But what you want tonight is permission to go ahead and advertise?"

Mr. Savage said that is correct.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, permission to advertise was granted. So ordered.

RE: COUNTY GROUP HEALTH INSURANCE

President McClintock said each of the Commissioners should have received a copy of correspondence directed to her regarding the County Group Health Insurance from Norris Robinson, our Insurance Consultant. She wanted to review this very quickly. We had originally thought, based upon what we had heard from industry standards and what other employers were experiencing, that we would need to put a 17% increase in the budget for 1993. As you can see, or have read, or will read, we are experiencing no increase at all from PHN or Blue Cross-Blue Shield. Welborn HMO is increasing 10%. Norris is recommending that and feels that is very justified since they have always been the County's lowest cost provider. The present monthly rates are outlined for you and this results in a annual savings next year of \$431,000 in the budget. Norris worked very hard on this. He is very aggressive in pursuing these kinds of rates for the County with these providers. If you have an opportunity to say something to him you may want to do that. But, again, that saved us \$431,000.

Commissioner Borries said that with all due respect to Mr. Robinson, he thinks the bottom line also has to go to the employees, who apparently must have had a very good year of experience -- because insurance rates are definitely linked with usage, as is any kind of insurance. So he thinks it is also certainly a tribute to the employees that there must have been some restraint used this past year to avoid those kinds of costs mentioned by Commissioner McClintock and also that are taking place in other areas.

Ms. McClintock said she would agree.

RE: CONSENT AGENDA

The meeting continued with Ms. McClintock entertaining questions concerning any items included on today's Consent Agenda. There were none.

Ms. McClintock said she does have one addition. She believes Sara Happe talked to each Commissioner and we would like to move the Solid Waste Management Meeting (and it is not on the agenda) from Monday, September 14th at 4:30 p.m. to Tuesday, September 15th at 4:30 p.m. here in Room 305. They have checked that with the calendars of the Mayor and other representatives on the Board, including the Chairman, and that change is fine with them. The reason the change is being requested is that representatives from the TBA would like to come to that meeting and present their pilot project that they have developed for the disposal of solid waste. She had a meeting today with Roman Ubelhor from Perry County, who has been working with them for some thirteen years. They are in a position where they are looking at citing a solid waste disposal facility and want to bring up to date and provide information to

all the surrounding counties. This particular proposal for a solid waste facility could service some of the needs of Vanderburgh County if we so desired to look at this as yet another alternative for our solid waste disposal. There is going to be a special meeting on September 14th at 1:30 p.m. in Indianapolis at the A.I.C. meeting and each Commissioner will be invited. There will be a special session held by representatives of McCloskey, Lugar, Hamilton, Coates' office and representatives of the TBA. But she didn't know how many Commissioners were going to be able to go to that, so we asked that they come down and make that presentation. That will be on September 15th at 4:30 p.m.

Ms. McClintock entertained further comments or questions re the Consent agenda.

With regard to the request from the Junior League, Mr. Borries asked if funds are available or from whence will the funds come should the request be approved.

Ms. McClintock said the request for \$5,000 to complete the handicapped playground at Wesselman Park -- if approved -- they had asked us for \$15,000 last year and County Council did not include that request in their budget process -- the total project is \$145,467. If the Commission approves this, we will ask B.J. to prepare a transfer from the Board of Review line item to Contractual Services. There is some \$14,000 plus in the Board of Review, so we have that money available for transfer to other accounts. They originally sent this request hoping for budgeting next year -- but Council sent it back to us and asked us to look (since it was such small amount of money) to see if we could transfer it from someplace within the Commission budget. She then entertained further questions.

There being none, a motion was entertained.

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

RE: OLD BUSINESS

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

RE: NEW BUSINESS

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

There being no further business to come before the Board, at 6:45 p.m. Ms. McClintock declared the meeting recessed, saying the Board will reconvene at 7:00 p.m. to hear Rezoning Petitions.

* * * * *

At 7:00 p.m., Vice President Hunter declared the Commission Meeting reconvened for purposes of hearing four (4) First Readings of Rezoning Petitions. (Commissioner McClintock left the meeting when it was recessed and did not return for the reconvened portion of the meeting.)

VC-4-92/Petitioner, Warren W. Spurling: Petitioner is requesting rezoning from C-4 and Agricultural to C-2 and C-4. There being no questions or comments, upon motion made by Commissioner Borries and seconded by Commissioner Hunter VC-4-92 was approved on First Reading for forwarding to the Area Plan Commission. So ordered.

VC-5-92/Petitioner, USI: Petitioner is requesting rezoning from R-4 to C-1 on Clark Lane. There being no questions, upon motion made by Commissioner Borries and seconded by Commissioner Hunter, VC-5-92 was approved on First Reading for forwarding to the Area Plan Commission. So ordered.

VC-6-92/Petitioner, Rose Disposal: Commissioner Hunter said the Petitioner is requesting change from Agricultural to M-1 zoning. Common known address of the property is 6330 Millersburg Rd. The proposed use is for the construction of a transfer station for solid waste and compacting facility. Mr. Hunter said this sounds like it might be Rose Bros. out of Pike County. From looking at the map, this appears to be adjacent to I-164; in between I-164 and the Warrick County line. It will be the land on the east side of I-164.

Commissioner Borries said he has some comments he would like for the Area Plan Commission to study, but he will move that VC-6-92 be approved on First Reading and forwarded to the Area Plan Commission. He is certain a thorough study will be made in terms of flood plain requirements re this particular area and its proximity to Blue Grass Creek. Another comment he would have would be that it is not clear from this particular map exactly how the transfer station would function.

Mr. Hunter said they are indicating a septic system and he is not sure you could get by with a septic system on something like that. So that could also be a problem. It appears to him they are going to have to have a sewer out there. They are showing gas, electric, storm sewer and septic -- so that is another question.

(Commissioner Borries said that Joanne Matthews just mentioned that on Exhibit "A" attached to the Petition, it indicates the right-of-way for Millersburg Rd. is 30 inches width in total.) This needs to be checked.

With no further comments, Mr. Hunter seconded the motion and so ordered.

VC-7-92/Petitioner/Gene Whitehead: Requested zoning is from Agricultural to C-4. Common known address is 2100 Wimberg Rd. (corner of St. Joe Avenue and Wimberg Rd.). Proposed land use is a Mini-Storage Building.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, VC-7-92 was approved on First Reading for forwarding to the Area Plan Commission. So ordered.

There being no further business to come before the Board, Commissioner Hunter declared the meeting recessed at 7:15 p.m.

PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
Richard J. Borries, Member
Gary Price, County Attorney
Cindy Mayo, Chief Deputy Auditor
Roger Lehman, Building Commissioner
Dave Savage, County Engineer
Mark Abell, Supt./County Bldgs.
B.J. Farrell, Commission Office
Pam Martin/Chamber of Commerce
Others (Unidentified)
News Media

COUNTY COMMISSIONERS
AUGUST 17, 1992

14

SECRETARY: Joanne A. Matthews


Carolyn McIntock, President


Don Hunter, Vice President


Richard J. Borries, Member

**MINUTES
COUNTY COMMISSIONERS MEETING
AUGUST 24, 1992**

I N D E X

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Introductions & Pledge of Allegiance	1
Ordinance Establishing Traffic Rules, Regulations Penalties (Final Reading)	1
Ordinance Amending Section 91.02 of the Code of Ordinances (Weeds & Noxious Plants (Final Reading)	2
Dillman Condemnation/Administrative Settlement	2
Central Dispatch/Amended Inter-Local Agreement and Amended Ordinance	3 & 7
(1st Reading - September 14 (Final Reading - September 21 (*Does not have to be advertised per G. Price)	
County Engineer/David Savage	4
Agreement re Charles Ruston/Independent Contractor (to serve as Assistant to the County Engineer at \$12.00 per hour not to exceed \$7,000) Acceptance of Kembell Avenue/Acorn Trail Subdivision Lynch Rd./Supplemental Right-of-Way Agreement w/BLA Awarding of Bids/Tandem Axle Trucks (Sternberg Int'l. & Miller Truck - \$266,096.69) Awarding of Contract/Gradall Repairs (Carlisle Equipment - \$27,932.44) Orchard Rd. Project/Update	
Consent Agenda	8
EMA Bi-Annual Meeting 9/13/92 Appointment of Harold Elliott to Board of Review (No vote taken on approval of Consent Agenda)	
Old Business	9
Grading Plans/Bridge Plans/Pigeon Creek/Lynch Rd.	
New Business	9
Meeting Adjourned @ 6:15 p.m.	9

MINUTES
COUNTY COMMISSIONERS MEETING
AUGUST 24, 1992

The Vanderburgh County Board of Commissioners met in session at 5:30 p.m. on Monday, August 24, 1992 in the Commissioners Hearing room, with Vice President Don Hunter presiding. Commissioner McClintock was absent.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

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

The meeting continued with Commissioner Hunter asking if there are any individuals/groups present who do not find their particular item of interest on the today's agenda. There was no response from the audience.

RE: ORDINANCE ESTABLISHING TRAFFIC RULES, REGULATIONS
& PENALTIES (FINAL READING)

Commissioner Hunter said he believes last week Commissioner Borries questioned the \$2,500 fine.

Attorney Price said that oddly enough the \$2,500 fine comes from the existing County ordinance under the Traffic Code. For speed violations, weight violations, etc., they put a not to exceed \$2,500 fine. So the language in the subject ordinance was parroted from the existing County code, not the State statute.

Commissioner Borries said he asked for some assistance through the Courts, as well as the Sheriff's Department, just to find out what constitutes the \$2,500 fine. No one was able to tell him anything other than there was the cite mentioned on the ordinance (36-1-3-8 wherein Item 10 (Powers Specifically Withheld from Unit -- the power to prescribe a penalty of a fine more than \$2,500 for ordinance violation). He guesses this is what is called an infraction; it is not a misdemeanor; it is not a felony. He asked a fellow in the Courts -- for example, if you're caught DWI, what would that be? If a person were involved in an accident that resulted in either death or injury and this was a repeated violation, he thinks he said he's seen something about maybe up to a three year prison term plus a \$5,000 fine or something like that.

Attorney Price said that is possible. And, lose your license for ten years.

Commissioner Borries said he doesn't mean to say he was in opposition to the ordinance, other than just to ask for more information. It still is not clear to him. He supposes if a person had repeated and repeated and repeated, he guesses you could have a fine of up to \$2,500. But no one has ever given him a good instance or reason as to what constitutes a \$2,500 fine.

Attorney Price said he would assume that it is at the discretion of the Court, looking at the circumstances.

There being no further questions or comments, a motion was entertained.

Motion was made by Commissioner Borries and seconded by Commissioner Hunter to approve the Ordinance. Mr. Hunter then asked for a roll call vote: Commissioner Borries, yes; Commissioner Hunter, yes. Ordinance declared passed by unanimous affirmative vote. So ordered.

RE: ORDINANCE AMENDING SECTION 91.02 OF THE CODE OF
OF ORDINANCES OF VANDERBURGH COUNTY (WEEDS & NOXIOUS
PLANTS) - FINAL READING

Commissioner Hunter said he believes the Board recommended minor wording change in this ordinance and Attorney Price has the amended version. He then entertained further questions or comments from the Board or from the Audience.

Attorney Price noted the only change was in Paragraph B-2, the excepting language -- excepting actively cultivated agricultural crop land.

There being no further discussion or questions, a motion was entertained.

Motion to approve the Ordinance, as amended, was made by Commissioner Hunter, with a second from Commissioner Hunter. Commissioner Hunter then asked for a roll call vote: Commissioner Borries, yes; Commissioner Hunter, yes. Ordinance declared passed by unanimous affirmative vote. So ordered.

RE: DILLMAN CONDEMNATION - SETTLEMENT AGREEMENT

Mr. Rick Bennett of Bernardin, Lochmueller was recognized. He said he is in charge of right-of-way services.

Attorney Price interjected that this is the matter Dave Savage was discussing last week regarding possibly an administrative settlement of about four acres of excess land; uneconomic ground.

Mr. Bennett continued, "I don't know what you all have before you, but there is a plat. There are several property owners on the Dillman parcel and they abut Burkhardt Rd. Their major complaint throughout the whole negotiation is that they don't feel they are adequately compensated. So there is a strip of excess land coming off their adjoining property owner to the north. I mainly have discussed this with Jeff Wilhite and he checked the statutes and the County can transfer title of land over to a property owner as long as it is in compensation for something. In fact, it is for compensation of the rights to land of like kind. It even goes further to say that, which this is land of like kind; there is no question about that. So as far as the legality of it, Jeff assures me it is okay. What we want to do is transfer title to this acreage, which actually comes off the two property owners (Schmitz and VanWinkle) to the north of Dillman. Actually the administrative settlement is just to give the Dillman property owners the first option to buy. The land in question which has 4.1 acres is in condemnation suit now. So there is no real assurance that the County would ever get title to the property. The landowner has the option, or it has been made clear to them that they have the option to retain the land and be paid landlock damages -- and they can hang onto the land if they want to. It would be landlocked, but you pay them for those damages and they can keep it. So the County may never get title to the land. It has been made clear to Dillman that this is the case -- they have first option to buy if -- and only -- the County secures title to the property. And it appears in preliminary negotiations to be satisfactory. They will go ahead and sign what we are offering under that agreement.

Attorney Price said the only other property owners that can have an interest in this is Lant/Davis, correct?

Mr. Bennett said that is correct.

Attorney Price said, "And I'm involved in that and we've asked Lant and Davis whether they would have any problems with this particular transaction and they did not. In fact, I don't think they even

RE: ORDINANCE AMENDING SECTION 91.02 OF THE CODE OF
OF ORDINANCES OF VANDERBURGH COUNTY (WEEDS & NOXIOUS
PLANTS) - FINAL READING

Commissioner Hunter said he believes the Board recommended minor wording change in this ordinance and Attorney Price has the amended version. He then entertained further questions or comments from the Board or from the Audience.

Attorney Price noted the only change was in Paragraph B-2, the excepting language -- excepting actively cultivated agricultural crop land.

There being no further discussion or questions, a motion was entertained.

Motion to approve the Ordinance, as amended, was made by Commissioner Hunter, with a second from Commissioner Hunter. Commissioner Hunter then asked for a roll call vote: Commissioner Borries, yes; Commissioner Hunter, yes. Ordinance declared passed by unanimous affirmative vote. So ordered.

RE: DILLMAN CONDEMNATION - BERNARDIN, LOCHMUELLER & ASSOC.

Mr. Rick Bennett of Bernardin, Lochmueller was recognized. He said he is in charge of right-of-way services.

Attorney Price interjected that this is the matter Dave Savage was discussing last week regarding possibly an administrative settlement of about four acres of excess land; uneconomic ground.

Mr. Bennett continued, "I don't know what you all have before you, but there is a plat. There are several property owners on the Dillman parcel and they abut Burkhardt Rd. Their major complaint throughout the whole negotiation is that they don't feel they are adequately compensated. So there is a strip of excess land coming off their adjoining property owner to the north. I mainly have discussed this with Jeff Wilhite and he checked the statutes and the County can transfer title of land over to a property owner as long as it is in compensation for something. In fact, it is for compensation of the rights to land of like kind. It even goes further to say that, which this is land of like kind; there is no question about that. So as far as the legality of it, Jeff assures me it is okay. What we want to do is transfer title to this acreage, which actually comes off the two property owners (Schmitz and VanWinkle) to the north of Dillman. Actually the administrative settlement is just to give the Dillman property owners the first option to buy. The land in question which has 4.1 acres is in condemnation suit now. So there is no real assurance that the County would ever get title to the property. The landowner has the option, or it has been made clear to them that they have the option to retain the land and be paid landlock damages -- and they can hang onto the land if they want to. It would be landlocked, but you pay them for those damages and they can keep it. So the County may never get title to the land. It has been made clear to Dillman that this is the case -- they have first option to buy if -- and only -- the County secures title to the property. And it appears in preliminary negotiations to be satisfactory. They will go ahead and sign what we are offering under that agreement.

Attorney Price said the only other property owners that can have an interest in this is Lant/Davis, correct?

Mr. Bennett said that is correct.

Attorney Price said, "And I'm involved in that and we've asked Lant and Davis whether they would have any problems with this particular transaction and they did not. In fact, I don't think they even

responded; but their attorneys stated to me that they would not have a problem with this. So if Lant/Davis are not interested, the Dillmans are the only party left that would most probably have an interest.

Mr. Bennett said that is a pretty good chunk of land and he thinks we're purchasing it for around \$2,000 per acre. The problem is, however, when the County gets landlocked property it isn't worth that much to us. We could put it up for sale and more than likely we could get some sign vendors or what not to go ahead and bid on it, which is not the best situation in the world for a road. He checked this out with David Matthews and he said some comparables insofar as the sign people buying only a portion of this ground in order to put their sign on it and some way to access it may be worth \$2,000 to \$3,000. But the raw land in and of itself in landlock condition, the value to the County would be probably worth \$250 to \$500 per acre -- so we're looking at \$1,100 to \$2,200 in a worth in value to the County that we will be dealing off to better compensate Dillmans for their arguments. Their main argument is that they have not been adequately compensated for their loss of road frontage along Burkhardt Rd.

Mr. Hunter asked, "So basically you are coming to us and at this point you have not yet acquired this?"

Mr. Bennett said that is correct. This is still in negotiations.

Mr. Hunter asked, "And then we have Part II, which is to work out an agreement?"

Mr. Bennett said that is correct. What we're doing tonight is determining if the Commission would agree to an Administrative Settlement with the Dillmans. And that Administrative Settlement would be if -- and only if -- the County would acquire the land from Schmitz and VanWinkle, then Dillman would have first option to buy at \$1.00. And that is really the only thing the Commission would enact upon tonight. It's just to give the Dillmans the assurance by means of that Administrative Settlement that when and if the County gets this land they have first option to buy for \$1.00 -- and they seem to be in agreement with that. For four acres they are willing to take that chance.

Mr. Hunter asked if Commissioner Borries has any questions and he responded negatively. Mr. Hunter then entertained a motion.

Commissioner Borries said he would move that the Administrative Settlement be proposed to the Dillmans, subject to their approval.

Mr. Bennett said the offer letter is amended and then they have a clear understanding. This actually becomes a part of the offer. This market estimate establishes the fair market value of the offer that the County would make. So you amend it by means of this Administrative Settlement and the offer gets amended, as well. BLA has done some preliminary negotiations with them in regards to this and they are in agreement with it -- so it should be okay. If the Commissioners will go ahead and sign the agreement, we can pay them and be done with that parcel.

Motion seconded by Commissioner Hunter and so ordered.

RE: CENTRAL DISPATCH/AMENDED INTER-LOCAL AGREEMENT

Commissioner Hunter noted that Commissioner Borries had mentioned amending our Ordinance re Central Dispatch to coincide with the City's amended Ordinance. We now have the proposed amended Ordinance. He requested that same be placed on the meeting agenda, with First Reading on Monday, September 14th and Monday, September 21st. (Attorney Price said this does not have to be advertised, just schedule the First and Final Readings.)

RE: COUNTY ENGINEER - DAVID SAVAGE

Commissioner Borries queried Messrs. Hunter and Savage concerning Mr. Charles Ruston.

Mr. Savage said that Chuck Ruston is a gentleman that we thought could help us out for some time period until we get the Assistant Engineer slot upgraded (Pinkston's old slot as an Inspector). He retired and we felt if we got somebody with some light design experience and some erosion type experience who could help out on design and drafting -- that is in process. In the meantime, we want to explore hiring this guy on a contractual services type basis just to help us out with some of the workload we've got while some of these positions are empty. This agreement is to provide for paying him \$12.00 per hour, which he thinks about six weeks ago the Commissioners approved our negotiating with him for up to \$12.00 per hour so we can get somebody on Board.

Mr. Borries asked if he is a P.E.?

Mr. Savage responded negatively, saying he is not an engineer. It is not really an engineer's position. It's an inspector/designer type position.

Mr. Borries asked, "Don't we have an Assistant Engineer type position -- Valerie? Although she is on a leave of absence, isn't her position, in effect, Assistant County Engineer?"

Mr. Savage said, "Her title is Design Engineer. She does the actual professional engineering design work in the office. She is off on maternity leave. There is also the Assistant County Engineer's position, which is Gary Kercher. Right now almost all of his time is being spent tying up loose ends on the Union Township and Orchard Rd. projects."

Mr. Borries asked, "But in effect this person is still going to be an inspector? I haven't seen any kind of job description. Have we changed something here? So we have the Assistant County Engineer I, who is Gary Kercher? And now we're going to call this guy Assistant County Engineer II?"

Mr. Savage said, "Well, the title in the agreement is not perhaps what I would put in there. We need somebody who has the construction experience that can do inspection work on our subdivision streets and our road projects and who can also help out in the office on some light design and drafting type work. He can take sketches that myself or Mr. Kercher or Valerie (when she gets back) can give to him and put them in a form that can be used by the contractors or the State for change orders, etc. This is the type of person that we feel like is going to fit into this revised job description that is in Job Study right now."

Mr. Borries asked, "And what is the revised job description that is in the Job Study? What do they call that person?"

Mr. Savage responded, "The title, I believe, is Assistant Engineer or Engineer's Assistant."

Commissioner Borries continued, "I surely would like further information on some of that. I'm sure that with all of the people who have left different positions there and because of the time constraints on you, that in this busy season they need help. But first of all I'm not aware of what this description is or what this gentleman is supposed to be doing. That is why I ask for some information in regards to Assistant County Engineer, because I assumed that particular person was Valerie. So I would like more information on that."

Mr. Savage asked, "Could we strike the title by hand and give it a

different title?"

Commissioner Hunter commented, "He's just going to be part time."

Mr. Savage emphasized, "Yes, just a part time position until the Job Study thing goes through. Rather than wait another month on it, this would give us somebody we could use. The key thing in the job description in the Job Study is somebody with up to 15 years experience in construction trades -- and this gentleman does meet that qualification."

Mr. Hunter entertained further questions.

Mr. Borries asked, "Well, then, are you going to have a salary line item for him? Or what?"

Mr. Savage said, "My understanding is that he would be paid out of the contractual services account and that money -- depending on how long it went over -- the money from Davis' position and Pinkston's position would be transferred in to cover that."

Mr. Borries asked, "I've never seen any kind of contractual agreement on that."

Mr. Hunter said it was just written. Gary just handed it to him.

Mr. Savage said, "I just got it this afternoon, also."

Attorney Price said he believes that what we did in the past was to amend the ordinance -- that line item to \$12.00 per hour -- because part time positions were \$5.00 or \$7.00 per hour, whatever that salary ordinance is.

Mr. Savage said this is not a part time salary position. This is an independent contractual type thing. He is not being hired as an employee. He is being hired as an independent contractor to provide these services.

Commissioner Borries asked, "For any specified length of hours? Is this going to be a 40 hour week? A 20 hour week? Or what?"

Mr. Savage said, "As needed, from what I understand. And I would guess that for the first month it will probably be somewhere between 20 to 40 hours, and thereafter, approximately 20 hrs. per week and just during 1992. The permanent position has to be finalized officially as an employee per the new Job Study slot."

Commissioner Borries asked, "Do we have to act on this today? I've never seen it and I would like to have some information in writing as to what is being agreed to here."

Mr. Savage said, "Here is a copy of the contract"

Mr. Savage commented that basically he thinks what matters is the \$12.00 per hour. We can wait to get whatever kind of information -- but he'd really like to get somebody on board. We thought this was a way to do it and not have to wait to get somebody on board permanently.

Mr. Borries asked, "But how do you know how much money you have if you say 'as needed'? If you cost this thing out at \$12.00 per hour, what is Mr. Savage going to do -- just crunch Davis' slot?"

Mr. Savage said, "We're going to have to track it so we don't overrun what is there."

Mr. Borries said, "Normally (in your situation and others) we've put some kind of a description in something as to the term, how many hours per day, how much money is involved in that. If you're

going to transfer money, how much are you going to transfer?"

Mr. Savage responded, "We're not going to transfer anything initially. It's going to be paid out of contractual services -- and it could be left at that. If it only amounts to a few thousand dollars, there probably will be no transfer made."

Mr. Borries commented, "Part time Assistant County Engineer -- is that an accurate description unless you are a County Engineer?"

Mr. Savage responded, "I probably would not use that description -- but it is a title and he is going to be an Assistant to the County Engineer -- to help the County Engineer get the engineering work done."

Mr. Borries said, "Well, that I can understand -- Assistant to the County Engineer."

Commissioner Hunter said, "Change the wording then, I certainly have no problem with it. I'm inclined to agree with Rick in calling him an Assistant to, because he is going to be doing whatever needs to be done."

Mr. Savage asked, "If we change the title then, do we need to wait until next week to approve it?"

Mr. Hunter asked, "Do we? I see no problem...."

Attorney Price state, "If you want to approve it with me changing that from Assistant County Engineer to Assistant to the County Engineer, then we can have the agreement walked around this week if it is necessary to do so."

Commissioner Borries said, "I don't mind a handwritten thing on that -- but I sure think this is open ended. This is about as open ended as -- I mean it doesn't say how many hours a week he'd have to work or how much money is involved in the whole situation -- I don't know."

Attorney Price asked, "You want a no more type language in there, such as no more than 30 hours or 40 hours per week."

Mr. Hunter said, "He is retired, Rick, and he can only make \$7,000 per year if he worked a whole year. So if you want to tag in \$7,000, that's fine."

Mr. Borries asked, "\$7,000 based on what kind of hour work week?"

Mr. Savage said, "It doesn't matter -- it's based upon \$12.00 per hour not to exceed \$7,000. If we burn it up in two weeks, it's our problem it would seem."

Mr. Borries countered, "I'd like to see that in there, I think. And I'd like to see the word to in there -- Part Time Assistant to the County Engineer. And I guess in the future I would like to see a little more explanation when we're going to start changing titles and job descriptions. Again, I know you need help; but it seems to me that sometimes it is a little bit cleaner and a little bit better to go ahead and put someone in a position. If you already have a vacancy there and you already have a salary slot there -- you can go ahead and put them in there."

Mr. Savage said, "The problem is that we can't find anybody to fill these slots that can do the work at the entry level salary. Pinkston had been there in excess of ten (10) years. It's a difficult problem to find qualified people."

Mr. Borries stated, "It is a problem. And every time we use a rhetoric that we've got to hold down taxes, we've got this spending

and that spending -- and we're going to see how these high government salaries go -- and then we can't find people for the entry level salaries. Okay, with those modifications -- I'd like to see a cap in there on the spending; I'd like to see **Assistant to the County Engineer** be inserted -- and those changes can both be done by hand. I move that the contract be approved."

Commissioner Hunter seconded the motion.

RE: CENTRAL DISPATCH ORDINANCE (AMENDED)

Mr. Borries asked if we've approved the modification to the Central Dispatch Ordinance?

Mr. Hunter responded, "We've put it on the agenda for the 14th and the 21st of September."

Attorney Price asked, "Are you going to advertise it? We don't have to advertise this -- just schedule it for the readings."

Mr. Hunter said the readings will be on September 14th and September 21st."

RE: COUNTY ENGINEER - DAVE SAVAGE

Acceptance of Roads/Acorn Trail: Mr. Savage said he is requesting acceptance of the 125 l.f. extension of Kembell Avenue in Acorn Trail Subdivision. It has been installed according to County specs and he recommends acceptance.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter the request was approved and is to be included in the list of accepted roads and forwarded to the State Highway for reimbursement. So ordered.

Lynch Rd./Supplemental Right-of-Way Agreement: Mr. Savage explained this is a supplemental agreement to the Lynch Rd. right-of-way services for Bernardin-Lochmueller. One parcel was omitted from the original contract and this will provide for funds to cover that parcel. It is in the amount of \$850.00 and he recommends approval.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the Supplemental Agreement in the amount of \$850.00 was approved. So ordered.

Awarding of Bids/Tandem Axle Trucks: It was noted by Mr. Savage that Susan Jeffries of Purchasing could not be here tonight. However, she concurred with action regarding the bids on the tandem axle trucks and the Gradall repairs. If agreeable with the Board, he would like to proceed with awarding these bids, rather than waiting until next week. Bids were as follows:

Sternberg Int'l. & Miller Truck Equip.	\$266,096.69
Sternberg Int'l. & Evansville Truck Equip.	\$263,582.84
Ruxer Ford- Lincoln- Mercury & Evansville Truck Equipment	\$280,907.65
Broerman Chevrolet & Miller Truck Equipment	\$286,584.85
Evansville Truck Center & Evlle. Truck Equip.	\$289,843.00
Sternberg Int'l. & B&M	\$260,980.84
Ubelhor & Son	\$278,346.00
D-Patrick & Miller Truck Equipment	\$278,985.00
 *Sternberg Trucks only	 \$177,088.84
D-Patrick trucks only	\$189,175.00

The two lowest bids (#2 and #6 on the list) did not meet the specifications; one according to lift mechanism of the truck and

the other, the material used to make the bed of the truck. Mr. Savage said it is recommended that the contract be awarded to Sternberg Int'l. and Miller Trucking in the amount of \$266,096.69.

Mr. Hunter asked if Mr. Borries has any questions.

Mr. Borries asked, "And this particular truck fits all the specifications?"

Mr. Savage responded affirmatively. He also noted that is the total bid for five (5) trucks.

At the recommendation of the County Engineer, Mr. Borries moved to award the contract to Sternberg Int'l. & Miller Truck Equipment in the amount of \$266,096.69. Mr. Hunter seconded and so ordered.

Awarding of Contract/Gradall Repairs: Mr. Savage noted two bids were received and it is his recommendation that the contract be awarded to Carlisle Equipment (low bidder) in the amount of \$27,932.44. They see no reason not to go with the low bidder.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the contract on the Gradall repairs was awarded to Carlisle Equipment in the amount of \$27,932.44. So ordered.

Orchard Rd./Update: In response to query from Commissioner Borries, Mr. Savage stated the Notice to Proceed was issued; the approval of sub-contractors was received and Blankenberger Bros. (the General Contractor) contacted their signing sub-contractor today to get the signs rolling and they anticipate that those signs will be erected by Wednesday or Thursday and they will then begin construction immediately.

RE: CONSENT AGENDA

Emergency Management Agency: By way of explanation on this item, Commissioner Hunter said he does have a letter from EMA once again asking the Commissioners' assistance this summer in providing a shelter for their police unit to have their bi-annual meeting. Last summer Burdette Park was kind enough to donate a shelter house for use by EMA employees. They would like to have their bi-annual meeting on Sunday, September 13, 1992. They plan to grill out. He asked if Commissioner Borries has any problem with this. Mr. Borries responded that he does not.

Harold Elliott/Appointment to Board of Review: Commissioner Borries asked if there is any information concerning the appointment of Harold Elliott to the Board of Review.

Commissioner Hunter said he has nothing whatsoever.

Mr. Borries asked whose position Mr. Elliott is taking?

Ms. Farrell responded that he is replacing Bob Kollker.

Mr. Borries asked if Mr. Kollker resigned?

Ms. Farrell said he did.

Mr. Borries asked if we have a letter to that effect?

Ms. Farrell said she is not certain whether the Commission received a letter.

Commissioner Hunter said he thinks the Board of Review received a letter. However, he's never seen it.

Mr. Borries said, "Well, I mean, this Board makes that announcement and that is why I was trying to get information as to who resigned

and when, etc.

Ms. Farrell said it is her understanding that Mr. Kollker needs to be replaced and Mr. Elliott is interested in that position and that the Board of Review received a letter of resignation from Mr. Kollker.

RE: OLD BUSINESS

Grading Plans/Bridge Plans/Pigeon Creek/Lynch Rd. Project: Mr. Savage said he neglected to mention these plans. His office has reviewed same and it is their recommendation that the plans be approved.

Mr. Hunter entertained questions. There being none, a motion was entertained.

At the recommendation of Mr. Savage, upon motion made by Commissioner Borries and seconded by Commissioner Hunter the subject grading plans and bridge plans were approved, as presented. So ordered.

RE: NEW BUSINESS

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

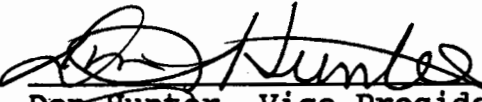
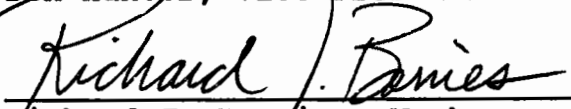
There being no further business to come before the Board at this time, Commissioner Hunter declared the meeting adjourned at 6:15 p.m., with an announcement that the Drainage Board will convene immediately.

PRESENT:

Don Hunter
Richard J. Borries
Gary Price, County Attorney
Cindy Mayo, Chief Deputy Auditor
Rick Bennett, Bernardin Lochmueller & Assoc.
Dave Savage, County Engineer
Mark Abell, Supt./County Bldgs.
B. J. Farrell, Commission Office
Others (Unidentified)
News Media

ABSENT: Carolyn J. McClintock

SECRETARY: Joanne A. Matthews


Don Hunter, Vice President

Richard J. Borries, Member